
Joint Australian, State and Territory Response to the Disability Royal Commission

On behalf of the Australian Government and all state and territory governments, Disability Ministers are pleased to present the Joint Australian, State and Territory Response to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission).

The Disability Royal Commission's Final Report details the nature and extent of violence, abuse, neglect and exploitation experienced by people with disability, and sets out a vision for a more inclusive Australia in which people with disability live free from harm. We thank the nearly 10,000 people who shared their experiences and views. Your stories have and will continue to pave the way towards a better future for all people with disability across Australia. We also thank the Commissioners for their extensive work.

Earlier this year, all governments committed to working closely together to support and implement the Disability Royal Commission's vision for an inclusive Australia, and to ensure reform will enable meaningful and lasting change. We agreed to work together in a coordinated way to ensure all people with disability have access to culturally appropriate, safe, and quality services and supports regardless of where they are living in Australia.

All governments will work together with the disability community to implement reforms that strengthen safeguards and embed the rights of people with disability. The reforms will prioritise inclusion and access as key outcomes that support independence, full participation and safeguarding.

Implementation will progress in a staged and sustainable manner alongside reform in response to the Independent Review of the National Disability Insurance Scheme (NDIS), ongoing implementation of actions under Australia's Disability Strategy 2021-2031, and state, territory and local government disability strategies and inclusion plans.

Ongoing engagement and partnership with people with disability and their representatives will inform and drive approaches to implementation. This will occur through existing mechanisms such as the Australia's Disability Strategy Advisory Council and state and territory equivalent councils, Disability Representative Organisations forums, as well as issue-specific collaboration and engagement. Our approach will ensure reform implementation is shaped by the diverse experience, knowledge, skills and contributions of people with disability across Australia.

To ensure accountability for tracking the progress of recommendations, all governments have agreed to biannual reporting to the Disability Reform Ministerial Council, and the community, on the implementation of recommendations. The Disability Reform Ministerial Council will also report annually to National Cabinet on progress.



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Responses to Disability Royal Commission Recommendations with Joint Commonwealth, State and Territory Responsibility

Disability rights in state and territory laws (Recommendation 4.22)

Recommendation 4.22 – Strengthening disability rights protection in state and territory laws

- a) States and territories should enact legislation complementary or equivalent to the Australian Disability Rights Act, taking into account their own legal frameworks.
- b) The Disability Rights Act should provide that the Act is not intended to exclude or limit the operation of a state or territory law that furthers the objectives of the *Convention on the Rights of Persons with Disabilities* and is capable of operating concurrently with the Act.

Response to Recommendation 4.22

Responsibility: **Australian, state and territory governments**

Joint response: **Subject to further consideration**

The Australian Government and state and territory governments are committed to working with people with disability, their families, carers, supporters and representative organisations to consider the most appropriate and impactful ways to strengthen disability rights protections.

This recommendation is being considered alongside the findings and recommendations of the Parliamentary Joint Committee on Human Rights Inquiry into Australia's Human Rights Framework.

National disability agreement (Recommendation 5.1)

Recommendation 5.1 – A new National Disability Agreement

The Australian Government and state and territory governments should develop a new National Disability Agreement through the Disability Reform Ministerial Council, to be signed by first ministers. The fundamental objective of the Agreement should be to advance equality, inclusion and the rights of people with disability in Australia.

The Agreement should provide the framework for intergovernmental collaboration to:

- develop and implement reforms requiring national attention and coordination, including recommendations of this Royal Commission
- implement Australia’s Disability Strategy 2021–2031 (ADS) and the National Disability Insurance Scheme (NDIS).

The ADS, NDIS national agreements and policies, and other national disability frameworks should be schedules to the new National Disability Agreement.

The Agreement should clearly set out roles and responsibilities of parties to the Agreement.

The new National Disability Agreement should be developed and finalised by the end of 2024.

Response to Recommendation 5.1

Responsibility: **Australian, state and territory governments**

Commonwealth: **Subject to further consideration**

ACT, NSW, NT, QLD, SA, TAS, VIC, WA: **Accept in principle**

The Australian Government and state and territory governments are committed to ensuring intergovernmental arrangements support collaboration to advance equality, inclusion and the rights of people with disability in Australia and ensure appropriate governance of the disability ecosystem.

All governments have agreed to work together, and with the disability community, to:

- Implement legislative and other changes to the NDIS to improve the experience of participants and restore the original intent of the Scheme, within a broader ecosystem of supports.
- Jointly design additional Foundational Supports to be jointly funded through new Federal Funding Agreements, with additional costs split 50-50 between the Commonwealth and jurisdictions.

- Undertake a targeted review of Australia's Disability Strategy 2021-31 to identify practical process, governance and reporting improvements in response to issues identified in the Disability Royal Commission's inquiry and Final Report.

Governments will respond to this recommendation by 31 December 2024, following further consideration alongside relevant recommendations of the NDIS Review.

Review and update Australia’s Disability Strategy (Recommendation 5.2)

Recommendation 5.2 – Review and update of Australia’s Disability Strategy

The signatories to Australia’s Disability Strategy 2021–2031 (ADS) (the Australian Government, state and territory governments and the Australian Local Government Association) should review and update the ADS to ensure it reflects the issues raised and recommendations made by this Royal Commission.

This review and update should:

- consider the ADS and all its implementation mechanisms, including Targeted Action Plans, Engagement Plan, Outcomes Framework, Guiding Principles, reporting arrangements and Data Improvement Plan
- be undertaken in partnership with people with disability and their representative organisations.

An updated ADS should be released by the end of 2024.

Response to Recommendation 5.2

Responsibility: **Australian, state and territory governments**

Joint response: **Accept**

The Australian Government, state and territory governments, and the Australian Local Government Association have commenced a focused review of *Australia’s Disability Strategy 2021-31* to consider the issues raised in the Disability Royal Commission and to take account of feedback from the first two years of *Australia’s Disability Strategy 2021-31* implementation.

The review is being undertaken with the active involvement of the Australia’s Disability Strategy Advisory Council and will consider the *Australia’s Disability Strategy 2021-31* and its artefacts and processes, including Targeted Actions Plans (concluding and new). It will focus on identifying practical process, governance and reporting improvements, and addressing key gaps or missing elements.

The review will inform the publication of changes to *Australia’s Disability Strategy 2021-31* and implementation processes before the end of 2024.

A separate major evaluation of *Australia’s Disability Strategy 2021-31*, focused on outcomes, is due to commence in 2025 and be completed in 2026.

Review national strategies (Recommendation 5.4)

Recommendation 5.4 – Review of national agreements, strategies and plans

The Australian Government and state and territory governments, should review national agreements, strategies and plans that affect people with disability. This work should be undertaken through the Disability Reform Ministerial Council in conjunction with other ministerial councils.

Reviews should consider:

- the alignment of national agreements, strategies and plans with Australia's Disability Strategy 2021–2031
- how funding allocations should recognise the needs and rights of people with disability
- the inclusion of specific outcome measures related to people with disability
- the development of specific action plans relating to people with disability.

National agreements that should be reviewed include the:

- National Agreement on Closing the Gap
- National Housing and Homelessness Agreement
- National School Reform Agreement
- National Health Reform Agreement
- National Mental Health and Suicide Prevention Agreement
- National Agreement for Skills and Workforce Development.

Other national agreements, strategies and plans to be reviewed should include, but not be limited to, those relating to:

- emergency management, such as those for pandemics and natural disasters
- children and young people, such as the National Framework for Protecting Australia's Children 2021–2031
- employment, education, training and skills, such as the National Workforce Strategy 2022–2027
- legal support, such as the National Legal Assistance Partnership 2020–2025
- health services, such as those for preventative health, community health, and mental health
- family and sexual violence, such as the National Plan to End Violence against Women and Children 2022–2032.

The reviews of current agreements, strategies and plans should be completed by the end of 2025.

Response to Recommendation 5.4

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and state and territory governments are committed to ensuring national agreements, strategies and plans support an inclusive Australian society that ensures people with disability can fulfil their potential as equal members of the community, consistent with the vision and purpose of *Australia's Disability Strategy 2021-31* and responsibilities under the United Nations *Convention on the Rights of Persons with Disabilities*.

These considerations will be incorporated into future reviews of relevant agreements, strategies and plans as they become due for renegotiation. This will be considered through the respective governance mechanisms and structures for each agreement, in consultation with disability portfolios.

Given the scope and complexity of reviewing these agreements, flexibility for delivery timeframes will be required in undertaking this action.

Through a targeted review in 2024, governments will also consider how *Australia's Disability Strategy 2021-31* can be improved to more effectively drive work towards a more inclusive society across all portfolios (see recommendation 5.2).

Government focal points for the United Nations Convention on the Rights of Persons with Disabilities (Recommendation 5.7)

Recommendation 5.7 – Focal points across jurisdictions to implement the CRPD

The Australian Government and state and territory governments should ensure each jurisdiction has a designated focal point for matters relating to implementation of the *Convention on the Rights of Persons with Disabilities (CRPD)*.

At the Australian Government level, this should be the new Department of Disability Equality and Inclusion, alongside the Attorney-General's Department.

Each *CRPD* focal point should include people with disability in leadership positions.

Each jurisdiction should designate focal points by the end of 2024.

Response to Recommendation 5.7

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and state and territory governments support designating a focal point, or focal points, in each government to support work relating to implementation of the United Nations *Convention on the Rights of Persons with Disabilities*.

Accessible information and communications (Recommendations 6.1 to 6.2)

Recommendation 6.1 – A national plan to promote accessible information and communications

The Australian Government and state and territory governments should develop and agree on an Associated Plan in connection with Australia's Disability Strategy 2021–2031 to improve the accessibility of information and communications for people with disability. The Associated Plan should be co-designed with people with disability and their representative organisations. It should be finalised by the end of 2024.

The Associated Plan should:

- consolidate and build on existing initiatives and commitments by governments
- recognise the diversity of people with disability and the many formats and languages that people may require information to be provided in
- consider the roles of various stakeholders, including the Australian Government, state and territory governments, disability service providers, disability representative organisations and organisations representing people from culturally and linguistically diverse backgrounds
- focus, in the first instance, on information and communications about preparing for and responding to emergencies and natural disasters, and public health
- include targeted actions to ensure access to information and communications for people with disability in the criminal justice system; supported accommodation, including group homes; Australian Disability Enterprises; and day programs
- identify and allocate appropriate funding and resources for delivery
- include mechanisms for review and public reporting of progress made against the Associated Plan

Recommendation 6.2 – Increase the number of Auslan interpreters

The Australian Government and state and territory governments, through the Disability Reform Ministerial Council, should commission the development of a workforce strategy to increase the number and quality of Auslan interpreters.

The strategy should:

- be based on a robust demand-supply analysis to quantify the current gaps and shortages in interpreting services. This includes analysis of qualifications, specialisations, geographic coverage, and the availability and use of face-to-face interpreting and Video Remote Interpreting
- include costed initiatives to:
 - increase the number of Auslan interpreters, including the provision of scholarships and stable ongoing employment opportunities, particularly in under-serviced areas

- ◦ support specialisations in health, legal and other critical sectors (including minimum qualifications)
- provide ongoing professional development and industry standards to support a high-quality interpreter workforce
- increase and retain Auslan interpreters who are First Nations or from culturally and linguistically diverse backgrounds
- raise awareness and promote pathways to becoming an Auslan interpreter.

The strategy should be developed by September 2024, and implementation of the strategy should begin by January 2025.

Response to Recommendation 6.1

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and state and territory governments recognise that people with disability have a right to access information and communications on an equal basis with others.

All governments support the development of an Associated Plan to *Australia's Disability Strategy 2021-31* to improve the accessibility of information and communications for people with disability.

The Australian Government will lead the development of the Associated Plan, building on existing initiatives to deliver a unified approach. The Associated Plan will be developed in consultation with state and territory governments.

The Associated Plan will be developed with people with disability and their representative organisations. This includes First Nations people with disability, people with disability from culturally and linguistically diverse backgrounds, people who are Deaf or hard of hearing, people who are blind or have low vision, Deafblind people, people with intellectual disability, and other people with disability who may face additional barriers to accessing the information and communications they need.

Scoping and development will commence in 2024.

Response to Recommendation 6.2

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and state and territory governments recognise the critical role Auslan interpreters play in supporting people who are Deaf or hard of hearing to access the information and communications they need.

Governments also recognise Deaf interpreters and translators who support people from culturally and linguistically diverse backgrounds or are more familiar with foreign sign languages, people with sensory or cognitive disability, people who are educationally or linguistically disadvantaged, or people who have limited conventional Auslan.

All governments support nationally coordinated work to boost the Auslan and Deaf interpreter workforce. As part of its work developing an Associated Plan under *Australia's Disability Strategy 2021-31* to improve the accessibility of information and communications for people with disability consistent with recommendation 6.1, the Disability Reform Ministerial Council will consider strategies, initiatives and approaches to boost the Auslan and Deaf interpreter workforce.

Supported decision-making (Recommendation 6.6)

Recommendation 6.6 – Supported decision-making principles

a) States and territories which have not already done so should review and reform their guardianship and administration legislation to include the following supported decision-making principles. The legislation should oblige all persons exercising powers, carrying out functions or performing duties under the legislation to have regard to the principles.

Principle 1 – Recognition of the equal right to make decisions

All people have an equal right to make decisions that affect their lives and to have those decisions respected.

Principle 2 – Presumption of decision-making ability

All people must be presumed to be able to make decisions.

Principle 3 – Respect for dignity and dignity of risk

All people must be treated with dignity and respect and supported to take risks to enable them to live their lives the way they choose, including in their social and intimate relationships.

Principle 4 – Recognition of informal supporters and advocates

The role of informal supporters, support networks and advocates who provide support for decision-making should be acknowledged and respected.

Principle 5 – Access to support

People who may require supported decision-making should be provided with equitable access to appropriate support to enable the person, as far as practicable in the circumstances, to:

- make and participate in decisions affecting them
- communicate their will and preferences
- develop their decision-making ability.

Principle 6 – Decisions directed by will and preferences

The will and preferences of people who may require supported decision-making must direct decisions that affect their lives.

Principle 7 – Inclusion of safeguards

There must be appropriate and effective safeguards where people may require supported decision-making, including to prevent abuse and undue influence.

Principle 8 – Co-designed processes

People with disability, in particular people with cognitive disability, their supporters and representative organisations, should be involved in the development and delivery of policies and practices on supported decision-making.

Principle 9 – Recognition of diversity

The diverse experiences, identities and needs of people who may require supported decision-making must be actively considered.

Principle 10 – Cultural safety

First Nations people and cultural and linguistically diverse people with disability are entitled to supported decision-making that is culturally safe, sensitive and responsive. This includes recognising the importance of maintaining a person's cultural and linguistic environment and set of values.

- b) The Australian Government and state and territory governments should also take steps to review and reform other laws concerning individual decision-making to give legislative effect to the supported decision-making principles

Response to Recommendation 6.6

Responsibility: **Australian, state and territory governments**

Commonwealth, ACT, NT, QLD, TAS, VIC, WA: **Accept in principle**

NSW and SA: **Subject to further consideration**

The Australian Government and state and territory governments recognise and respect the inherent dignity and individual autonomy of all people with disability and are committed to ongoing work to ensure people with disability who may require support to make decisions are provided that support. All governments recognise substituted decision-making should only be used as a last resort.

Recommendation 6.6 (a)

The Australian Capital Territory, Northern Territory, Queensland, Tasmania and Victoria accept in principle the principles outlined by the Disability Royal Commission.

New South Wales, South Australia and Western Australia note that consideration of the Disability Royal Commission's supported decision-making principles is subject to respective legislative review processes in their respective jurisdictions.

Recommendation 6.6 (b)

The Australian Government and state and territory governments support taking steps to identify other relevant laws concerning decision-making that may require review regarding approaches to supported decision-making.

Support and representation data (Recommendation 6.19)

Recommendation 6.19 – Data collection on support and representation arrangements

The Australian Government and states and territories should develop and implement a national approach to collecting and publishing de-identified data on support and representation arrangements, led by the Australian Institute of Health and Welfare.

The national approach should consistently use definitions of 'disability', 'representation' and 'support' arrangements proposed in this *Final report*, and should employ methodologies which enable reporting on comparisons across jurisdictions and trends over time. The national approach should include collection and publication of data on:

- numbers of formally appointed representatives and supporters, disaggregated appropriately
- the extent to which people with disability who are the subject of the proceedings participate in the proceedings and the manner in which they participate (for example, in person or via alternative technological means)
- numbers of representative agreements commenced, terminated, revoked, varied or reviewed
- the extent to which people with disability who are the subject of the proceedings are legally represented.

The data should identify, to the greatest extent practicable, types of impairment, age, First Nations people with disability, culturally and linguistically diverse people with disability, LGBTIQ+ people with disability, women with disability and National Disability Insurance Scheme participants.

Response to Recommendation 6.19

Responsibility: **Australian, state and territory governments**

Joint Response: **Accept in principle**

The Australian Government and state and territory governments recognise the benefits of a nationally consistent approach to data collection and reporting on support and representation arrangements to support an evidence-based approach to reform in this area.

In January 2024, Disability Ministers agreed Commonwealth, state and territory officials focus and accelerate work to resolve data gaps in relation to the reporting requirements under *Australia's Disability Strategy 2021-2031* Outcomes Framework by the end of 2024. All governments are also working together to develop an action plan, with agreed timeframes, to drive data collection (including gender disaggregated data) and reporting on data-related Disability Royal Commission recommendations. The action plan is expected to be published in 2024.

Advocacy (Recommendations 6.21 – 6.23)

Recommendation 6.21 – Additional funding for advocacy programs

- a) For the financial years 2024–25 and 2025–26, the Australian Government should commit additional funding of:
- \$16.6 million per annum for the National Disability Advocacy Program
 - \$20.3 million per annum for the National Disability Insurance Scheme Appeals Program.

These amounts should be indexed to maintain their value in real terms from year to year.

- b) From 1 July 2026, the Australian Government should ensure long-term and stable funding for national disability advocacy programs to meet demand. This should be informed by improved data in line with Recommendation 6.22.
- c) From at least 1 July 2026, state and territory governments should ensure long-term and stable funding for disability advocacy programs in their jurisdictions to meet demand. This should be informed by improved data in line with Recommendation 6.22.

Recommendation 6.22 – Improved data collection and reporting on met and unmet demand for disability advocacy

The Australian Government and state and territory governments should improve data collection and reporting on met and unmet demand for disability advocacy within their jurisdiction. At a minimum, this data should:

- be collected and published on an annual basis
- include demographic indicators that show geographic location, First Nations and culturally and linguistically diverse status
- identify, where possible, whether a request for disability advocacy is from or concerns a person with disability who lives in supported accommodation or is in prison or juvenile detention.

This data should be collected and reported on an ongoing basis.

The Australian Government and state and territory governments should include data collection and reporting as a priority work area in the Disability Advocacy Work Plan associated with the 2023–2025 National Disability Advocacy Framework, and progress this as part of future National Disability Advocacy Frameworks or equivalents.

The Australian Government and state and territory governments should work together to ensure consistent definitions and methodologies allowing comparisons across jurisdictions and trends over time.

Publication of the data should commence no later than 1 July 2026.

Recommendation 6.23 – Culturally safe disability advocacy

The Disability Advocacy Work Plan associated with the 2023–2025 National Disability Advocacy Framework should be amended to include priority work areas on increasing culturally appropriate and accessible advocacy services for people with disability from culturally and linguistically diverse backgrounds and LGBTIQ+ people with disability. Efforts under these priority work areas, and the priority work area on increasing culturally appropriate and accessible advocacy services for First Nations people with disability, should include training led by First Nations, culturally and linguistically diverse and LGBTIQ+ people with disability and their representative organisations.

This work should be progressed as part of future National Disability Advocacy Frameworks or equivalents.

Response to Recommendations 6.21 to 6.23

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and the state and territory governments recognise the importance of advocacy in supporting people with disability to defend and protect their rights.

On 21 April 2023, Disability Ministers endorsed the National Disability Advocacy Framework 2023-2025 (NDAF) and associated Disability Advocacy Work Plan. The NDAF commits all governments to work together to improve national consistency and access to advocacy services for people with disability across Australia. Its purpose is to ensure people with disability have access to effective disability advocacy that promotes, protects and ensures their full and equal enjoyment of all human rights, enabling community participation and inclusion.

All governments support prioritising work on increasing culturally appropriate and accessible advocacy services for First Nations people with disability, people with disability from culturally and linguistically diverse backgrounds and LGBTIQ+ people with disability.

Role of Health Ministers in monitoring progress of the intellectual disability health capability framework (Recommendation 6.26)

Recommendation 6.26 – Expand the role of the Health Ministers Meeting to monitor health workforce capability development

The Health Ministers Meeting should expand its role in monitoring progress of the intellectual disability health capability framework to encompass the expanded capability framework proposed in Recommendation 6.25. This should include annual reporting to the Health Ministers Meeting on the progress of actions.

Response to Recommendation 6.26

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

Health Ministers have committed to annual reporting on progress of actions under the Roadmap for Improving the Health of People with Intellectual Disability. Ongoing annual reporting will consider any expansion to activities.

Right to equitable access to health services (Recommendation 6.31)

Recommendation 6.31 – Embed the right to equitable access to health services in key policy instruments

- a) The Australian Commission on Safety and Quality in Health Care should:
- amend the Australian Charter of Healthcare Rights to incorporate the right to equitable access to health services for people with disability and align with the scope of this proposed right in the Disability Rights Act recommended in Volume 4, *Realising the human rights of people with disability*
 - review and revise the National Safety and Quality Health Service Standards and the National Safety and Quality Primary and Community Healthcare Standards to provide for the delivery of safe and high-quality health care for people with disability and align with the scope of the proposed right to equitable access to health services in the Disability Rights Act recommended in Volume 4
 - as part of this review, consider how the national standards support equal access to health services for people with disability throughout life, including (but not limited to) prevention and health promotion, diagnosis and early intervention and rehabilitation services.
- b) The Australian Government Department of Health and Aged Care and state and territory counterparts should review all policies and protocols to ensure people with disability are permitted to be accompanied by a support person in any health setting. This should apply at all times, including when in-person healthcare restrictions are in place, such as during COVID-19.

Response to Recommendation 6.31

Responsibility: **Australian, state and territory governments**

Joint response (6.31a): **Accept**

Joint response (6.31b): **Accept in principle**

Recommendation 6.31 (a)

The Australian Government and state and territory governments are committed to ensuring key policy instruments and plans support an inclusive Australian society that ensures people with disability have access to health care services that address their needs. The Australian Government, through the Australian Commission on Safety and Quality in Health Care and in consultation with Commonwealth and State and Territory health governments, will develop a plan to update key policy instruments to ensure they articulate the requirements for safe and equitable access to health services for people with disability. Enacting this recommendation will enable a more person-centred approach to health care planning and delivery, reduce

health disparities, provide guidance to patients, and set clear expectations on health services and clinicians.

Recommendation 6.31 (b)

The Australian Government and state and territory governments are committed to reviewing all policies and protocols to support an inclusive Australia that ensures people with disability have access to high-quality health care. This includes permission to be accompanied by a support person in as many health settings as possible.

There may be some situations where disability support workers are not able to accompany patients (e.g., during surgical procedures; some involuntary or forensic spaces). These instances will be minimised, and state and territory governments will ensure that disability adjustments and supports are fully provided where support workers cannot be present.

Accessible health care (Recommendation 6.32)

Recommendation 6.32 – Increase capacity to provide supports and adaptations through improved guidance, funding and accessible information

The Australian Government and state and territory governments, in consultation with people with disability, should:

- a) identify and publish a list of frequently needed adaptations and supports (including communication supports) to enable people with disability to receive high-quality health care in all publicly funded settings. Adaptations and supports may need to be tailored to individual needs and additional supports may be required. These should include:
 - environmental modifications and aids to reduce sensory loads, such as dimmer lighting, reduced background noise and noise-cancelling headphones
 - preparatory action to familiarise the person with disability with clinical environments, such as hospital tours and animated videos
 - different modes of service delivery, such as home visits, and taking a forward-looking approach to minimise distress associated with certain procedures – for instance, taking extra blood to reduce the need for additional blood draws, or undertaking multiple procedures at once if sedation is required to decrease the number of hospital visits
 - novel and flexible approaches to pre-medication, including sedation, to reduce distress and anxiety before critical medical procedures.
- b) review hospital (admitted and non-admitted care) and primary health care funding models to ensure these adaptations and supports can be implemented in all relevant settings.
- c) disseminate information about the provision of adaptations and supports in a range of accessible formats

Response to Recommendation 6.32

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and state and territory governments recognise that people with disability have a right to receive high-quality health care and that adaptations and supports may need to be tailored to individual needs. Further, that access to information and communications are on an equal basis with others.

All governments acknowledge that aspects of this recommendation require further consideration in the context of any changes to Australia's human rights framework.

This recognises that the Disability Royal Commission's proposed Disability Rights Act will be considered alongside the recently published recommendations of the Parliamentary Joint Committee on Human Rights Inquiry into Australia's Human Rights Framework.

This recommendation also requires consideration of any activities that are in-scope of National Health Reform Agreement public hospital services. As well as consideration of any activities that align with reforms considered for the 2025-30 National Health Reform Agreement Addendum.

Health navigators (Recommendation 6.34)

Recommendation 6.34 – Introduce disability health navigators to support navigation of health care for people with disability

Through the Health Ministers Meeting, the Australian Government and state and territory governments should:

- a) jointly fund a national workforce of 'disability health navigators' to support people with cognitive disability and complex health needs access health services and to embed safe, accessible and inclusive practice in everyday health service provision
- b) develop a national evaluation framework to assess the impact of disability health navigators and share lessons learned across jurisdictions. Evaluation findings should be published.

Response to Recommendation 6.34

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and states and territory governments are committed to ensuring people with disability have access to health care services that address their needs and recognise that people with disability may require additional support to navigate the health care system. All governments are committed to ensuring all Australians have access to safe and high-quality healthcare that meets their needs.

This recommendation also requires consideration of any activities that are in-scope of National Health Reform Agreement public hospital services as well as consideration of any activities that align with reforms considered for the 2025-30 National Health Reform Agreement Addendum.

All governments are committed to working together to support the development of a nationally consistent health navigation framework, which will be coordinated and aligned to complement the reshaped disability navigation function of the NDIS and would include scoping of disability health navigation in partnership with state and territory governments.

Scoping of disability health navigation would be required to identify what is currently available, what is working well and what gaps or missing elements in the support system need to be addressed to help people with disability and complex health needs navigate and access all aspects of the health and mental health systems. Scoping would include system navigation services that already exist within state and territory health systems. Stakeholders, including people with disability, would be consulted as part of the scoping of disability health navigation. All governments acknowledge that there are significant workforce challenges

across the health care system, therefore the scoping of disability health navigators would also involve consideration of this issue.

Restrictive practices (Recommendations 6.39 – 6.40)

Recommendation 6.39 – Improving collection and reporting of restrictive practices data

The Australian Institute of Health and Welfare should work with state and territory governments to develop consistent data definitions and collection methods on restrictive practices across all jurisdictions, and align reporting periods. These definitions and collection methods should be finalised by the end of 2024.

Using consistent definitions and collection methods, state and territory governments should collect and publish data on the use of restrictive practices in health, education and justice settings. This data should be collected and published on an annual basis, with publication commencing by the end of 2025 at the latest. Data should identify, to the greatest extent practicable:

- restraint type, including chemical, physical, mechanical, environmental and seclusion
- disability status
- types of impairment
- age
- gender
- First Nations people
- culturally and linguistically diverse people
- people who identify as LGBTIQ+.

Recommendation 6.40 – Targets and performance indicators to drive the reduction and elimination of restrictive practices

The Australian Government and state and territory governments should establish sector-specific targets and performance indicators to drive the reduction and elimination of restrictive practices over time. This should be at both the national and state and territory levels for disability, health, education and justice settings. These targets and performance indicators should be established by 1 July 2025 at the latest.

Response to Recommendations 6.39 and 6.40

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and state and territory governments are committed to working together to improve the collection and reporting of restrictive practices data and to considering sector-specific targets and performance indicators to drive the reduction and elimination of restrictive practices across all settings.

As a first step, and consistent with Action 18.1 of the NDIS Review, the Disability Reform Ministerial Council will prioritise action to establish consistent targets and performance indicators to drive the reduction and elimination of restrictive practices in the NDIS and will task officials to develop a Joint Action Plan to reduce and eliminate restrictive practices in the NDIS.

Given the complexity and variation of data collection processes across jurisdictions, consultation with all sectors and flexibility on the timeframe for implementing these recommendations may be required.

Non-therapeutic sterilisation (Recommendation 6.41)

Recommendation 6.41 – Legislative prohibition of non-therapeutic sterilisation

- a) All jurisdictions should amend or enact legislation prohibiting non-therapeutic procedures resulting in permanent sterilisation of people with disability, except where:
- there is a threat to the life of the person with disability were the procedure not performed or
 - the person with disability is an adult and has given voluntary and informed consent to the procedure, with support for decision-making if required.
- b) All jurisdictions should amend or enact legislation in accordance with paragraph a. by the end of 2024.
- c) The Australian Guardianship and Administrative Council (AGAC) should expand its annual collation and publication of data on the sterilisation of people with disability. This data should include the number of applications, reasons for applications, reasons for the outcomes of applications and the number of approvals to conduct a sterilisation procedure.

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

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

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

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

- d) A review of legislation enacted or amended according to paragraph a. of this recommendation should be conducted every five years, in light of the data published according to paragraph c. This review should aim to strengthen protections for people with disability and avoid consequences which hamper reproductive autonomy.

Response to Recommendation 6.41

Responsibility: **Australian, state and territory governments**

ACT and WA: **Accept in principle**

Commonwealth, NSW, NT, QLD, SA, TAS, VIC: **Subject to further consideration**

The Australian Government and state and territory governments are committed to protecting the human rights of people with disability and will work to strengthen protections in relation to non-therapeutic procedures resulting in permanent sterilisation of people with disability.

The need to protect the privacy of individuals is relevant in considering approaches to expanding data collection and reporting.

The Commonwealth, NSW, NT, QLD, SA, TAS and VIC governments will further consider issues raised by this recommendation noting differences between jurisdictions' legislative frameworks and current reform processes underway in some jurisdictions.

Inclusive education (Recommendations 7.2, 7.3, 7.6 and 7.13)

Recommendation 7.2 – Prevent the inappropriate use of exclusionary discipline against students with disability

State and territory educational authorities should review all regulations, rules, procedures and other instruments regulating exclusionary discipline to ensure they:

- adopt the principle that education providers:
 - should avoid the use of exclusionary discipline on students with disability unless exclusion is necessary as a last resort to avert the risk of serious harm to the student, other students or staff
 - in considering the use of exclusionary discipline, consider the student's disability, needs and age, and the particular effects of exclusionary discipline for young children
 - require steps to be taken before exclusion to ensure an individual behaviour plan and reasonable adjustments have been implemented for the student, including consultation with the student and their family, carers or supporters.
- include a duty for principals to report the repeated use of exclusionary discipline involving a student with disability to an escalation point within educational authorities for independent case management
- include a robust review or appeals process for students with disability and their families or carers and supporters
- ensure students with disability have access to educational materials appropriate to their educational and behavioural needs while subject to exclusionary discipline
- support students with disability to re-engage in education post exclusion.

State and territory educational authorities should review provisions governing the registration of non-government schools to impose obligations relating to exclusionary discipline in the non-government sector that are commensurate with those of the government sector.

Section 22(2)(b) of the *Disability Discrimination Act 1992* (Cth) should be amended to cover 'suspension and exclusion' as well as expulsions.

Recommendation 7.3 – Improve policies and procedures on the provision of reasonable adjustments to students with disability

a) State and territory educational authorities should develop and make available in accessible form:

- guidelines to enable schools, principals and teachers to comply with their statutory obligations to provide adjustments for children and young people with disability
- guidelines addressing the relationship between the statutory duty to provide adjustments and duties of care imposed on educational authorities, schools,

principals, teachers and staff, such as those imposed by occupational health and safety legislation and the general law

- guidelines addressing the processes for identifying, planning, implementing and evaluating adjustments required for individual students with disability
- guidelines explaining the nature and content of the obligation under the *Disability Standards for Education 2005 (Cth) (Education Standards)* to consult with students with disability and their parents, carers and supporters
- information explaining the sources of funding for providing supports to students with disability and the procedures governing the allocation of funds for that purpose
- requirements for schools and principals to keep records and to report on the provision of adjustments for individual students with disability
- guidelines for developing individual learning plans for students with disability, including requirements for keeping records on the learning program for each student and for making the records available to parents, carers and supporters
- guidelines for ensuring equal access to consent, relationships and sexuality education for students with disability through learning resources, including for neurodiverse students and LGBTIQ+ students.

b) State and territory educational authorities should ensure that education providers have greater access to tools and resources to:

- assist principals and teachers to adapt the curriculum and teaching and assessment practices to enable diverse learners, especially those with complex communication or support needs, to participate in learning experiences on the same basis as students without disability enrolled in the same course (subject to the unjustifiable hardship qualification in the *Disability Discrimination Act 1992 (Cth)*)
- support culturally safe adjustments to teaching strategies for particular students with disability, such as First Nations students and students from culturally and linguistically diverse communities.

c) The Australian Government, through the responsible minister, should consider whether the *Education Standards* should be amended to address the proposals in a) and b). However, any such consideration should not delay state and territory educational authorities implementing a) and b).

Recommendation 7.6 – Student and parental communication and relationships

a) State and territory educational authorities should update their policies and guidance for schools to support the implementation and continuous improvement of requirements for student and parental communication and relationships. These should:

- include clear, accessible material for students with disability and their families on their rights and school obligations

- target decision-making for individual students and at the whole-of-school-level
 - cover applications to attend a local school and address how students and parents should expect to be involved in decision making, adjustments and complaints handling and informal resolution processes
 - indicate types of decisions that require formal parental agreement, such as approaches to behaviour management
 - be co-designed with people with disability and their families.
- b) State and territory educational authorities should develop material similar to that outlined in a) specifically for First Nations students with disability in consultation with First Nations students with disability, parents and kinship carers. The cultural diversity and understanding of disability in Aboriginal and Torres Strait Islander cultures should be considered in this process.
- c) School principals should work with their governing bodies and school communities to establish local school policies, procedures and practices to enable students with disability and their parents, carers and advocates to fully and effectively take part in the school community and decisions that affect a student's educational experience.
- d) In undertaking c), school principals should consult with First Nations parents and kinship carers and consider the cultural diversity and understanding of disability in Aboriginal and Torres Strait Islander cultures.
- e) The Australian Government through the responsible minister, should consider updating the *Disability Standards for Education 2005* (Cth) to:
- ensure students with disability can participate as fully as possible in an age-appropriate manner in decision making concerning their educational programs and the adjustments they require
 - entitle parents, supporters and carers of students with disability to be assisted by schools or principals on decisions relating to school-wide adjustments to facilities and classroom practices of particular significance to students with disability.

Recommendation 7.13 – National Roadmap to Inclusive Education

- a) The Education Ministers Meeting should publicly release a 'National Roadmap to Inclusive Education' for students with disability. The roadmap should:
- detail the outcome measures, targets, actions and milestones for delivering the Royal Commission's recommendations for inclusive education
 - provide public transparency on how the recommendations will be implemented and progress tracked and publicly reported.
- b) State and territory education ministers should report annually to the Education Ministers Meeting on progress against agreed milestones and associated outcome performance measures in the roadmap. Annual progress reports should outline actions to overcome identified barriers to progress and be publicly released.

c) The Education Ministers Meeting should identify the National Roadmap to Inclusive Education in its 2024 report to National Cabinet as one of its priorities and include it in its workplan.

Response to Recommendations 7.2, 7.3, 7.6 and 7.13

Responsibility: **Australian, state and territory governments**

Joint Response: **Accept in principle**

The Australian Government and state and territory governments support the Disability Royal Commission's vision for more accessible and inclusive education for school students with disability.

Education Ministers commit to work in partnership with people with disability to set out how this vision will be achieved over time.

Education workforce capability and complaints management (Recommendations 7.8 and 7.10)

Recommendation 7.8 – Workforce capabilities, expertise and development

Knowledge and skills

- a) The Education Ministers Meeting should commission the Australian Institute for Teaching and School Leadership (AITSL) to review and amend the Australian Professional Standards for Teachers (APST) to embed a human rights based approach to inclusive education for students with disability across teachers' careers.
- b) To provide guidance for teachers on the revised APST, the Education Ministers Meeting should instruct AITSL to develop an inclusive education capability framework, setting out the knowledge, skills and attitudes to deliver inclusive education.

Continuing professional development

- c) State and territory educational authorities should create and implement professional development strategies based on an inclusive education capability framework for principals, teachers, teaching assistants and teachers of deaf children.

Disability expertise and skills shortages

- d) The Education Ministers Meeting should expand the National Teacher Workforce Action Plan to identify actions that can strengthen initial teacher education in inclusive education and attract and retain people with disability and others with expertise in delivering inclusive education.
- e) State and territory governments should increase access to expertise in inclusive education in government schools by:
 - employing lead practitioners specialising in inclusive teaching, behavioural support and deaf education to work across schools in a regional catchment to initiate and lead activities that focus on improving educational opportunities for students with disability, including by establishing inclusive learning environments that meet the needs of students
 - employing skilled and qualified Auslan interpreters
 - setting employment targets for people with disability in government schools and working with all school sectors in their jurisdiction to increase disability employment.

Recommendation 7.10 – Complaint management

- a) State and territory governments should create or expand existing complaint management offices that operate within educational authorities at arm's length from schools to help resolve complaints about schools, specifically complaints

concerning the treatment of students with disability. These offices should be empowered to:

- provide students and parents with information about their rights and options when managing complaints
 - request information and conduct conciliations, connecting families with advocacy support and specialist disability expertise where needed
 - initiate a formal investigation if a complaint is serious or otherwise indicates systemic issues
 - support and assist the complainant in referring matters to the appropriate regulator or independent oversight body if a complaint cannot be effectively resolved
 - work with schools to analyse complaints and regularly report on how education systems might improve to reduce future complaints
 - work with school principals to ensure school policies are student-centric, accessible, efficient, safe, trauma-informed and culturally appropriate.
- b) The Australian Government should include new duties and measures relating to complaint management procedures in the *Disability Standards for Education 2005* (Cth) (*Education Standards*) to help achieve national quality and consistency, and ensure complaint handling processes are student-centric, accessible, efficient, safe, trauma-informed and culturally appropriate.
- c) State and territory school registration authorities should embed new complaint handling duties and measures for compliance, as defined in the Education Standards, in registration requirements for all schools in their jurisdiction as a basis to monitor and enforce compliance.
- d) School principals should ensure their school-level operating policies and procedures for handling complaints:
- satisfy the Education Standards requirements
 - are student-centric, accessible, efficient, safe, trauma-informed and culturally appropriate
 - are observed in practice.

Response to Recommendations 7.8 and 7.10

Responsibility: **Australian, state and territory governments**

Joint Response: **Accept in principle**

The Australian Government and state and territory governments supports the Disability Royal Commission's vision to build workforce capability and expertise and strengthen complaints management practices.

Considerable progress has already occurred in relation to these recommendations as part of the National Teacher Workforce Action Plan and the review of the *Disability Standards for Education 2005* Review undertaken in 2020.

Education data, evidence and funding (Recommendations 7.9 and 7.12)

Recommendation 7.9 – Data, evidence and building best practice

Data development and collection

a) The Education Ministers Meeting should:

- commission a national project to develop data definitions and data collection methods to enable consistent and comparable reporting on educational experiences and outcomes of students with disability
- ensure data and information (as detailed at the Appendix and disaggregated by Nationally Consistent Collection of Data on School Students with Disability (NCCD) category, gender, age, stage of schooling, First Nations students, students from culturally and linguistically diverse backgrounds and LGBTIQ+ status) is collected by state and territory departments on:
 - student experiences
 - school outcomes for students with disability
 - progress in addressing barriers to inclusive education practices.

b) State and territory governments should enhance data systems and processes to enable all schools to submit at least the minimum data required in the prescribed format.

c) State and territory school registration authorities should:

- embed data requirements set by the Education Ministers Meeting in registration requirements for all schools in their jurisdiction
- require parents registering children with disability for home schooling with the state or territory school regulator to submit standardised information about their child's educational, social and behavioural progress and support needs to improve understanding of students with disability who are being home schooled and their outcomes.

Monitoring and reporting

d) State and territory education departments should annually report jurisdictional data to the Education Ministers Meeting on minimum data requirements for students with disability. Based on the jurisdictional data, the Education Ministers Meeting should monitor and publicly report annually on:

- the educational experiences of students with disability
- outcomes of students with disability
- progress in addressing barriers to inclusive education practices.

e) To improve reporting of disability data, the Education Ministers Meeting should:

- publish school-level NCCD student numbers (by adjustment level) on the My School website, having due regard for privacy issues

- commission the Australian Curriculum Assessment and Reporting Authority to work with states and territories on data collection requirements to enable reporting on National Assessments Program – Literacy and Numeracy results for students with disability
- include broader school workforce characteristics and information about workforce shortages in state and territory and Australian Government annual inclusive education reporting.

Improving the evidence base

- f) To improve the evidence base for best practice for inclusive education, the Education Ministers Meeting should commission the Australian Education Research Organisation to:
- develop a research program about inclusive education practices, working with teachers, schools, education systems and people with disability
 - conduct and coordinate inclusive education research
 - support schools to translate research into school practices.

Recommendation 7.12 – Improving funding

- a) The Australian Government should work with the Education Ministers Meeting to refine the Nationally Consistent Collection of Data on School Students with Disability (NCCD) levels of adjustments and associated funding for students with disability in response to the findings of the Student with disability loading settings review.
- b) The Australian Government and the Education Ministers Meeting should review disability loading settings and total funding for adjustments every five years to ensure the funding allocated bears a close relationship to the actual cost of supporting students with disability in classrooms and to determine appropriate indexation and distribution of funding.
- c) State and territory governments should ensure they are using a disability funding model based on strengths and needs that aligns with enhanced NCCD levels of adjustment and Australian Government needs-based funding arrangements to enable students with disability to access and participate in education on an equal basis to their peers.
- d) State and territory education departments should improve transparency on the use of disability funding in the government school sector by:
- developing a methodology and reporting template to record the use of all sources of school funding against defined categories of adjustments and support for students with disability
 - applying this methodology and template to record expenditure on services and staff commissioned by the department on behalf of schools for students with disability

- publicly reporting on how the needs of students with disability are being met from all available resources, with early priority given to capturing the use of disability-specific loadings and other disability-specific program funding.
- e) State and territory school registration authorities should require schools to complete the funding template mentioned at d) and submit the template to the relevant state or territory education department.

Response to Recommendations 7.9 and 7.12

Responsibility: **Australian, state and territory governments**

Joint Response: **Accept in principle**

The Australian Government and state and territory governments support a vision for improved data and evidence on the experience and outcomes of students with disability, building best practice for inclusive education and improving funding for students with disability.

Implementing these recommendations requires further consideration by governments, including further work to consider data collection categories and reporting. In addition, implementing components of these recommendations will require consideration of impacts on workload for schools and data management systems.

State and territory governments will consider how to deliver the intent of these recommendations within their jurisdictions.

Phasing out segregated education (Recommendations 7.14 – 7.15)

Recommendation 7.14 – Phasing out and ending special/segregated education

Commissioners Bennett, Galbally and McEwin recommend:

- a) The Australian Government and state and territory governments should recognise that inclusive education as required by article 24 of the *Convention on the Rights of Persons with Disabilities* is not compatible with sustaining special/segregated education as a long-term feature of education systems in Australia.
- b) As part of the National School Reform Agreement 2025–2029, the Education Ministers Meeting should agree to:
 - the phasing out of special/segregated education
 - no new special/segregated schools being built or new special/segregated classes or units being included within schools from 2025
 - a process for work on milestones and activities related to ceasing special/segregated education by all jurisdictions.
- c) As part of the National School Reform Agreement 2030–2034, the Education Ministers Meeting should agree to milestones for phasing out and ending special/segregated education settings and financial penalties for failing to meet these milestones, including:
 - no new enrolments of students with disability in special/segregated schools from 2032
 - no new placements of students with disability in special/segregated units or classes from 2041
 - no students remaining in special/segregated schools by the end of 2051.
- d) The Education Ministers Meeting should update the Roadmap to Inclusive Education and Australia’s Disability Strategy to incorporate the milestones and actions to phase out and end special/segregated education settings included in the National School Reform Agreement 2030–2034.
- e) The Australian Government should consider the design of a ‘Transition Fund’ under the National School Reform Agreement from 2028 to provide discrete funding to schools that require additional support as part of their transition journey, with clear performance and reporting requirements.
- f) Consistent with phasing out and ending special/segregated education, states and territories should implement the following recommendations:
 - when no students are in special/segregated schools, the sunsetting of:
 - measures to prevent gatekeeping (see Recommendation 7.1)

- provisions to facilitate the engagement of students with disability enrolled in special/segregated schools with students and activities of mainstream schools (see Recommendation 7.4)
- to prevent stigmatisation and segregation of students with disability, ensure the careers guidance and transition support program for students with disability (see Recommendation 7.5):
 - is delivered alongside careers guidance for students without disability
 - has clear rules that no student with disability can be referred to work experience or employment through Australian Disability Enterprises.

Recommendation 7.15 – An alternative approach

The Chair and Commissioners Mason and Ryan recommend:

- a) State and territory educational authorities should implement the following measures:
- wherever practicable locate new non-mainstream schools (that is, schools that enrol exclusively or primarily children and young people with complex support needs) and relocate existing non-mainstream schools within or in close proximity to mainstream schools
 - create partnerships between mainstream and non-mainstream schools as a means of encouraging and arranging regular interchange between groups of students enrolled in the schools
 - facilitate to the maximum extent feasible participation by individual students and groups of students enrolled in non-mainstream schools in educational, cultural, sporting, recreational and celebratory activities with their peers in partnership with mainstream schools and other educational institutions
 - arrange for students in non-mainstream schools, where practicable, to participate in classes and educational activities with their peers in mainstream schools
 - establish programs for students enrolled in mainstream schools to participate in activities with their peers in non-mainstream schools
 - provide, where appropriate, for concurrent enrolment for individual students in both mainstream and non-mainstream schools
 - assist non-mainstream schools to facilitate where appropriate, the transition of students with disability, particularly those with complex support needs, to mainstream schools, whether on a full-time or part-time basis
 - provide assistance to mainstream and non-mainstream schools in understanding the strengths and skills of students with disability for post-school transition, including assistance in planning and preparing for further study and training
 - ensure non-mainstream schools encourage and support students with disability completing their education to seek and obtain employment in the open labour market, rather than in Australian Disability Enterprises or similar environments.

b) The National Disability Commission (see Recommendation 5.5) should conduct or arrange for a comprehensive review of progress towards providing inclusive education for children and young people with complex support needs. The review's assessment should include the matters we have identified.

Response to Recommendations 7.14 to 7.15

Responsibility: **Australian, state and territory governments**

Joint Response: **Note**

The Australian Government and state and territory governments note the differing views held by Commissioners and the community on special / segregated settings.

The Australian Government recognises the ongoing role of specialist settings in service provision for students with disability and providing choice for students with disability and their families.

State and territory governments will continue to be responsible for making decisions about registration of schools in their jurisdictions, with the intent to strengthen inclusive education over time.

Disability employment in the public sector (Recommendations 7.18, 7.19, 7.21, 7.22 and 7.23)

Recommendation 7.18 – Establish specific and disaggregated targets for disability employment in the public sector

The Australian Government and state and territory governments should adopt specific and disaggregated targets to increase the proportion in the public sector of:

- employees with disability at entry and graduate levels
- employees with disability at executive levels
- employees with cognitive disability

Public sector targets should be supported by:

- clear employment pathways into the relevant public services for each target cohort
- measures and programs to support the recruitment and progression of each target cohort
- provision of appropriate supports.

The Australian Public Service Commission and state and territory public service commissions should ensure these targets contribute to their existing overall employment targets for people with disability.

Recommendation 7.19 – Establish specific disability employment targets for new public service hires in agencies and departments

The Australian Government and state and territory government departments and agencies should be required to set a target to ensure that a proportion of new public service hires to their respective workforce are people with disability.

The target should be at least 7 per cent by 2025.

The target should increase to at least 9 per cent by 2030.

Recommendation 7.21 – Introduce consistent adjustment principles and adjustment passports

The Australian Public Service Commission should:

- a) lead the development of common principles to underpin adjustment policies for providing and managing adjustments in the public sector. This should occur in partnership with state and territory public service commissions. The principles should be used to inform Australian Government and state and territory government department policies and procedures on adjustments. The principles should include:
 - clear and accessible processes for staff to request adjustments
 - timeframes for implementing adjustments and a process for review and seeking feedback on adjustments

- clear and accessible processes for making and responding to complaints relating to adjustments (including complaints about refusal to provide an adjustment)
- clear policies on handling and sharing information about a person's disability or adjustments
- referrals to internal and external supports in relation to requesting and managing adjustments
- requirements to collect data on applications for, and the implementation of, adjustments.

b) develop an Australian Public Service-wide adjustment passport to improve the ease with which people with disability can maintain and transfer their adjustments when moving within the Australian Public Service.

Recommendation 7.22 – Public reporting on public sector disability employment strategies and targets

The Australian Public Service Commission and state and territory public service commissions should report annually on the progress of their public sector disability employment strategies, including progress against overall and disaggregated targets for increasing the percentage of employees with disability. These reports should be published and made available in accessible formats.

Recommendation 7.23 – Strengthen disability employment procurement policies

The Australian Government and state and territory governments should adopt procurement policies that:

- a) favour businesses and entities able to demonstrate, in accordance with published criteria, they are providing employment opportunities for people with disability in open, inclusive and accessible settings, including people with intellectual disability or cognitive impairments.
- b) require all information and communication technology purchases to comply with the current Australian information and communication technology (ICT) accessibility standard (AS EN 301 549:2020 – Accessibility requirements for ICT products and services).

Response to Recommendations 7.18, 7.19, 7.21, 7.22 and 7.23

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and state and territory governments support continued action to increase opportunities for people with disability in public sector employment across Australia.

All governments recognise that people with disability have a right to work, and that employment supports an individual's social and economic participation and independence in society.

As large employers, public services have a crucial national role as leaders in modelling best practice inclusion that can positively influence other employers and workplaces.

Governments agree that specific employment targets can have a positive impact on the number of people with disability employed in the public sector, noting that some jurisdictions may need to further consider data limitations and privacy considerations before committing to disaggregated targets.

The Australian Government and state and territory governments also support continued and increased focus on ensuring public sector workplaces are accessible and inclusive for people with disability, including through workplace adjustments. Public service commissioners will work together to share best practice on improving public sector employment outcomes for people with disability.

Governments also support in principle adopting procurement policies that encourage inclusive employment practices in the private sector, noting governments will individually consider opportunities and approaches that most appropriately work with respective government procurement frameworks.

Segregated employment (Recommendation 7.32)

Recommendation 7.32 – End segregated employment by 2034

- a) Commissioners Bennett, Galbally, Mason and McEwin recommend the Australian Government Department of Social Services should develop and implement a National Inclusive Employment Roadmap to transform Australian Disability Enterprises (ADEs) and eliminate subminimum wages for people with disability by 2034.
- b) The National Inclusive Employment Roadmap should be centred on the following principles:
- equal access for people with disability to all opportunities for employment, starting with the Australian Public Service and state and territory public services
 - increased availability of jobs for people with disability, especially in:
 - Australian and state and territory public services supported by the payment of full minimum wages to all employees, consistent with the public sector acting as a model employer. This recommendation would operate in advance of Recommendation 7.31 to raise all subminimum wages to the full minimum wage by 2034
 - non-government organisations that receive government grants ◦
 - private companies that receive government procurement contracts
 - availability of evidence-based supports to facilitate job readiness, participation and ongoing development, particularly for people with intellectual disability
 - better pathways to work for people with disability • as set out in Recommendation 7.31, lifting wages to 50 per cent of the minimum wage, with all people with disability moving to the full minimum wage by 2034 (noting our expectation that the public sector, as a model employer, will pay full minimum wages to employees with disability before that time)
 - governance and accountability for system change.
- c) The National Inclusive Employment Roadmap should address:
- the reform of ADEs to operate in accordance with the social firm model, providing open workplaces in which employees with disability can receive support in an integrated setting to undertake work tasks, develop skills and transition to further open employment
 - the establishment of a grant-based Structural Adjustment Fund to support increases in the minimum wage and achieve transformation targets in ADEs
 - support for people with disability to transition to open employment through programs such as the School Leaver Employment Supports program.
- d) To support the National Inclusive Employment Roadmap as ADEs transform into social firms, government procurement rules should also be amended to give preference to enterprises that can demonstrate they provide employment opportunities to people with disability in open, inclusive and accessible settings and

pay employees with disability at least the full minimum wage at the time of the procurement process (this recommendation would operate in advance of the general recommendation to raise all subminimum wages to the full minimum wage by 2034).

- e) The implementation of the National Inclusive Employment Roadmap should be monitored by the Disability Reform Ministerial Council.

Response to Recommendation 7.32

Responsibility: **Australian, state and territory governments**

Joint response: **Subject to further consideration**

Supported employment refers to jobs where people with high employment support needs can receive extra support while they are at work.

In Australia, around 160 Australian Disability Enterprises (ADEs), registered as NDIS providers, provide supported employment for approximately 16,000 people with disability. While ADEs currently play an important role in providing employment opportunities for people with disability, they are not, and should not, be the only employment option for people with high employment support needs.

In October 2022, Disability Ministers convened a supported employment roundtable with people with disability, family representatives, ADE representatives, peak bodies and other sector experts. Attendees developed a set of guiding principles for the future of supported employment. The principles aim to ensure people with high support needs have informed choice and control, real options for employment and a range of support to meet their employment goals.

To ensure the guiding principles are brought to life, Disability Ministers agreed a national Supported Employment Plan in November 2023. The plan is focussed on providing people with informed choice and control about their employment, as well as genuine opportunities to work in a wider range of settings, be it in an ADE, social enterprise, in open employment or in their own business.

The Australian Government and state and territory governments acknowledge the significant community interest, and diversity of views, around the Disability Royal Commission's recommendations on supported employment.

Commissioners Bennett, Galbally, Mason and McEwin recommend the Australian Government develop a National Inclusive Employment Roadmap to transform ADEs and end segregated employment by 2034. While the Chair and Commissioner Ryan have no issue with the implementation of 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 Australian Government will undertake consultation to further consider views and implications associated with this recommendation and then determine next steps. Disability Ministers will also update the Supported Employment Plan in 2024.

Prioritise people with disability in key national housing and homelessness approaches (Recommendation 7.33)

Recommendation 7.33 – Prioritise people with disability in key national housing and homelessness approaches

- a) The Australian Government should, in collaboration with state and territory governments, expressly identify people with disability in key housing-related agreements and planning including the:
- National Housing and Homelessness Agreement (NHHA), which should include people with disability as a priority group of housing and homelessness reforms
 - proposed National Housing and Homelessness Plan, which should include people with disability as a priority group, and include the measurement and evaluation of outcomes for people with disability
 - National Housing Supply and Affordability Council, which should include people with disability as a priority group in the development of housing supply and affordability policy advice, data collection and reporting.
- b) All state and territory governments should include people with disability in housing and homelessness strategies, policies and action plans developed under the NHHA. This should include people with disability as a priority group, and the monitoring and evaluation of implementation and outcomes for people with disability.

Response to Recommendation 7.33

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and state and territory governments recognise the additional barriers people with disability face in accessing appropriate housing, and the disproportionate risks and impacts of homelessness among people with disability.

The National Housing Supply and Affordability Council's inaugural report State of the Housing System 2024 highlights the rising number of people with disability and that the lack of accessible, inclusive housing disproportionately impacts on people with fixed or low incomes, particularly those with high support needs.

All governments have committed to an ambitious housing reform agenda to boost the supply of all housing, and deliver housing and homelessness supports for vulnerable communities.

To prioritise accessible housing for people with disability, governments will continue working together to develop integrated responses. With respect to the items listed in the recommendation:

- The National Agreement on Social Housing and Homelessness (replacement of the NHHA) is designed to help people who are experiencing, or at risk of, homelessness and support the effective operation of Australia's social housing and homelessness services sectors. It provides jurisdictions with flexibility to address issues for cohorts with disproportionate disadvantage, such as people with disability. The funding available to states and territories through the National Agreement on Social Housing and Homelessness can be prioritised through inclusion of people with disability as a priority group in housing and homelessness strategies, policies and action plans developed under the agreement, and the monitoring and evaluation of implementation and outcomes for people with disability.
- The proposed National Housing and Homelessness Plan is under development and is subject to negotiation between the Australian Government and state and territory governments. It is expected the Plan will be released later in 2024.
- The enabling legislation for the Supply Council, the *National Housing Supply and Affordability Council Act 2023*, acknowledges the importance of accessibility for people with disability as it is one of the areas of expertise considered when appointing members.

In addition, other housing policies and programs recognise the importance of supporting people with disability. For example:

- New homes delivered under the National Housing Accord and the Housing Australia Future Fund are required to meet standards in the 2022 National Construction Code relating to liveable housing design.
- The Safe Places Inclusion Round focuses on increasing access to appropriate emergency accommodation for women and children experiencing family and domestic violence (FDV), including women and children with disability. New builds delivered under the Safe Places Inclusion Round are required to meet Livable Housing Australia silver level accreditation.

Include homelessness in Australia's Disability Strategy (Recommendation 7.34)

Recommendation 7.34 – Include homelessness in Australia's Disability Strategy

The Australian Government should increase the focus on homelessness in Australia's Disability Strategy by:

- ensuring consultations concerning, and reviews of, Australia's Disability Strategy include people with disability at risk of experiencing homelessness and their representative organisations
- expressly including homelessness as a policy priority within the 'Inclusive Homes and Communities' key outcomes.

Response to Recommendation 7.34

Responsibility: **Australian, state and territory governments**

Joint response: **Accept**

The Australian Government and state and territory governments agree to increasing the focus on homelessness in *Australia's Disability Strategy 2021-2031* and are prioritising consideration of this through the review of *Australia's Disability Strategy 2021-31* being undertaken in 2024 in response to recommendation 5.2.

Preventing homelessness when people with disability transition from service or institutional settings (Recommendation 7.39)

Recommendation 7.39 – Preventing homelessness when people with disability transition from service or institutional settings

The Australian Government (including the National Disability Insurance Agency (NDIA)) and state and territory governments should commit to a policy of 'no leaving into homelessness' for people with disability.

The Australian Government (including the NDIA) and state and territory governments should establish or nominate a lead agency with responsibility for planning and coordinating the transition of people with disability from service or institutional settings (including health services, mental health services, correctional facilities, and out-of-home care) directly into safe and appropriate housing.

The lead agency should be the NDIA when the person is a National Disability Insurance Scheme (NDIS) participant (consistent with the role of the NDIS under Applied Principles and Tables of Support). If the person is not an NDIS participant, the lead agency should be the agency responsible for the service or institutional setting at the time the person leaves.

The role of the lead agency should include:

- developing and implementing individual plans for people with disability leaving service or institutional settings to identify housing, services and supports for a successful transition into secure housing
- ensuring supports can be put in place before a person with disability leaves the service or institutional setting
- coordinating the implementation of the plan until the person with disability has successfully transitioned to safe and appropriate housing.

Response to Recommendation 7.39

Responsibility: **Australian, state and territory governments**

Joint response **Accept in principle**

The Australian Government and state and territory governments are committed to working collaboratively to support people with disability leaving institutional settings into safe and appropriate housing. Part of this work will be determining if nominating a lead agency or agencies is the appropriate mechanism for implementing this recommendation.

All governments recognise that continued, focused and coordinated work is required across systems to ensure people with disability do not 'leave into homelessness' from health services, mental health services, correctional facilities, and out-of-home care.

Disability Ministers will work together in 2024 to identify responsibilities for planning and coordinating the transition of people with disability from service or institutional settings directly into safe and appropriate housing. All governments will also continue working together to leverage and implement objectives and priorities under the new National Housing and Homelessness Plan 2024-2034 to support better housing outcomes and reduce rates of homelessness for people with disability.

Address homelessness for people with disability in the National Housing and Homelessness Plan (Recommendation 7.40)

Recommendation 7.40 – Address homelessness for people with disability in the National Housing and Homelessness Plan

In developing the National Housing and Homelessness Plan, the Australian Government, working with state and territory governments, should:

- a) identify people with disability, particularly people with intellectual disability or cognitive impairment, as a discrete cohort or cohorts for intensive homelessness support, recognising their needs, circumstances and diversity
- b) review the adequacy of funding for homelessness, with particular regard to the cost of providing more intensive homelessness support for people with disability and complex needs, and current levels of unmet demand
- c) expand pathways and support for people with disability out of homelessness, including through Housing First programs
- d) consider establishing free, independent legal advice and advocacy services for people with disability experiencing homelessness to help them navigate the different homelessness supports to which they are entitled at state or territory and Australian Government levels.

Response to Recommendation 7.40

Responsibility: **Australian, state and territory governments**

Joint response: **Subject to further consideration**

The Australian Government and state and territory governments are committed to national action to help more Australians access safe and affordable housing, including people with disability.

Safe and affordable housing is central to the security and dignity of people with disability. All governments have committed to an ambitious housing reform agenda to boost the supply of all housing, and increase housing and homelessness supports for vulnerable communities, including people with disability.

This includes the proposed National Housing and Homelessness Plan, which is expected to provide a shared national vision for tackling Australia's housing challenges and support those experiencing housing stress and homelessness.

The National Plan is currently under development and is subject to negotiation between the Australian Government and state and territory governments. It is expected the Plan will be released later in 2024 and it is anticipated that the Plan:

- will focus on supporting all individuals regardless of their characteristics or background;
- will not prioritise different cohorts in recognition of the large degree of intersectionality and diversity among individuals and households, but will acknowledge that some groups, including people with disability, face additional barriers and need additional or targeted responses; and
- is built on all governments' commitment to prioritising the needs of those people who need housing and homelessness assistance the most, in recognition of the flexibility required to support people in a way which recognises the uniqueness of an individual's circumstances, needs and experiences.

Access to alternative housing options (Recommendation 7.42)

Recommendation 7.42 – Improve access to alternative housing options

The National Disability Insurance Agency (NDIA) should work with the Australian Government, and state and territory governments, to expand alternative housing options and support for people with disability to access and transition to these options through a proactive market enablement strategy. This should include:

- a) an increase in innovative housing options, such as by –
 - expanding the NDIA Home and Living Demonstration Projects with additional rounds from 2024. These rounds should –
 - focus on exploring diverse market mechanisms for sustainable housing models
 - include ongoing extensive and independent evaluation and dissemination of emerging best practice to help bring new models to scale
 - establishing a policy unit to co-design, guide and influence the development and implementation of more contemporary accommodation models
 - conducting comprehensive market research to assess market demand and understand National Disability Insurance Scheme (NDIS) participants' housing preferences to inform state and local governments, housing authorities and developers, and drive innovation.
- b) reform of NDIS participant funding models, including Supported Independent Living, Specialist Disability Accommodation and Individualised Living Options to provide greater flexibility. In particular, this flexibility should ensure that administrative and pricing mechanisms do not favour group home living over other models of inclusive housing.
- c) development of clear and supportive transition pathways that provide access to advice, advocacy and support for people with disability to understand and explore their housing options, make decisions about transitioning to the housing of their choice, and receive support for that transition. This should include –
 - an individualised assessment of a person's housing needs and preferences, with the option for this to be regularly updated
 - an update of a person's NDIS plan to include specific support, including capacity building to support the decision to transition to more independent living
 - where a person is interested in changing housing, the development of an individual transition plan that identifies current available and emerging alternative housing options, beyond the offerings of their current provider
 - access to independent advocacy and an independent support coordinator to provide support for and facilitate the transition.
- d) prioritisation of the implementation of the NDIA Home and Living Framework, including –

- establishing explicit timeframes for its implementation that recognise the urgency of these reforms, in relation to realising the rights of people with disability under the Convention on the Rights of Persons with Disabilities
- continuing work with the disability community to identify key outcomes and measures, and developing a comprehensive monitoring and evaluation plan to measure and report on progress
- ensuring the chosen approaches address the key elements set out above in this recommendation, including –
 - providing a dedicated pathway for participants with a current or anticipated high need for home and living supports
 - ensuring participants taking this pathway have appropriate and timely support to explore and design individualised home and living solutions that work for them.

Response to Recommendation 7.42

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and state and territory governments support the development of a diverse range of inclusive housing options for people with disability.

All governments are committed to continuing to work together to further consider options to expand the availability of more inclusive and alternative models of housing for people with disability.

Approaches to specific reform and implementation to address the intent of this recommendation will be considered alongside relevant NDIS Review recommendations and actions.

Phasing out group homes (Recommendations 7.43 – 7.44)

Recommendation 7.43 – A roadmap to phase out group homes within 15 years

Commissioners Bennett, Galbally, Mason and McEwin recommend the Australian Government and state and territory governments develop and implement a comprehensive roadmap to phase out group homes within the next 15 years. This roadmap should address delivering inclusive housing supply to meet demand, transition support for people with disability, and implementation planning for phasing out group homes. It should include:

- a) delivery of inclusive housing supply to meet demand, by –
 - undertaking a comprehensive assessment of existing service demand (including people with disability who are currently living in group homes and current unmet needs) and projected service demand (forecasted demand for supported accommodation over the next 30 years)
 - assessing projected supply of alternative housing to inform planning for the transition of people out of group homes, including conducting a stocktake of existing disability housing assets that may be repurposed or used to increase the supply of inclusive housing
 - piloting alternative housing models with increased investment to roll out successful models in line with supply and demand modelling to meet future housing needs for people with disability (see also Recommendation 7.42)
- b) a review of the current Specialist Disability Accommodation (SDA) Pricing and Payments Framework to ensure it remains fit for purpose, focusing on ensuring that –
 - a data-driven approach is used to direct investment where it has the greatest benefit for participants and the National Disability Insurance Scheme (NDIS)
 - NDIS funding for specialist accommodation is directed to those participants with significant functional impairment or high support needs for whom specialised housing would deliver a measurable benefit
 - the needs of people with disability for affordable and accessible housing are prioritised by state and territory governments
 - prices are set to encourage development of best practice examples of SDA.
- c) transition support for people currently living in group homes, including through –
 - a transition pathway that provides access to advice, advocacy and support for people with disability to understand and explore their housing options, make decisions about transitioning to the housing of their choice, and receive support for that transition (see also Recommendation 7.42)

- interim improvements in group home oversight and practices to ensure that people with disability living in group homes are safe and have greater choice and control during this transition period (see also Recommendation 7.41)
 - grandfathering arrangements for those people who wish to stay in their group home, including consideration of additional financial support to maintain financially viable group home arrangements where necessary
- d) implementation planning undertaken through co-design with people with disability and the disability community, including –
- a specific timeframe for ceasing construction of any new group homes (within the next two years)
 - a specific timeframe for ceasing placement of new residents in group homes (within five years)
 - a specific timeframe for completing transition of those residents who wish to move from group homes to alternative housing options (within 15 years)
 - development of an outcomes-based evaluation framework, tool and processes to track short-, medium- and long-term outcomes across the roadmap, and build an understanding of emerging best practice.

Recommendation 7.44 – A roadmap to phase out group homes over a generational timeframe

Commissioner Ryan recommends the Australian Government and state and territory governments commit to phasing out group homes in stages. This commitment should include:

- a) immediate commitments to reduce the reliance on group homes, including –
- not approving new four- to six-bedroom group home models for Specialist Disability Accommodation
 - only allowing new National Disability Insurance Scheme participants to enter group home accommodation as a last resort
 - prioritising moving existing residents of group homes to move into smaller groups over time on request, subject to need
- b) development of a staged approach to phasing out group homes, including consideration of housing availability, transition logistics and financial impacts.
- Annual progress and outcomes should be reported to the Disability Reform Ministerial Council.

Response to Recommendations 7.43 and 7.44

Responsibility: **Australian, state and territory governments**

Joint Response: **Subject to further consideration**

The Australian Government and state and territory governments support the development of a diverse range of inclusive housing options for people with disability that support them to exercise choice and control over their living arrangements.

In January 2023, the NDIS Quality and Safeguards 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).

SDA is one of the supports that might be funded under the NDIS for some participants. SDA is a range of housing designed specifically for people with extreme functional impairment or very high needs.

The NDIA and states and territories have implemented a number of initiatives to support the phasing out of group homes enrolled as SDA (noting that not all people with disability residing in group homes receive SDA supports). For example, the NDIA no longer provides SDA payments for enrolled SDA properties with 11 or more residents and is progressively ceasing SDA payments for dwellings accommodating 6-10 residents. New Build SDA must only accommodate 5 or less residents to be enrolled with the NDIA.

All governments will consider this recommendation further alongside recommendations of the NDIS Review, including Recommendations 8 and 9 of the NDIS Review and their associated actions.

Disability awareness in OPCAT monitoring (Recommendation 8.2)

Recommendation 8.2 – Disability awareness in *OPCAT* monitoring

In implementing the *Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, the Australian Government, in consultation with the state and territory governments, should support the development of a human rights education and training strategy that includes disability awareness training for National Preventive Mechanisms (NPMs), detention authorities and their staff. NPMs should:

- engage with disability organisations about the needs of people with disability in places of detention
- obtain training and education for their staff on the types of disability and needs of people with disability in places of detention, including the impact of intersectional disadvantage
- obtain the views of people with disability in places of detention by directly engaging with them about their experiences in places of detention
- have effective mechanisms for obtaining the views of people with disability in places of detention.

Response to Recommendation 8.2

Responsibility: **Australian, state and territory governments**

Commonwealth, ACT, NT, TAS: **Accept in principle**

NSW, QLD, SA, VIC, WA: **Subject to further consideration**

The following response is provided by the Commonwealth, ACT, NT, SA, TAS and WA:

The Australian Government and state and territory governments are committed to continuing to consider and progress reform to better protect the human rights of people with disability in places of detention.

All governments continue to cooperatively and progressively work towards implementation of the *Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (OPCAT), including resolving ongoing funding arrangements.

The following response is provided by NSW, QLD and VIC:

All governments continue to cooperatively and progressively work towards implementation of OPCAT, subject to the resolution of sufficient and ongoing funding from the Commonwealth and the resolution of implementation issues, including the Commonwealth leading work in

consultation with states and territories to reach agreement on the definition and scope of places of detention.

Information for courts and legal practitioners (Recommendation 8.11)

Recommendation 8.11 – Information for courts and legal practitioners

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

Response to Recommendation 8.11

Responsibility: **Australian, state and territory governments**

Commonwealth, ACT, NSW, NT, QLD, SA, TAS, VIC: **Accept in principle**

WA: **Accept**

The Australian Government and state and territory governments are committed to ensuring that people with disability have equal access to justice, and will consider whether changes are required when updating guidance or other relevant information.

Implementation of the National Principles Relating to Persons Unfit to Plead or Not Guilty by Reason of Cognitive or Mental Health Impairment (Recommendation 8.12)

Recommendation 8.12 – Implementation of the *National Principles*

The Australian Government, together with state and territory governments, should review the National Statement of Principles Relating to Persons Unfit to Plead or Not Guilty by Reason of Cognitive or Mental Health Impairment (National Principles) through the Standing Council of Attorneys-General.

The National Principles should be revised to include the following:

- Indefinite detention is unacceptable and laws providing for it should be repealed.
- Where an order for detention is made, there should be a maximum term of detention nominated beyond which the person cannot be detained (a 'limiting term').
- The limiting term should not exceed the court's assessment of the sentence it would have imposed on the defendant had the person been found guilty of the offence in an ordinary trial of criminal proceedings.
- In hearings conducted to determine a person's fitness to stand trial or to plead, the court must consider whether it can modify the trial process or ensure assistance is provided to facilitate the defendant's understanding and effective participation in the proceedings. This includes any cultural or other trauma-informed supports a First Nations defendant may need to ensure the defendant can participate in a fair trial and understand the proceedings.

The Standing Council of Attorneys-General should agree to a timetable for implementation of reforms identified in the review of the *National Principles*.

The Commonwealth, states and territories should amend their legislation on fitness to stand trial to align with the revised *National Principles*.

The Australian Government, and state and territory governments, should build their capacity to provide step-down options, including medium and low secure and community-based accommodation options, for the placement of people in the forensic system to facilitate their progressive transition to less restrictive environments.

Response to Recommendation 8.12

Responsibility: **Australian, state and territory governments**

Commonwealth, ACT, NSW, NT, QLD, TAS, WA: **Accept in principle**

SA and VIC: **Subject to further consideration**

The Australian Government and state and territory governments have committed to review the National Principles, including aspects regarding indefinite detention and the availability of step-down accommodation. All governments recognise the rights of persons with cognitive or mental health impairment, noting these rights must be balanced against the need to prevent harm to others and uphold the rights of victims.

Data about people detained in forensic systems (Recommendation 8.13)

Recommendation 8.13 – Data about people detained in forensic systems

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

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

Response to Recommendation 8.13

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and state and territory governments support improving data collection relating to people found unfit to plead or not guilty by reason of cognitive or mental health impairment. Implementation is subject to relevant scoping work to assess existing frameworks and system capability, and personal privacy protections. This work will bolster the ability of governments to evaluate policy settings relating to people with cognitive or mental health impairments in the criminal justice system.

Recommendation 8.17 – NDIS Applied Principles and Tables of Support concerning the justice system

Through the Disability Reform Ministerial Council, the Australian Government and state and territory governments should:

- review the *National Disability Insurance Scheme (Supports for Participants) Rules 2013* (Cth) and the Applied Principles and Tables of Support (APTOS) and operational guidelines to align and provide clear parameters in determining which supports will be funded by the National Disability Insurance Scheme (NDIS) for participants involved in the criminal justice system
- resolve issues related to the interface between the NDIS and the criminal justice system, particularly the distinction between ‘criminogenic-related supports’ and ‘disability-related supports’
- where such issues cannot be resolved, agree on a mechanism for joint-funding of individual supports.

Proposed amendments to the *National Disability Insurance Scheme (Supports for Participants) Rules 2013* (Cth) and the APTOS should be agreed by National Cabinet.

Response to Recommendation 8.17

Responsibility: **Australian, state and territory governments**

Joint response: **Subject to further consideration**

The Australian Government and state and territory governments are committed to working together to clarify roles and responsibilities at the interface between the NDIS and justice services.

This recommendation requires consideration alongside relevant recommendations of the NDIS Review related to roles and responsibilities within the disability ecosystem.

Work over the past five years at the justice/NDIS interface has included the introduction of Justice Liaison Officers (JLOs); increasing awareness of the roles and responsibilities of the NDIS and justice systems; implementing formal information sharing arrangements; and strengthening relationships between the NDIS and Aboriginal and Torres Strait Islander justice settings.

Improving police responses to people with disability (Recommendation 8.20)

Recommendation 8.20 – Improving police responses to people with disability

The Australian Government and state and territory governments and police services should collaborate with people with disability in the co-design, implementation and evaluation of strategies to improve police responses to people with disability.

All police services should introduce adequate numbers of dedicated disability liaison officers.

The Australian Government and state and territory governments should introduce an alternative reporting pathway for people with disability to report crimes to police.

Response to Recommendation 8.20

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and state and territory governments are committed to improving police responses to people with disability and recognise the essential role of law enforcement in promoting and maintaining fundamental human rights.

All governments are committed to ensuring that police services are adequately equipped to engage with people with disability according to their needs. This can be achieved in multiple ways, including through the introduction of disability liaison officers or broader workforce capability uplift noting implementation must have regard to the unique needs and circumstances of each jurisdiction.

All governments acknowledge the benefits of working with people with disability to design, implement and evaluate strategies to improve police responses to people with disability in respective jurisdictions.

Ending violence against women and children with disability (Recommendation 8.23)

Recommendation 8.23 – Action plan to end violence against women and children with disability

The Australian Government and state and territory governments should develop a five-year Action Plan for Women and Children with Disability to accompany the National Plan to End Violence against Women and Children 2022–2032. The Action Plan should:

- be developed by and for women with disability
- prioritise cohorts at greatest risk of violence
- coordinate with other relevant plans and strategies, in particular the forthcoming Aboriginal and Torres Strait Islander Action Plan and Australia’s Disability Strategy 2021–2031.

The Action Plan should include comprehensive actions and investment to address violence experienced by women and children with disability across the focus areas of:

- prevention
- early intervention
- response
- recovery and healing.

Response to Recommendation 8.23

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

Through the *National Plan to End Violence against Women and Children 2022–2032* (National Plan), all governments agreed that the findings of the Disability Royal Commission would guide future work to end violence against women and girls with disability.

The Australian Government and state and territory governments are committed to ending violence against women and girls with disability and acknowledge more needs to be done to address the disproportionate rates of violence experienced, through responding to the drivers of violence and recognising the specific experiences of women with disability across the National Plan’s four domains of prevention, early intervention, response and recovery; and healing. The National Plan promotes actions across the domains that respond to the diversity of women and children, to ensure access to systems and services are accessible to individual needs.

On 16 August 2023, the Australian Government released the *First Action Plan 2023-2027* (Action Plan) to drive delivery of the shared commitment under the National Plan to end gender-based violence in a generation.

Development of the Action Plan drew on the extensive consultation undertaken with diverse stakeholder groups to inform the National Plan. These consultations listened to the diverse lived experiences of people from regional and remote areas, First Nations people, culturally and linguistically diverse communities, LGBTIQ+ people, people with disability, young people and older people.

The First Action Plan is the first 5-year action plan to drive the work needed to meet the objectives of the National Plan.

Rather than developing a new action plan targeted at women and children with disability, all governments are committed to applying a disability lens to the implementation of the 10 actions within the existing action plan, including ensuring that policy, program and service reform and change is responsive to the needs of women and girls with disability and that associated communication material and resources are accessible.

Disability-inclusive definition of family and domestic violence (Recommendation 8.24)

Recommendation 8.24 – Disability-inclusive definition of family and domestic violence

In working towards nationally consistent, inclusive definitions of gender-based violence under the National Plan to End Violence against Women and Children 2022–2032, states and territories should amend their legislative definitions of family and domestic violence to include:

- all relationships in which people with disability experience family and domestic violence, including but not limited to carer and support worker relationships
- disability-based violence and abuse
- all domestic settings, including but not limited to supported accommodation such as group homes, respite centres and boarding houses.

The *Family Law Act 1975* (Cth) and any relevant state and territory laws should also be amended consistently with this recommendation.

Response to Recommendation 8.24

Responsibility: **Australian, state and territory governments**

Commonwealth and VIC: **Accept in principle**

ACT, NSW, NT, QLD, SA, TAS, WA: **Subject to further consideration**

The Australian Government and state and territory governments recognise the importance of ensuring that definitions of family and domestic violence are appropriately broad to capture the unique circumstances, relationships, and living arrangements in which people with disability may experience family and domestic violence.

Through the Family, Domestic and Sexual Violence Working Group, under the Standing Council of Attorneys-General, all jurisdictions are committed to working together to improve the family law and family violence systems' response to family violence, which may include future consideration of disability-inclusive definitions.

While the governments of ACT, NSW, NT, QLD, SA, TAS and WA are supportive of disability-inclusive definitions of family and domestic violence, there are a range of challenges with progressing a nationally consistent definition. Jurisdictions are committed to working through these in the context of the work being progressed through the Family, Domestic and Sexual Violence Working Group

First Nations Disability Forum (Recommendation 9.10)

Recommendation 9.10 – First Nations Disability Forum

The Australian Government and state and territory governments should support the establishment of a First Nations Disability Forum to lead further development and implementation of the Disability Sector Strengthening Plan (DSSP) by the end of March 2024. The Forum should consist of representatives of:

- First Peoples Disability Network
- First Nations Community Controlled Organisations
- both Aboriginal and Torres Strait Islander peak bodies
- First Nations people with disability.

The Forum should be supported by a First Nations disability investment fund, with the purpose of:

- supporting the operation of, and participation in, the Forum
- implementing the DSSP
- developing the First Nations Disability Workforce.

The Forum should have the capacity to direct funding under the DSSP to:

- enable First Nations people with disability to provide advice and guidance from their lived experience to the Forum
- enable community-controlled organisations to develop their capacity to design and deliver disability-specific services and supports
- enable community-controlled organisations to work with other organisations to drive national leadership in disability policy and services reform
- enable community-controlled organisations to deliver on specific priority areas as identified in the DSSP
- enable the participation of community-controlled organisations not engaged in the Coalition of Aboriginal Peaks process
- support First Nations community-based organisations across the health, criminal justice and early childhood sectors to improve workforce disability competency to ensure First Nations people with disability receive appropriate disability support
- take into consideration the recommendations of the Royal Commission.

The Forum should develop and implement a strategy, supported by the First Nations disability investment fund, to build disability-specific expertise into First Nations Community Controlled Organisations.

Response to Recommendation 9.10

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and state and territory governments recognise the value of shared decision-making mechanisms and formal partnerships in line with Priority Reform One under the National Agreement on Closing the Gap.

All governments will work in partnership with First Nations people with disability, their families, carers and representatives, the Joint Council on Closing the Gap, peak bodies, and other key stakeholders through 2024 to develop options for the establishment of a First Nations Disability Forum or other appropriate shared decision-making mechanism for the cross-cutting outcome of disability under Closing the Gap.

Building on the Disability Sector Strengthening Plan (Recommendation 9.11)

Recommendation 9.11 – Building on the Disability Sector Strengthening Plan

Parties to the National Agreement on Closing the Gap should commit to releasing a revised Disability Sector Strengthening Plan (DSSP) in partnership with the First Nations Disability Forum by the end September of 2024. The revised DSSP should have:

- agreed priority areas, determined through consultation with the community-controlled sector under the guidance of First People’s Disability Network
- a commitment to future funding and longer timeframes
- agreed timeframes for delivering actions and achieving outcomes
- annual reporting requirements for government parties to the National Agreement on Closing the Gap

Response to Recommendation 9.11

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

As a first step towards progressing this recommendation, governments have committed to work with the First Peoples Disability Network through 2024 to strengthen implementation of the current Disability Sector Strengthening Plan to enable improved outcomes against existing actions. The proposed shared decision-making mechanism in respect of disability (see Recommendation 9.10) would also support the response to this recommendation.

Remote workforce development (Recommendation 9.13)

Recommendation 9.13 – Remote workforce development

The First Nations Disability Forum and parties to the Disability Sector Strengthening Plan (DSSP) should collaborate to develop a strategy to develop First Nations local workforces in remote communities. The strategy should consider:

- funding for community-level assessments to determine:
 - existing infrastructure and resources
 - the capacity and willingness of the First Nations community-controlled sector to support local workforce development
 - the level of demand within the community
- that allocation of funding for local workforce development should include funding to build the capacity of family members to provide care
- the strategy should be co-developed and co-implemented with First Nations Community Controlled Organisations, noting their capacity, expertise and willingness to be involved. The involvement of First Nations Community Controlled Organisations must be adequately supported and funded.

Response to Recommendation 9.13

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and state and territory governments support in principle the development of a strategy to develop First Nations local workforces in remote communities that is co-developed and co-implemented with First Nations Community Controlled Organisations. First Nations communities will play a key role in the flexible design and delivery of supports and services to First Nations people with disability and people living in remote areas.

Embedding human rights in disability services (Recommendation 10.1)

Recommendation 10.1 – Embedding human rights

The NDIS Quality and Safeguards Commission (NDIS Commission) should commission a capacity-building program to support disability service providers to embed human rights in the design and delivery of their services. The program should be co-designed with people with disability, disabled people’s organisations, disability representative organisations including member-led First Nations Community Controlled Organisations, and peak bodies.

The program should:

- develop opportunities for dialogue between providers and people with disability to address challenges and share promising practices
- develop tools, resources and training packages that reflect the diversity of people with disability and disability service providers across Australia
- focus on practical, implementable strategies that lead to better outcomes for people with disability
- be grounded in the principles of the *Convention on the Rights of Persons with Disabilities*, and reflect our findings, the NDIS Review, and the NDIS Commission’s own motion inquiries and recent Safeguarding Policy Implementation Plan
- enable providers to prepare for, or demonstrate compliance with, current and future legislative and registration requirements associated with the rights of people with disability. This includes responsibilities under the *Disability Discrimination Act 1992* (Cth) and the Disability Rights Act (if enacted).

The National Disability Insurance Agency, and state and territory governments involved in providing, regulating or conducting oversight of disability services not funded under the National Disability Insurance Scheme, should actively participate in all stages of the program.

The program should begin by 1 July 2025.

Response to Recommendation 10.1

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and state and territory governments support the development of a capacity-building program to support disability service providers to embed human rights in the design and delivery of their services.

The NDIS Commission will work with people with disability, providers, workers and states and territories to develop the program, which will build on the NDIS Commission's existing suite of practical human rights capacity-building products and training for NDIS providers and workers that were developed with people with disability.

Independent support coordination (Recommendation 10.2)

Recommendation 10.2 – Independent support coordination

To address potential conflicts of interest, the Minister for the National Disability Insurance Scheme (NDIS) should, in consultation with states and territories, create or amend an NDIS Rule to make clear that it is not appropriate for a provider of support coordination to be the provider of any other funded supports in an NDIS participant's plan.

Exceptions to the Rule should be developed in consultation with people with disability, disabled people's organisations, disability representative organisations including member-led First Nations Community Controlled Organisations, and peak bodies.

Exceptions may include situations where there are limited alternative service options for NDIS participants due to thin disability service markets, or where there are limited culturally appropriate or specialised services available.

Response to Recommendation 10.2

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and state and territory governments are committed to improving safeguards for people with disability in the provision of disability support services, including greater controls around conflicts of interest.

Governments will work together with people with disability, their families, carers, representative organisations, First Nations Community Controlled Organisations and peak bodies to consider the most appropriate approach to preventing conflicts of interest in support coordination. This will include consideration of the potential need for exceptions in limited circumstances.

Provider of last resort (Recommendation 10.10)

Recommendation 10.10 – Provider of last resort

The Australian Government should urgently engage with state and territory governments about funding and arrangements for a provider of last resort scheme. It should also consult with people with disability, disabled people's organisations, disability representative organisations including member-led First Nations Community Controlled Organisations, and peak bodies about how such a scheme could operate.

The scheme should be designed to address:

- failed or thin markets, particularly for First Nations people with disability in remote or very remote areas, and consider the use of block funding to guarantee service provision in those communities
- access to services for:
 - people in crisis situations
 - people at risk of losing their accommodation and disability services
 - people whose needs cannot be adequately met by existing services
- access to case management for people with disability at heightened risk of violence, abuse, neglect or exploitation
- clarity about which agency has the lead coordinating role.

The Australian Government should put forward a proposal for discussion to the Disability Reform Ministers Council in 2024.

Response to Recommendation 10.10

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and state and territory governments acknowledge that there are gaps when an NDIS provider or the NDIS market fails which can prevent a person with disability in certain areas or with certain needs from accessing the supports and services they need, when they need them.

A provider of last resort scheme could be one mechanism to address failed and critically thin markets, particularly for First Nations people in remote communities, as well as regional and remote communities more broadly, and participants with complex needs. It could also be a mechanism to support people in crisis situations, such as those at risk of losing their accommodation, or access to disability supports.

All governments support the policy intent of this recommendation and are committed to working together through the Disability Reform Ministerial Council to consider reform options alongside Recommendation 13 and Action 13.4 of the NDIS Review, in consultation with

people with disability, their families, carers, representative organisations, First Nations Community Controlled Organisations, peak bodies, and other key stakeholders.

Class or kind determinations (Recommendation 10.12)

Recommendation 10.12 – Introduction of class or kind determinations

The Minister for the National Disability Insurance Scheme should, in consultation with states and territories, amend the *National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018* (Cth) to:

- a) introduce 'class or kind' determinations exempting certain registered providers from notifying less serious types or categories of reportable incidents where they have demonstrated a satisfactory level of competence in managing and investigating incidents.
- b) enable the NDIS Quality and Safeguards Commission to conduct audits to assess compliance with class or kind determinations.

Response to Recommendation 10.12

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and state and territory governments support in principle the NDIS Quality and Safeguards Commission (NDIS Commission) having access to 'class or kind' determinations to enable it to effectively manage the volume of reportable incidents it receives.

The NDIS Commission will work with people with disability and the NDIS sector to determine an approach to 'class or kind' determinations where a satisfactory level of competence in managing and investigating incidents has been demonstrated by providers. Strategies for assessing compliance by the NDIS Commission will be included in considerations.

The NDIS Commissioner is able to amend the *National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018* (Cth) in consultation with states and territories.

In addition, the Australian Government has established the NDIS Provider and Worker Registration Taskforce to provide advice on the design and implementation of the new graduated risk-proportionate regulatory model proposed in the NDIS Review Final Report. The Taskforce will provide a report with advice and recommendations to Government in mid-2024. Final decisions on the registration model may have implications for the response to this recommendation.

Complaint handling and investigative practice guideline (Recommendation 10.15)

Recommendation 10.15 – Complaint handling and investigative practice guideline

- a) The NDIS Quality and Safeguards Commissioner should issue a guideline, by notifiable instrument, addressing accessible and responsive complaint handling and investigative practice. The guideline should:
- outline the core components of an accessible and responsive complaint handling and investigative practice involving people with disability, consistent with Recommendation 11.5
 - be co-designed by people with disability and their representative organisations and involve consultation with National Disability Insurance Scheme (NDIS) provider representatives.
- b) The Minister for the NDIS should, in consultation with states and territories, amend the *National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018* (Cth) and *National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018* (Cth) to include recognition of, and a requirement for compliance with, the guideline.

Response to Recommendation 10.15

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and state and territory governments recognise and support the importance of having an accessible and responsive complaints handling system to uphold the rights of people with disability in complaints and incident investigation processes associated with NDIS providers.

The NDIS Quality and Safeguards Commission will work with states and territories to develop and issue a guideline, co-designed with people with disability, outlining the core components of an accessible and responsible complaints handling and investigative practice involving people with disability.

Requirement to consider redress (Recommendation 10.16)

Recommendation 10.16 – Requirement to consider redress

- a) The Minister for the National Disability Insurance Scheme (NDIS) should, in consultation with states and territories, amend the *National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018* (Cth) and *National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018* (Cth) to include a requirement for NDIS providers to consider redress and forms of support to an NDIS participant where the NDIS Quality and Safeguards Commission (NDIS Commission) forms the view that the service provider bears responsibility for the violence, abuse, neglect or exploitation experienced by the NDIS participant.
- b) The NDIS Commission should:
- provide practical advice on suitable forms of redress when making the guideline on accessible and responsive complaint handling and investigative practice (see Recommendation 10.15)
 - consider whether it has power to incorporate in enforceable undertakings a requirement that service providers afford redress to NDIS participants in appropriate cases. If not, it should seek the necessary powers and be prepared to use them where appropriate.

Response to Recommendation 10.16

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and state and territory governments acknowledge the Disability Royal Commission's findings that NDIS providers have failed to provide a written apology or discuss any form of redress when people with disability, for whom they were responsible, experienced violence, abuse, neglect or exploitation.

The NDIS Commission will work with states and territories, people with disability, NDIS providers and other key stakeholders to investigate the practical application of this recommendation, including consideration of legal and regulatory implications.

Requirement to consider certain complaints (Recommendation 10.19)

Recommendation 10.19 – Requirement to investigate certain complaints

The Minister for the National Disability Insurance Scheme should, in consultation with states and territories, amend *the National Disability Insurance Scheme (Complaints Management and Resolution) Rules 2018* (Cth) to empower the NDIS Quality and Safeguards Commission to require a provider to carry out an investigation into a complaint and report on its contact with the complainant and its findings.

Response to Recommendation 10.19

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and state and territory governments agree *NDIS Rules* should enable the NDIS Commission to require a provider to carry out an investigation into a complaint and report on its contact with the complainant and findings.

The NDIS Commission will work with states and territories, people with disability, and the broader NDIS sector to identify and implement required *NDIS Rules* changes.

Registration and audit process (Recommendation 10.21)

Recommendation 10.21 – Registration and audit process

- a) To enhance the registration process, the NDIS Quality and Safeguards Commission (NDIS Commission) should:
- develop and implement a framework for sharing relevant information with quality auditors
 - conduct a comprehensive review of the provider registration process focused on:
 - simplifying the process for smaller providers seeking to renew their registration
 - improving the NDIS Commission’s operating system (COS) portal and online application forms used to submit registration applications
 - removing any duplication of requirements for cohorts of practitioners or organisations working within multiple schemes and for recognising other forms of accreditation
 - identifying areas where there are workforce shortages or ‘thin provider markets’, and encouraging the use of easier and more cost-effective certification audit processes in these areas
 - assessing whether the number of approved quality auditors accredited for remote auditing and assessment should be increased
 - collect and publish de-identified data about quality audit outcomes to inform best practice
 - alert quality auditors to known systemic issues across the NDIS provider market.
- b) The Minister for the National Disability Insurance Scheme should, in consultation with states and territories, amend the *National Disability Insurance Scheme (Protection and Disclosure of Information—Commissioner) Rules 2018* (Cth) to clarify the NDIS Commission is able to share relevant information with quality auditors.

Response to Recommendation 10.21

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and state and territory governments support reform to the registration and audit process to enable a strengthened but risk-proportionate approach to regulating and monitoring the quality and safety of services delivered by NDIS providers.

On 12 February 2024, the Minister for the NDIS announced the establishment of the NDIS Provider and Worker Registration Taskforce, to provide advice on the design and implementation of a new graduated risk-proportionate regulatory model for all providers and workers in consultation with the disability community. The Taskforce will report in 2024.

All governments also support appropriate changes to clarify that the NDIS Commission is able to share relevant information with quality auditors and will consider appropriate rule or guideline changes following receipt of the Taskforce's report.

Approaches to implementing this recommendation are being considered alongside Recommendation 17 of the NDIS Review to develop and deliver a risk-proportionate model for the visibility and regulation of all providers and workers, and to strengthen the regulatory response to long-standing and emerging quality and safeguards issues.

Strengthened regulatory requirements (Recommendation 10.22)

Recommendation 10.22 – Strengthen regulatory requirements

- a) The Minister for the National Disability Insurance Scheme should, in consultation with states and territories, amend the Core Module of *the National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018* (Cth) to issue further standards that address complaint handling and incident management.
- b) The NDIS Quality and Safeguards Commissioner should amend the Core Module of the *National Disability Insurance Scheme (Quality Indicators for NDIS Practice Standards) Guidelines 2018* (Cth) to strengthen the requirements relating to complaints and incidents (see Table 10.10.2), accountable governance (see Table 10.10.3), and worker capacity and training (see Table 10.10.4).

Response to Recommendation 10.22

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and state and territory governments support strengthening complaint handling and incident management requirements to better protect people with disability.

The NDIS Commission will commence a review of the NDIS Practice Standards, which form part of the *National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018* in consultation with people with disability, NDIS providers and states and territories in 2024. The outcomes of the review will inform the issuing of further standards that address complaint handling and incident management.

Expand NDIS Commission data and reporting publication (Recommendation 10.26)

Recommendation 10.26 – Expand data reporting and publication

- a) In addition to data currently published, the NDIS Quality and Safeguards Commission should publish in quarterly activity reports and annual reports:
- 'disaggregated data' relating to complaints, reportable incidents and behaviour support, having regard to suggested data in Table 10.13.1
 - a comprehensive analysis of data trends, identifying systemic issues relating to the quality and safety of National Disability Insurance Scheme (NDIS) supports and services
 - 'operational performance data' relating to complaints, reportable incidents, compliance and enforcement, having regard to the suggestions in Table 10.13.2.
- b) The Minister for the NDIS should, in consultation with states and territories, amend the reporting requirements in the *National Disability Insurance Scheme (Incident Management and Reportable Incidents) Rules 2018* (Cth) to enable provider investigation outcome data to be collected on a routine basis from NDIS providers.

Response to Recommendation 10.26

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and state and territory governments recognise the value and importance of data in proactively identifying issues, monitoring trends, improving collaboration and responses between relevant regulatory bodies, and better safeguarding people with disability from violence, abuse, neglect and exploitation.

The NDIS Commission will work with people with disability, their representatives, and NDIS service providers to identify potential approaches to the collection of provider investigation outcome data on a routine basis from NDIS providers and publication. Changes to NDIS systems and development of provider guidance will be required to support this recommendation.

Information sharing between prescribed bodies (Recommendation 10.28)

Recommendation 10.28 – Information sharing between prescribed bodies

- a) The Minister for the National Disability Insurance Scheme (NDIS) should, in consultation with states and territories, amend the *National Disability Insurance Scheme (Protection and Disclosure of Information—Commissioner) Rules 2018* (Cth) to include safeguarding bodies with the type of functions described in Table 10.13.3 as 'prescribed bodies' for the purposes of section 67A(1)(db) of the *National Disability Insurance Scheme Act 2013* (Cth).
- b) States and territories should introduce legislative and administrative arrangements that would allow prescribed bodies in each jurisdiction to exchange risk-related information with the NDIS Quality and Safeguards Commission, where the exchange of information will promote the safety of NDIS participants who may be at risk of experiencing violence, abuse, neglect or exploitation.

Response to Recommendation 10.28

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and state and territory governments support increased and robust risk-related information sharing between safeguarding bodies in each state and territory and the NDIS Commission to facilitate the harmonious and effective oversight of services provided to people with disability.

All governments are committed to considering relevant rule or legislative changes to ensure safeguarding bodies in each jurisdiction can exchange risk-related information with the NDIS Commission. A key aspect of implementation of any legislative changes for this recommendation will be protecting personal and private information.

Worker screening (Recommendations 10.31 – 10.33)

Recommendation 10.31 – Continuous monitoring of criminal charges

The Australian Government and state and territory governments should amend the Intergovernmental Agreement on Nationally Consistent Worker Screening for the National Disability Insurance Scheme to clarify the role of the Australian Federal Police (or other national bodies) in monitoring new charges relating to disability support workers who hold a clearance, and sharing information with state and territory worker screening units.

Recommendation 10.32 – Operational framework to guide worker screening

The NDIS Quality and Safeguards Commission (NDIS Commission) should, in consultation with state and territory worker screening units, develop an operational framework to guide the efficient and effective provision of information to worker screening units to inform their assessments. In doing so, it should establish criteria to inform the provision of initial monitoring advice to screening bodies to promote consistency and help better inform initial screening actions. Such advice could include:

- date of the incident
- duration of alleged conduct (if applicable)
- description, nature and circumstances of the matter
- whether the police are involved (noting that the screening unit will only be alerted via the monitoring system at the point at which charges are laid)
- critical information relating to the available evidence (for example, an investigation report from an employer)
- relevant information relating to the NDIS Commission's oversight of the matter (for example, whether the matter is open, closed, substantiated or not and whether further outcomes are pending).

Recommendation 10.33 – Review information sharing arrangements

As part of the National Disability Insurance Scheme worker screening review, the Australian Government, and state and territory governments, should consider the adequacy of information sharing arrangements with regard to:

- a) the ability of worker screening units to obtain relevant risk-related information from bodies outside of their operating jurisdiction to inform their assessments
- b) the ability of the NDIS Quality and Safeguards Commission and worker screening units to obtain and share relevant risk-related information (such as misconduct and disciplinary investigation outcomes) held by other safeguarding and complaint handling bodies to inform worker screening decisions.

Response to Recommendations 10.31 to 10.33

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and state and territory governments are committed to protecting the safety of people with disability, including through strong workforce screening processes.

All governments will work together to consider options to clarify the role of the Australian Federal Police and other national bodies in monitoring new charges related to NDIS workers and sharing information with state and territory worker screening units.

The *National Disability Insurance Scheme Act 2013* allows the NDIS Commission to disclose protected NDIS Commission information to worker screening units for the purposes of carrying out an NDIS worker screening check.

All governments are committed to working together to review the adequacy of information sharing arrangements. The NDIS Commission and state and territory Worker Screening Units will also continue working closely together to improve content and practice elements of reciprocal information sharing processes.

The Australian Government is also taking steps, in consultation with states and territories, to pilot a process for national continuous monitoring of criminal charges and a move towards a nationally consistent worker screening model across the care and support economy.

Adult safeguarding (Recommendations 11.1 – 11.2)

Recommendation 11.1 – Nationally consistent adult safeguarding functions

States and territories should each:

- a) introduce legislation to establish nationally consistent adult safeguarding functions, including:
 - definitions of ‘adult with disability’, ‘violence’, ‘abuse’, ‘neglect’, and ‘exploitation’
 - at a minimum, the principles, functions and powers outlined in Table 11.1.1
 - data collection and public reporting, including demographic data (for example, relating to First Nations, culturally and linguistically diverse, and LGBTIQ+ people with disability)
 - a mechanism to review the legislation after a reasonable period to examine its efficacy
- b) ensure adult safeguarding functions are operated by adequately resourced independent statutory bodies
- c) develop a National Adult Safeguarding Framework led by the appointed adult safeguarding bodies
- d) consider whether to co-locate the adult safeguarding function with the ‘one-stop shop’ independent complaint reporting, referral and support mechanism (see Recommendation 11.3).

Recommendation 11.2 – An integrated national adult safeguarding framework

The Australian Government should incorporate the National Adult Safeguarding Framework proposed in Recommendation 11.1 into the Safety Targeted Action Plan within Australia’s Disability Strategy or another suitable authorising document.

Response to Recommendation 11.1 and 11.2

Responsibility: **Australian, state and territory governments**

Joint response: **Subject to further consideration**

The Australian Government and state and territory governments support a strong, connected safeguarding system to reduce the risk of harm to people with disability and will work together through the Disability Reform Ministerial Council to consider reform options to develop a nationally consistent and a unified approach.

As a first step, 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.

Complaints pathways (Recommendation 11.4)

Recommendation 11.4 – Creating accessible complaints pathways

The Australian Government should work with states and territories to establish a national 1800 number, website and other accessible reporting tools to direct people to the independent complaint and referral mechanism in their state or territory.

Response to Recommendation 11.4

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and state and territory governments are committed to working together to embed more accessible and integrated complaints reporting pathways.

All governments will work together through the Disability Reform Ministerial Council to consider a coordinated approach to this reform.

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 recommendation 11.3 and complementary approaches to ensuring people with disability can access help when they need it most.

Complaint handling (Recommendation 11.5)

Recommendation 11.5 – Complaint handling and investigative practice guidelines

The Commonwealth Ombudsman should lead a co-design process with the NDIS Quality and Safeguards Commission, state and territory ombudsmen and other bodies with complaint handling and investigation expertise, to develop guidelines for organisations on implementing complaint handling systems that are accessible and responsive to people with disability. The guidelines should reflect the ten core components:

- creating a rights-focused complaints culture
- encouraging people with disability and others to speak up • making adjustments to enable participation
- supporting the person with disability, their family and others in complaint processes
- respecting complexity, diversity and cultural difference
- providing clear information about how to complain and multiple pathways to complain
- working respectfully and effectively alongside police
- conducting safe and inclusive investigations that are trauma-informed • providing tailored outcomes and redress
- using complaints data to drive continuous improvement in service provision and complaint handling.

Response to Recommendation 11.5

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and state and territory governments support the development of guidelines for organisations on implementing complaint handling systems that are accessible and responsive to people with disability.

Governments are committed to supporting organisations to ensure complaints processes are accessible, culturally safe, user friendly and more streamlined to ensure instances of violence, abuse, neglect and exploitation are reported and responded to.

Governments will work together to consider appropriate approaches and timeframes to implementing this recommendation and the related recommendations 10.15 and 10.16.

OPCAT resourcing and wider definition of place of detention (Recommendation 11.7)

Recommendation 11.7 – Resourcing and wider definition of places of detention

The Australian Government and state and territory governments should:

- a) agree to provide resources to enable National Preventive Mechanism bodies in all jurisdictions to fulfil the *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment's* core functions, including the 'preventive package'
- b) enact legislation incorporating a broader definition of 'places of detention' to enable all places where people with disability may be deprived of their liberty to be monitored by National Preventive Mechanism bodies.

Response to Recommendation 11.7

Responsibility: **Australian, state and territory governments**

Commonwealth, ACT, NT, TAS: **Accept in principle**

NSW, QLD, SA, VIC, WA: **Subject to further consideration**

The following response is provided by the Commonwealth, ACT, NT, SA, TAS and WA:

The Australian Government and state and territory governments recognise the importance of ensuring National Preventive Mechanisms in all jurisdictions are enabled to fulfil their core functions with respect to all places of detention, and will continue to work to resolve funding arrangements.

National Preventive Mechanisms have been nominated in the Commonwealth, the Australian Capital Territory, Northern Territory, South Australia, Tasmania and Western Australia. Legislation in the Commonwealth, Tasmania and the Northern Territory already enable National Preventive Mechanisms access to places of detention covered by the *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (OPCAT), noting Northern Territory legislation has not yet commenced, and with legislation introduced in the ACT on 16 May 2024.

The following response is provided by NSW, QLD and VIC:

All governments continue to cooperatively and progressively work towards implementation of OPCAT, subject to the resolution of sufficient and ongoing funding from the Commonwealth and the resolution of implementation issues, including the Commonwealth leading work in

consultation with States and Territories to reach agreement on the definition and scope of places of detention.

Disability inclusive approach to implementing OPCAT (Recommendation 11.11)

Recommendation 11.11 – Disability inclusive approach to implementing *OPCAT*

National Preventive Mechanism (NPM) bodies in all Australian jurisdictions should implement their functions in a disability-inclusive way by

- enabling people with disability in places of detention to share information and experiences with the NPM using a variety of communication forms
- ensuring staff participate in ongoing education and training about the *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, human rights and issues affecting people with disability in places of detention
- ensuring staff conducting NPM inspections have the skills and experience to provide reasonable adjustments, communication supports and supported decision-making to people with disability when required
- involving people with disability in the inspection of places of detention
- collecting and publishing data about people with disability in places of detention, aligned with disability inspection standards.

Response to Recommendation 11.11

Responsibility: **Australian, state and territory governments**

Commonwealth, ACT, NT, TAS: **Accept in principle**

NSW, QLD, SA, VIC, WA: **Subject to further consideration**

The following response is provided by the Commonwealth, ACT, NT, SA, TAS and WA:

The Australian Government and state and territory governments will continue to work together collaboratively to ensure National Preventive Mechanisms are appropriately supported and funded to implement their functions in a disability-inclusive way.

National Preventive Mechanisms have been nominated in the Commonwealth, the Australian Capital Territory, Northern Territory, South Australia, Tasmania and Western Australia. The Tasmanian National Preventive Mechanisms 2024 the *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (OPCAT) symposium, open to all people including nominated National Preventive Mechanisms, comprehensively considered a disability inclusive approach to implementing OPCAT.

The following response is provided by NSW, QLD and VIC:

All governments continue to cooperatively and progressively work towards implementation of OPCAT, subject to the resolution of sufficient and ongoing funding from the Commonwealth and the resolution of implementation issues, including the Commonwealth leading work in consultation with States and Territories to reach agreement on the definition and scope of places of detention.

Community visitor schemes (Recommendations 11.12 – 11.13)

Recommendation 11.12 – Nationally consistent community visitor scheme

States and territories should:

- a) urgently implement community visitor schemes (CVS) for people with disability, if they have not done so already
- b) ensure CVS are resourced to conduct frequent visits to individuals who may be at elevated risk of abuse or harm
- c) agree to make CVS nationally consistent regarding people with disability, including in relation to:
 - the scope of schemes (who community visitors should visit)
 - powers to visit people with disability, inspect records and provide information to other relevant bodies
 - common monitoring standards
 - the type of data that CVS should capture and report on
- d) as a priority, define the scope of CVS with reference to:
 - 'visitable services'
 - mechanisms for identifying factors that may place a person with disability at increased risk of violence, abuse, neglect or exploitation
- e) ensure CVS legislation enables relevant information to be shared between CVS, the NDIS Quality and Safeguards Commission and the National Disability Insurance Agency.

Recommendation 11.13 – Integration of community visitor schemes with the NDIS

- a) The Commonwealth should amend *the National Disability Insurance Scheme Act 2013* (Cth) to formally recognise community visitor schemes (CVS) as a safeguard for people with disability and provide the authorising environment for information-sharing between the NDIS Quality and Safeguards Commission (NDIS Commission) and CVS.
- b) The Australian Government should:
 - enter into a national agreement with states and territories that commits CVS and the NDIS Commission to:
 - sharing relevant information to effectively exercise their respective functions
 - developing common standards for guiding the work of CVS relating to people with disability.

- update the NDIS Quality and Safeguarding Framework to formally recognise the important safeguarding role played by CVS.

Response to Recommendations 11.12 and 11.13

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and state and territory governments recognise the important role that community visitors scheme (CVS) can have in promoting and protecting the rights and wellbeing of people with disability.

Having a nationally consistent approach will provide the foundations for the expected level of care, oversight and monitoring the community can receive from disability community visitors.

All governments support the intent of a nationally consistent approach to CVS and will work together to consider the best approach to ensuring people with disability have access to CVS as a safeguarding mechanism.

Disability death reviews (Recommendation 11.16)

Recommendation 11.16 – National agreement on disability death reviews

The Australian Government and state and territory governments should enter into a national agreement that:

- a) reflects the functions, powers and definitions outlined in recommendations 11.14 and 11.15
- b) defines the respective roles of state and territory death review schemes and the NDIS Quality and Safeguards Commission (NDIS Commission) in relation to the deaths of people with disability
- c) articulates the relationship between the functions of the disability death review schemes and the NDIS Commission and ensures the appropriate operational processes are in place to facilitate this
- d) provides for information sharing between the death review schemes and the NDIS Commission
- e) commits to nationally consistent disability death data collection and reporting requirements, and the inclusion of disability death data within the proposed National Disability Data Asset.

Response to Recommendation 11.16

Responsibility: **Australian, state and territory governments**

Joint response: **Subject to further consideration**

The Australian Government and state and territory governments recognise the importance of systemic reviews of the deaths of people with disability in understanding and addressing factors that contribute to the disproportionate rates of deaths and potentially avoidable deaths of people with disability.

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

Reportable incidents (Recommendation 11.18)

Recommendation 11.18 – Dual oversight of reportable conduct and incidents

State and territory reportable conduct scheme operators and the NDIS Quality and Safeguards Commission should:

- a) jointly develop guiding principles to support the efficient and effective handling of reportable incidents that are also allegations of reportable conduct
- b) develop broadly consistent guidance material to assist organisations to better understand key issues relevant to notifying, managing and investigating allegations of reportable conduct and incidents involving children with disability.

Response to Recommendation 11.18

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and state and territory governments agree on the fundamental importance of robust oversight of reportable conduct schemes that provide clear reporting pathways to help prevent and respond to allegations of abuse against all children, including children with disability.

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

Australian, state and territory responses to the Disability Royal Commission's Final Report (Recommendation 12.1)

Recommendation 12.1 – Government responses to the Final Report

The Australian Government and state and territory governments should each publish a written response to the Royal Commission's *Final report* by 31 March 2024. Their responses should indicate whether the recommendations are accepted, rejected or subject to further consideration. They should include a plan for how the accepted recommendations will be implemented, the reasons for rejecting any recommendations, and a timeframe for any further consideration required.

The Australian Government and state and territory governments should table their responses in their respective parliaments and legislative assemblies.

Response to Recommendation 12.1

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and state and territory governments support the transparent publication of responses to Disability Royal Commission recommendations.

On 5 March 2024, the Australian Government and state and territory governments, except Tasmania due to being in caretaker, released a joint statement committing to responding to joint Disability Royal Commission recommendations by mid-2024. A joint response has been released, fulfilling this commitment.

Implementation of the Disability Royal Commission's recommendations (Recommendation 12.2)

Recommendation 12.2 – Implementation of recommendations

The Disability Reform Ministerial Council should oversee the implementation of the Royal Commission's recommendations across the Australian Government and state and territory governments.

The Australian Government and each state and territory government should report to the Disability Reform Ministerial Council every six months. Their reports should detail the implementation status of each recommendation and raise any issues and risks.

In its 2024 report to National Cabinet, the Disability Reform Ministerial Council should identify the implementation of the Royal Commission's recommendations as one of its priorities and include it in its workplan.

Response to Recommendation 12.2

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and state and territory governments support the Disability Reform Ministerial Council (DRMC) having responsibility for monitoring and overseeing the implementation of Disability Royal Commission recommendations.

Disability Ministers have identified the development of responses to the Disability Royal Commission as a priority focus and have agreed to include consideration of reform in response to the Disability Royal Commission as a standing agenda item for all DRMC meetings in 2024.

The issues raised in the Disability Royal Commission's Final Report, and change required, traverse the responsibilities of several portfolios and Ministerial Councils, and require a significant and sustained national effort from all governments and all parts of our community.

DRMC will report annually to National Cabinet on the implementation of Disability Royal Commission recommendations, with input from other Ministerial Councils on progress made on recommendations within their responsibility.

Disability Ministers have also agreed to a reporting and monitoring framework to support ongoing and transparent updates on progress of implementation of recommendations.

Progress reporting on implementation of Disability Royal Commission recommendations (Recommendation 12.3)

Recommendation 12.3 – Progress reporting on implementation of recommendations

Commencing in 2025, the National Disability Commission should table an annual report in the Australian Parliament reporting on the progress of the Australian Government and state and territory governments in implementing the recommendations of the Royal Commission.

The report should compare progress across jurisdictions.

(For details of the National Disability Commission, see Volume 5, Governing for inclusion, Recommendation 5.5.)

Response to Recommendation 12.3

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and state and territory governments will consider appropriate independent reporting arrangements on implementation of Disability Royal Commission recommendations. Disability Ministers will consider possible arrangements and mechanisms for agreement and publication in 2024.

Data improvements (Recommendations 12.5 – 12.7)

Recommendation 12.5 – A nationally consistent approach to data collection

The Australian Government and state and territory governments, through the Disability Reform Ministerial Council, should address the lack of consistent disability data by developing a nationally consistent approach to collecting disability information.

By December 2024, the Australian Government and state and territory governments should agree to a core set of questions to identify disability status to be used across all mainstream services and population surveys. This should be led by the Australian Bureau of Statistics and the Australian Institute for Health and Welfare. The questions should be co-designed with people with disability and their representative organisations, and with First Nations subject matter experts.

Recommendation 12.6 – Disability flags in data collection for mainstream services

The Australian Government and state and territory governments, through the Disability Reform Ministerial Council, should address the lack of available disability data by implementing disability flags in data collections for key mainstream services.

By June 2025, the Australian Government and state and territory governments should publish an implementation plan outlining how the core set of questions will be integrated into data collections of priority mainstream services. This should be led by the Australian Bureau of Statistics and the Australian Institute for Health and Welfare.

Recommendation 12.7 – Improving disability data collection

The Australian Government and state and territory governments should support a strategy, led by the Australian Bureau of Statistics and the Australian Institute of Health and Welfare, to extend disability data collection:

- a) to include people with disability in closed and segregated settings and those with communication support needs
- b) to improve data on types of impairment
- c) to improve data for intersectional analysis by enhancing data on women with disability; children and young people with disability; and First Nations, culturally and linguistically diverse, and LGBTIQ+ people with disability.

This strategy should form part of the Australia's Disability Strategy 2021–2031 Data Improvement Plan.

Response to Recommendations 12.5 – 12.7

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

Australian Government and state and territory governments acknowledge the importance of data collection and publication and its role in safeguarding against violence, abuse, neglect and exploitation and informing an evidence-based approach to ongoing reform to support better outcomes for people with disability.

In January 2024, Disability Ministers agreed Commonwealth, state and territory officials focus and accelerate work to resolve data gaps in relation to the reporting requirements under *Australia's Disability Strategy 2021-2031* Outcomes Framework by the end of 2024. All governments are also working together to develop an action plan, with agreed timeframes, to drive data collection (including gender disaggregated data) and reporting on data-related Disability Royal Commission recommendations. The action plan is expected to be published in 2024.

All governments have also committed to deliver the enduring National Disability Data Asset and contribute to ongoing costs through the National Disability Data Asset Memorandum of Understanding, signed by Disability Ministers in mid-2023. Ongoing work to deliver the National Disability Data Asset will also support implementation of these recommendations over time.

National Disability Data Asset (Recommendation 12.8)

Recommendation 12.8 – Long-term support for the National Disability Data Asset

The Australian Government and state and territory governments, through the Disability Reform Ministerial Council, should commit to long-term support to the National Disability Data Asset (NDDA).

All governments should:

- a) by June 2024, commit to continuing funding to establish the NDDA as a national resource for longitudinal analysis of linked data across service systems
- b) commit to publishing an annual statistical summary of the analyses of the NDDA's linked data. This should focus on data insights not available from other sources and provide transparency on projects underway. All reported data should be disaggregated as far as possible to enable intersectional analysis
- c) by December 2024, commence specific data projects using the NDDA that:
 - identify the factors that put people with disability at greatest risk of violence, abuse, neglect or exploitation
 - demonstrate the outcomes and experiences of people with disability transitioning between systems, including:
 - education and employment, child protection and justice systems, and housing and health
 - the National Disability Insurance Scheme and mainstream services
 - evaluate the accuracy of disability status collection in various service settings.

Response to Recommendation 12.8

Responsibility: **Australian, state and territory governments**

Joint response: **Accept in principle**

The Australian Government and state and territory governments have committed to deliver the enduring National Disability Data Asset and contribute to ongoing costs through the National Disability Data Asset Memorandum of Understanding, signed by Disability Ministers in mid-2023.

The National Disability Data Asset will be in operation in 2024-25. All governments are working together to determine costs and funding arrangements beyond 2025.