



Queensland Independent
Disability Advocacy Network

Analysis of the Australian and Queensland Governments' responses to the Disability Royal Commission (DRC)

Position paper

December 2024

About the Queensland Independent Disability Advocacy Network

The Queensland Independent Disability Advocacy Network (QIDAN) is a group of organisations that provide individual advocacy services to Queenslanders living with disability. The member organisations include Aboriginal and Torres Strait Islander Disability Network Queensland; Aged and Disability Advocacy; AMPARO Advocacy Inc; Capricorn Citizen Advocacy; Mackay Advocacy Inc; People with Disability Australia; Queensland Advocacy for Inclusion; Rights in Action; Speaking Up For You; and TASC.

QIDAN has three aims:

- **Systemic advocacy:** coordinated action to address systemic issues experienced by people with disability,
- **Member support:** a collaborative space for the exchange of information, resources and issues affecting disability advocacy organisations, and
- **Sector advocacy:** to promote the importance and value of independent disability advocacy on a local, state, and national basis.

The members of QIDAN's offer independent disability advocacy across Queensland, including general disability advocacy, specialised individual advocacy (including National Disability Insurance Scheme appeals), citizen advocacy and systemic advocacy. The following submission is informed by the collective experiences of QIDAN's members.

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Background

QIDAN welcomes the Disability Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (DRC) final report and its 222 recommendations. Queensland's independent advocacy organisations contributed to the DRC in several different ways, including through advocacy provided to people with disability involved in or affected by the DRC, assisting people with disability to access and be heard in the DRC, and by preparing submissions to DRC consultations. During the process of the DRC and subsequent release of the final report, QIDAN has remained cognisant of both the pain and harm caused to people with disability reliving traumatic experiences, and the courage and resilience of Queensland's disability community. With that in mind, QIDAN is disappointed in the Australian and Queensland Governments' responses to the DRC's recommendations.

Of the 222 recommendations from the DRC, the Australian Government only accepted 13 recommendations in full. 117 recommendations were accepted in principle, 36 recommendations were subjected to further consideration, and 6 were noted.

Comparatively, The Queensland Government accepted in full only 8 recommendations, 95 were accepted in principle, 1 recommendation was accepted in part, 23 were subjected to further consideration, 2 were noted, and 1 was rejected.

QIDAN has analysed responses from both governments and has concluded that in many instances 'accepted in principle' does not necessarily reflect a commitment nor agreement with the intent of the recommendation. In this position paper, we provide you with our analysis of the Australian and Queensland Governments' responses, with particular focus on the recommendations that require a deeper and clearer commitment from governments. In addition to our analysis of governments' responses to the DRC recommendations, QIDAN make our own recommendations to the Federal and Queensland Governments focussing on accountability and commitment. We also provide QIDAN's positions on all DRC recommendations.

In the Queensland Government response to the DRC paper, the Queensland Government state that its commitment to *considering* relevant recommendations demonstrates the government's "dedication to transparency and accountability"¹. QIDAN finds this response inadequate. Accountability involves a firm and unwavering commitment to all relevant recommendations and genuine efforts toward implementation, not just consideration. Accountability also requires independent monitoring to ensure governments maintain their responsibilities, and QIDAN suggest that monitoring must be imbedded in disability leadership. The Queensland Government's response paper to the DRC also mentions that implementation of recommendations will occur per the Disability Reform Framework (DRF). However, the only outcome area explicitly related to the DRC in the DRF repeats how the Queensland Government has a responsibility to consider relevant recommendations, rather than a responsibility to implement recommendations². Again, QIDAN finds this response insufficient, and we argue that an independent monitoring body needs to be developed as soon as possible to oversee the implementation of the DRC recommendations and ensure governments' accountability.

¹ Queensland Government (2024). *Queensland Government response to the Royal Commission into Violence, Abuse, Neglect and Exploitation* [online]. (pg. 6). https://www.dcssds.qld.gov.au/_media/documents/disability/queensland-government-response-disability-royal-commission.pdf

² Queensland Government. (2024). *Queensland Disability Reform Framework: the next chapter*. [online]. (pg. 33). https://www.dcssds.qld.gov.au/_media/documents/disability/qdr-framework.pdf

QIDAN's recommendations

1. Both the Federal Government and the Queensland Government should revise their responses to relevant recommendations, and provide updated responses that clearly outline:
 - a. What parts of the recommendations are agreed upon and not agreed upon
 - b. If parts of a recommendation are not agreed upon, clear justifications and reasons why must be provided. Governments must also provide alternative plans on how they will address the issue/s presented by the DRC
 - c. Clear timeframes and steps the governments will take to implement the recommendation
2. An independent disability-led reform implementation body should be developed and funded to oversee the implementation of the Disability Royal Commission recommendations. The independent disability-led body should be established in conjunction with the National Disability Reform Ministerial Council and should work toward the implementation objectives of the Disability Royal Commission's recommendations **12.1 to 12.3**
3. The independent disability-led reform implementation body should be funded to monitor and report on the implementation of the Disability Royal Commission's recommendations and their effectiveness annually
4. Outcome areas specific to the Queensland's government's responsibilities to implement relevant recommendations should be added to the Disability Reform Strategy

Volume 1: Voices of people with disability; Volume 2: About the Royal Commission; Volume 3: Nature and extent of violence, abuse, neglect and exploitation

The first three volumes of the DRC final report present participant stories and testimonies, information on the Disability Royal Commission, and snapshots of the nature of the violence, abuse neglect and exploitation faced by people with disability in Australia. There are no recommendations made in the first three volumes, and therefore the Australian Government and Queensland Government have not provided responses to these volumes.

Volume 4: Realising the human rights of people with disability

Volume 4 addresses how international human rights obligations that protect people with disability from exploitation, violence, abuse and neglect are not currently upheld in Australia. One of the key issues informing the recommendations is the limited implementation of the United Nations Convention on the Rights of Persons with Disabilities (CRPD). The DRC provide comprehensive recommendations for how Australia can improve its protections of the human rights of people with disability through the development and implementation of legislation that align with the CRPD and other international human rights obligations that Australia is party to. Despite this, neither the Australian nor the Queensland Government fully endorse any of the recommendations made in volume 4.

Recommendations **4.1** to **4.22** regard the development of a new Disability Rights Act, and the Australian Government has responded that the recommendations are subject to further consideration. QIDAN appreciates the Australian Government 's position, particularly considering the recent Australian Human Rights Framework inquiry report. With that said, QIDAN strongly recommends that the Australian Government commit to legislating the human rights of people with disability as suggested by the DRC in some form.

QIDAN has concerns with the Australian Government's lack of commitment to the remaining recommendations, which address disability discrimination legislation reform. The Australian Government responded that they accept recommendations **4.23** to **4.34** in principle only. In their extended response, the Australian Government states it will consider and consult on the recommended amendments to the *Disability Discrimination Act 1992*, however, it does not provide a timeline nor clear indication of the extent to which amendments will be made. There is also no explicit commitment to strengthening legal protections against disability discrimination. Additionally, recommendation **4.33**, which recommends that the *Disability Discrimination Act 1992 (Cth)* should make reference to the CRPD, required a response from both the Australian and State and Territory Governments. Both levels of government refer to reviewing the Act but make no explicit commitment to making reference to the CRPD within the Act.

QIDAN's positions on the recommendations in Volume 4 are informed by our extensive experience working on matters involving disability discrimination and human rights violations, and our continued observations of the limitations of the current relevant legal and policy frameworks.

QIDAN accepts recommendations **4.1** to **4.22** in principle, meaning QIDAN agree with the intent of the recommendation, however, we have a different perspective on the recommendations should be implemented. The network endorses the establishment of law that is informed by the CRPD and that recognises and protects the human rights of people with disability. However, it is QIDAN's position that the objectives outlined in the DRC recommendations should be enshrined in the *Human Rights Act 2019*, rather than in a new disability-specific human rights Act. This is because:

- i. Including the proposed rights in the existing Human Rights Act 2019 can be seen as promoting inclusion, whereas establishing a Disability Rights Act can be interpreted a form of segregation.
- ii. Establishing a new Disability Rights Act may unnecessarily compartmentalise a person's human rights issue and make it more difficult for a person with

disability to use the Act when making a complaint, for instance a person with disability who is trying to make a human rights complaint, and who is shuffled between the Human Rights Act 2019 and the Disability Rights Act.

With that said, QIDAN advocates for the human rights of people with disability to be promoted and safeguarded in legislation, and as a network we ultimately support the legislation of these rights in any form.

QIDAN adds that we endorse recommendation **4.13**, and we further recommend that it should be legislated that Australian entities must fund and facilitate access to cultural brokers in situations where interpreters are not sufficient or appropriate.

Regarding the remaining recommendations which promote disability discrimination legislation reform, QIDAN fully endorse recommendations **4.23** to **4.34**.

Volume 5: Governing for inclusion

Volume 5 highlights the need for strengthened disability governance and strategic coordination as a part of the ongoing disability reform process. The DRC recommend the establishment of a New Disability Agreement and a National Disability Commission, as well as the full implementation of the CRPD. Many of these recommendations respond to the current lack of disability leadership and intergovernmental cohesion.

QIDAN highlights the major systemic changes from the ongoing disability reform, particularly the NDIS Review and the growing demand for non-NDIS services, such as targeted and general foundational supports. We stress the importance of collaboration and strategic approaches to prevent gaps in services during this transition and note that it is vital for people with disability to be included in high-level decision-making throughout and beyond the reform.

There are seven recommendations in volume 5, and only one recommendation is accepted in full by the Australian and Queensland Governments. Many of the responses to the remaining recommendations mention that the governments are “committed” to ensuring policies and strategies promote inclusivity, however, they do not expressly commit to the

intent of the recommendations nor provide information on how they intend to promote inclusion. Recommendation **5.5** calls for the establishment of a National Disability Commission to act as an independent statutory body under to see the realisation of human rights of people with disability, promote best practice, and monitor and report of outcomes of people with disability. The Australian Government subjects this recommendation to further consideration, stating that it will reconsider the recommendation when it considers the enactment of a Disability Rights Act. In its response, the Australian Government fails to advise whether it agrees with the intent of the recommendation nor provides any information on interim measures that can occur during the period in which the Disability Rights Act is being considered. Both governments also appear to deflect responsibility and accountability in some of their responses. For example, recommendation **5.6** urges the Australian Government to appoint a Minister for Disability Inclusion and establish a Department of Disability Equality and Inclusion, highlighting the need for more people with disability in leadership roles. In reply, the Australian Government point to the Minister for Social Services and the Minister for the NDIS. The Minister for Social Services and the Minister for the NDIS are not equivalent to a ministerial role dedicated to disability equality and inclusion. Furthermore, the Australian Government does not address the call for increased representation of people with disability in leadership and decision-making roles. The changes caused by the current reform must be led by people with lived experience of disability. With this in mind, QIDAN endorses all recommendations in this volume, from recommendation **5.1** to **5.7**. QIDAN highlight the value of the recommendations that have emerged from the DRC and agree that the current National Disability Strategy should be reviewed and brought into line with the recommendations. QIDAN also firmly endorse recommendation **5.5**, regarding the establishment of a National Disability Commission, and note that the Commission should be equipped with what it requires to successfully oversee, monitor and enforce the changes coming from the disability reform.

Volume 6: Enabling autonomy and access

The realisation of disability rights requires a commitment to the promotion of dignity, self-determination, and autonomy. In volume 6, the DRC identifies how autonomy relies on access to information, supports, services, and the community. This includes access to supported decision-making. The DRC emphasise that people with disability who lack access to supported decision-making face increased limitations to their choice and control, significantly impairing their autonomy and self-determination. Volume 6 has 41 recommendations, and only 1 recommendation was accepted in full.

Recommendations **6.4** to **6.20** address supported decision-making and the appointment of supported decision makers, with particular emphasis on the need for supported decision making to be guided by principles such as cultural safety and cultural responsiveness and sensitivity. Unfortunately, the responses from both levels of government are largely disappointing. In particular, the Queensland Government deflects some recommendations by citing what they describe as an “already robust guardianship framework”³. QIDAN has experienced countless issues with the current guardianship framework and has found that substituted decision-making is often overused and is not always used as a last resort.

Recommendations **6.24** to **6.33** cover a range of different health service-related topics, with particular focus on improving outcomes for people with cognitive disability. This includes recommendations to improve equitable access to health care and increasing health workforce capabilities. Despite the governments’ purported “commitment” to improving the experiences of people with disability in the healthcare system, there are no recommendations in this section that are accepted in full.

³ Queensland Government. (2024). *Queensland Government response to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*. [online]. (pg. 33)
<https://www.dcssds.qld.gov.au/media/documents/disability/queensland-government-response-disability-royal-commission.pdf>

In relation to recommendation **6.41**, regarding the legislative prohibition of non-therapeutic sterilisation, both the Australian Government and the Queensland Government accept the recommendation in principle, but do not express any clear commitment to prohibiting non-therapeutic sterilisation, rather stating that they will “further consider the [issue]”. No indication of timeframes or action plans are provided.

QIDAN is disappointed by the responses of both the Australian Government and the Queensland Government to the recommendations made in this volume. In particular, the recommendations concerning accessible communication, supported decision making, and the use of restrictive practices and non-therapeutic sterilisation. QIDAN recognise how these issues are intrinsically connected to the human rights of people with disability. With this in mind, QIDAN endorse recommendations **6.1** to **6.41**. However, there are additional suggestions that QIDAN make for several recommendations.

Regarding recommendation **6.3**, QIDAN agrees that the National Disability Insurance Agency (NDIA) must implement this recommendation in full. This includes improving access to appropriately skilled and qualified interpreting services, ensuring NAATI interpreters complete training in disability awareness in order to receive accreditation, introducing a standard on working effectively with interpreters in the NDIS Provider Registration and Practice Standards, and amending the NDIS Workforce Capability Framework to include working with interpreters. QIDAN emphasise that the NDIA’s process for accessing interpreting services, and any related services must be co-produced with people with disability from culturally and linguistically diverse backgrounds, as well as Aboriginal and Torres Strait Islander peoples.

QIDAN endorses recommendations **6.4**, **6.8**, **6.10** and **6.11**, regarding the proposed supported decision-making framework, and recommend that independent advocacy services are consulted during legislation reform and amendments and during any review of the legal definitions of guardianship and administration.

QIDAN endorse recommendation **6.21** regarding access to independent advocacy services and emphasise that additional funding must include State-based funding. Additionally, we recommend that state funding for the Queensland independent disability sector should be in line with QIDAN's 2023 budget submission to Treasury. QIDAN's budget submission found that Queensland Government funding only allowed the sector to provide advocacy to 0.25% of the population of people with disability in Queensland, and we suggest that funding should be increased to provide advocacy to at least 1.5% of the population of people with disability in Queensland⁴.

Finally, QIDAN fully endorses recommendation **6.23** on culturally safe disability advocacy which requires that the 2023 to 2025 National Disability Advocacy Framework and Disability Advocacy Work Plan is amended to increase culturally appropriate and accessible in disability advocacy services. QIDAN advocate for these changes to occur as soon as possible, and emphasise the importance of full government commitment and funding to ensure this recommendation is implemented effectively.

Volume 7: Inclusive education, employment and housing

Volume 7 offers an extensive range of recommendations to promote access to inclusive education, employment and housing. QIDAN propose that the volume's most significant recommendations regard ending segregation. Segregation is the reality for many people with disability causing significant harm by isolating individuals from community and opportunities, perpetuating inequality, and diminishing the sense of belonging and self-worth. We note that only eight of the forty-four recommendations in this volume have been fully accepted, and not one of the fully accepted recommendations are explicitly related to ending the segregation of people with disability.

⁴ Queensland Independent Disability Advocacy Network. (2023). *Submission by the Queensland Independent Advocacy Network (QIDAN): Queensland Treasury*. [online] <https://disabilitypathways.org.au/wp-content/uploads/2023/11/QIDAN-Budget-Submission-2023.pdf>

Actively taking steps to end the segregation of people with disability is crucial for Australia's adherence to the CRPD and other related international human rights conventions to which Australia is party to. QIDAN point out that in their responses to the DRC recommendations, both the Australian Government and the Queensland Government repeatedly express they have a commitment to implementation of the CRPD.

Part A: Inclusive education

The Queensland Government states that it “welcomes the opportunity to strengthen inclusion...of students with disability⁵,” yet only one recommendation in this section has been accepted in full, and only by the State Government. Many of the DRC's recommendations outline practical steps to achieve inclusive schooling. However, the governments have only accepted these recommendations in principle and the extended responses lack genuine commitment to implementation. For instance, recommendation **7.1** regards equal access to mainstream education, including greater protections for students with disability from enrolment refusal and cancellation. The Queensland Government responded to this recommendation by stating “current procedure and policies... support this recommendation”⁶. In QIDAN's experience, children with disability face disproportionate rates of enrolment cancellation and exclusions compared to children without disability, and the network believe that current policy and procedures do not effectively protect the rights of these children from this type of discrimination.

Furthermore, Queensland Advocacy for Inclusion, one of QIDAN's members, is part of a coalition running the A Right to Learn Campaign, which publicly calls for the Queensland Government to conduct an inquiry into the use of school disciplinary absences in State

⁵ Queensland Government. (2024). *Queensland Government response to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*. [online]. (pg.69). https://www.dcssds.qld.gov.au/_media/documents/disability/queensland-government-response-disability-royal-commission.pdf

⁶ Queensland Government. (2024). *Queensland Government response to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*. [online]. (pg. 57). https://www.dcssds.qld.gov.au/_media/documents/disability/queensland-government-response-disability-royal-commission.pdf

Schools⁷. To date, the Queensland Government has not provided an adequate response to the campaign nor pledged a commitment to conducting an inquiry. Similarly, recommendations **7.2** and **7.3** refer to bettering the education experiences of students with disability by preventing inappropriate use of exclusionary discipline and improving access to reasonable adjustments. Both the Australian and Queensland Government say that they support the DRC's vision but provide no clear timeframe nor indication of the extent to which the recommendations will be implemented.

Of greatest concern is the response to recommendation **7.14**, which refers to phasing out and abolishing segregated education. Both the Australian Government and Queensland Government take this recommendation on note. The Australian Government refer to special schools as having a role in “providing choice” to children with disability and their families⁸. The Queensland Government further add that they welcome the opportunity to promote inclusion in school communities, but also “[recognise] the importance of parental choice”⁹. QIDAN refer to the CRPD General comment no.4, which argues that inclusive education is a fundamental human right of all learners, and “parental responsibilities...are subordinate to the rights of the child”¹⁰.

The DRC recognises that segregated learning is not compatible with the CRPD, and QIDAN add that to take a stance against segregated schooling is to take a stance against segregation itself. Advocates within the QIDAN network have considerable experience working with children with disability and their families who face discrimination and segregation at school and have observed how the lack of inclusion within the education

⁷ A Right to Learn Campaign. *A right to learn: keep disabled kids in class*. [online]. <https://www.arighttolearn.com.au/>

⁸ Australian Government. (2024). *Australian Government response to the Disability Royal Commission*. [online]. (pg. 124). https://www.dss.gov.au/sites/default/files/documents/08_2024/australiangovernmentresponsetodrc_july2024.pdf

⁹ Queensland Government. (2024). *Queensland Government response to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*. [online]. (pg. 69). https://www.dcssds.qld.gov.au/_media/documents/disability/queensland-government-response-disability-royal-commission.pdf

¹⁰ United Nations Convention on the Rights of Persons with Disabilities. (2016). *General comment No. 4 (2016): Article 24: Rights to inclusive education*. [online]. (pg. 3). <https://www.refworld.org/legal/general/crpd/2016/en/112080>

system can impact the wellbeing and outcomes of students with disability. QIDAN also highlights the link between school disengagement and the risk of involvement in the youth justice system; a risk which is already disproportionately high for children with disability. QIDAN members have an ongoing commitment to advocating for inclusive education, and QIDAN endorses recommendations **7.1** to **7.14** regarding the promotion of inclusive education and the phasing out to segregated learning. QIDAN supports recommendation **7.13**, and further recommend that independent advocacy organisations should be consulted throughout the process of developing a national roadmap to inclusive education. In response to recommendation **7.15**, which regards alternative approaches to schooling, QIDAN accept only part of the recommendation. QIDAN disagrees with the implications made in the recommendation to continue segregated schooling, such as co-locating segregated schools within mainstream schools or arranging for segregated school students to participate in select activities with mainstream school students. However, QIDAN do support the suggestion to support segregated schools to facilitate student transitions to mainstream schools and to assist mainstream schools in recognizing the strengths of students with disabilities. Ultimately, QIDAN advocates for the complete phasing out of segregated schooling.

Part B: Inclusive employment

This section of volume 7 regards access to employment for people with disability, increasing protections for people with disability in the workforce, and phasing out and abolishing segregated employment. Like the education section of this volume, QIDAN is particularly concerned with the recommendations regarding the end of segregated employment. We note that neither level of government fully accept any of the recommendations aimed at ending segregated employment.

Recommendation **7.30** regards the transition to inclusive employment by developing a plan to support people working in Australian Disability Enterprises (ADEs) transition to open employment. QIDAN do not agree with the recommendation's reference to providing people with disability a “choice” to remain in closed employment settings like ADE's.

Though there may be an illusion of choice, mainstream employment systems are not inclusive to people with disability deemed to have high support needs, therefore there is no other choice but to work in closed employment settings. With that said, QIDAN do agree in principle that a transition plan must be developed. The Australian Government responded to this recommendation by stating that part of the investment into bolstering the supported employment sector is reserved for a “Structural Adjustment Fund” which are said to provide grants to ADEs to “evolve their business models to better meet community expectations”¹¹. QIDAN has concerns about this approach, as it appears to extend closed employment settings rather than commit to a transformative transition to open employment for all. QIDAN is more supportive of recommendation **7.32**, which provides steps to end segregated employment by the year 2034. Disappointingly, both the Australian and Queensland Governments have subjected this recommendation to further consideration, and do not address the core issue of ending segregation in their responses. Article 27 of the CRPD state that people with disability have a “right to the opportunity to gain a living by work freely chosen or accepted by them in a labour market and work environment that is open, inclusive and accessible to persons with disability”¹². Supported employment services, like ADEs, are by nature closed and exclusive to people with disability only. The CRPD further state that people with disability should have their rights to fair and equitable work conditions protected, including rights to equal remuneration¹³.

¹¹ Australian Government. (2024). *Australian Government response to the disability Royal Commission*. [online]. (pg. 142).

https://www.dss.gov.au/sites/default/files/documents/08_2024/australiangovernmentresponsetodrc_july2024.pdf

¹² United Nations Convention on the Rights of Persons with Disabilities. (2006). *Article 27: work and employment*. [online] (<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-27-work-and-employment.html>)

¹³ <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-27-work-and-employment.html>

People with disability employed in settings like ADEs are not afforded this right, with some employees being paid as low as 10% of the minimum wage¹⁴¹⁵.

QIDAN advocates for inclusive and equitable workspaces for people with disability, and we therefore endorse all recommendations in this section, from recommendations **7.16** to **7.32**.

QIDAN refers to recommendation **7.31**, which promotes raising the subminimum wages of employees with disability to at least half of the minimum wage. Whilst QIDAN endorse raising the subminimum wage, we recommend that the amount should be revised to aim for wages to be increased to at least 100% of the minimum wage by 2035. We also emphasise that there must be consideration for how increased wages may interact with the Disability Support Pension and suggest that changes may be required to the maximum earning amount for Disability Support Pension participants.

QIDAN also support recommendation **7.32**, which regards the development of a roadmap for inclusive employment and suggest that independent advocacy organisations should be involved in its development. Furthermore, we stress that the roadmap for inclusive employment must be enforced with safeguards for people with disability, such as a government commitment to invest in employment funding programs, necessary changes to fair work conditions, and strengthening of Disability Discrimination legislation. Finally, we suggest that segregated employment should be ended far sooner than 2034.

Part C: Inclusive housing

The final section of volume 7 address the many barriers to safe and inclusive housing faced by people with disability, including increased risk of homelessness and segregated living situations. The DRC offer strategies to improve inclusion and housing outcomes for

¹⁴ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. (2022). *People with disability paid as low as \$2.37 per hour in Australian Disability Enterprises*. [online] <https://disability.royalcommission.gov.au/news-and-media/media-releases/people-disability-paid-low-237-hour-australian-disability-enterprises>

¹⁵ Fair Work Ombudsman. *Minimum Wages*. [online]. <https://www.fairwork.gov.au/tools-and-resources/fact-sheets/minimum-workplace-entitlements/minimum-wages>

people with disability, including increased legislated protections and greater access to home modifications.

Housing and homelessness related issues are one of the most common types of issues that advocates address across Queensland. With this in mind, QIDAN is particularly disappointed by both the Australian and Queensland Governments' responses to these recommendations. Only two recommendations were accepted in full in this section, none of which relate to ending segregated housing for people with disability.

Recommendation **7.33** requests that people with disability should be prioritised in key housing and homelessness approaches and strategies, highlighting the disproportionate risk of housing instability and homelessness faced by the disability community. In a joint federal and state and territory response, all levels of government expressed they "recognise the additional barriers people with disability face in accessing housing, and the disproportionate risks and impacts of homelessness among people with disability"¹⁶. Yet in response to recommendation **7.40**, which relates to explicitly addressing people with disability in the National Housing and Homelessness Plan, the joint governments advise that governments will not prioritise people with disability nor any other cohort that experiences disproportionate barriers to stable and safe housing.

Recommendations **7.43** to **7.44** concern phasing out group homes, and both recommendations are subject to further consideration by both levels of government. In their joint response, both levels of government avoid using the term "segregation" and state that they "support [people with disability] to exercise choice and control over their living arrangements"¹⁷. QIDAN note that group homes and other forms of segregated living arrangements conflict with Article 19 of the CRPD, which states that State parties

¹⁶Australian Government. (2024). *Joint Australian, State and Territory response to the Disability Royal Commission*. [online]. (pg. 48). https://www.dss.gov.au/sites/default/files/documents/07_2024/jointaustralianstateandterritoryresponsetodrcjuly2024334720724.pdf

¹⁷ Australian Government. (2024). *Australian Government response to the Disability Royal Commission*. [online] (pg. 164). https://www.dss.gov.au/sites/default/files/documents/08_2024/australiangovernmentresponsetodrc_july2024.pdf

must recognise the equal rights people with disability have to live in the community, and to have full inclusion and participation in the community¹⁸.

Access to stable and accessible housing is a fundamental human right that is intrinsic to safety and autonomy. With this in mind, QIDAN endorse recommendations **7.33** to **7.44**, with some additional notes.

QIDAN agree with recommendation **7.36** and the proposed improvements of social housing operation policy and inclusive processes for home modifications, and further recommend that an interface team that sits within the Department of Housing specifically for people with disability should be established.

QIDAN support recommendation **7.37** regarding improving tenancy and occupancy protections for people with disabilities. Additionally, we advocate for improved protections for non-tenancy accommodations (such as boarding houses) in Queensland during the interim period before their phase-out.

Finally, QIDAN endorse recommendation **7.43**, which recommends the development and implementation of National Roadmap to phase our group homes in the next fifteen years, and we add that independent advocacy organisations should be involved in the process, and the process should occur within a shorter timeframe than fifteen years.

Volume 8: Criminal justice and people with disability

In volume 8, the DRC address the significant overrepresentation of people with disability in both the youth and adult criminal justice system and detail the disproportionate harm experienced by people with disability in these systems. The volume covers an extensive range of topics, including the conditions in custody and the treatment of people with disability whilst they are in custody, the use of indefinite detention and the determination of being found unfit for trial, and the age of criminal responsibility. It also calls for the

¹⁸ United Nations Convention on the Rights of Persons with Disabilities. (2006). *Article 19 – Living independently and being included in the community*. [online]. <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-19-living-independently-and-being-included-in-the-community.html>

promotion of an inclusive legal system which is embedded in disability awareness across all levels of the judicial system. Despite the significant impact of the criminal justice system on the autonomy and well-being of people with disability, both levels of government have demonstrated limited commitment to the findings and recommendations of the DRC. Notably, this volume includes the sole recommendation from the DRC report that has been explicitly rejected.

Recommendation **8.1** suggest that the state and territory governments should uphold the rights of people with disability in custody per Article 14 of the CRPD. The Queensland Government accepts this recommendation in principle, but further states that youth detention centres have existing “services and supports in place to support young people with disability”¹⁹. Based on QIDAN's experience, children and young people with disability in youth detention centres typically face significant challenges in obtaining access to both NDIS and non-NDIS related services and supports. Specifically, QIDAN notes the considerable difficulties these individuals encounter in accessing services such as psychological support, speech pathology, and occupational therapy.

Recommendation **8.2** refers to the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment (OPCAT), and the necessary training and education required for its implementation. The Queensland Government has subjected this recommendation for further consideration. The responses to this recommendation exemplify how both governments fail to commit to some recommendations and highlights the risk this creates for recommendations to fall through the gaps. For instance, the Queensland Government state that they will continue to work toward the implementation of the OPCAT “subject to the resolution of sufficient and ongoing funding from the Australian and the resolution of implementation issues”²⁰. In response to recommendation **11.7**, the Australian Government advise that the Commonwealth previously made offers of

¹⁹ Queensland Government. (2024). *Queensland Government response to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*. [online]. (pg. 91).
<https://www.refworld.org/legal/general/crpd/2016/en/112080>

²⁰ Ibid. (pg. 92)

fund to all Australian jurisdictions to implement the OPCAT, but Queensland did not accept the funding offer²¹. QIDAN recognise that there appear to be ongoing issues with the coordination of the OPCAT implementation between governments, but we stress the need for governments to demonstrate genuine commitment and cooperation. Without the implementation of the OPCAT, children and adults with disability will continue to face unnecessarily heightened risks of serious harm in the criminal justice system.

In response to recommendation **8.3**, which regards the prohibition of the use of solitary confinement in youth detention, the Queensland Government state “existing legislative framework around use of separation in youth detention meets the intent of the recommendations”²². Regardless of whether legislation meets the intent of this recommendation, in practice, children and young people continue to experience solitary confinement in places of detention (including watchhouses). QIDAN note the extensive use of lockdowns in youth detention centres across the state which subject children and young people with disability to being segregated in their rooms for extended periods of time²³. QIDAN has also observed how children and young people with disability in youth detention centres and watch houses are routinely reprimanded and segregated in seclusion rooms for excessive periods of time.

Recommendation **8.12** requests the review of the National Statement of Principles Relating to Persons Unfit to Plead or Not Please Guilty by Reason of Cognitive or Mental Health Impairment (the National Principles). Key aspects of this recommendation include the call to amend National Principles to explicitly prohibit indefinite detention and the suggestion to modify fitness-for-trial hearings to ensure the effective participation of

²¹Australian Government. (2024) *Australian Government response to the Disability Royal Commission*. [online]. (pg. 252).

https://www.dss.gov.au/sites/default/files/documents/08_2024/australiangovernmentresponsetodrc_july2024.pdf

²² Queensland Government. (2024). *Queensland Government response to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*. [online]. (pg. 93).

<https://www.refworld.org/legal/general/crpd/2016/en/112080>

²³ Queensland Ombudsman. (2024). *Cleveland Youth Detention Centre inspection report: Focus on separation due to staff shortages*. [online].

<https://www.ombudsman.qld.gov.au/ArticleDocuments/574/IDS%20CYDC%20Inspection%20report%202024%20-%20Focus%20on%20separation%20-%20PUBLIC.PDF.aspx?embed=Y>

defendants where applicable. Although the Australian and Queensland Governments have expressed their commitment to reviewing the National Principles, they have not provided a specific timeframe nor clear indication of the extent to which they will implement the recommendation. Additionally, while the Australian Government acknowledges the rights of individuals with cognitive or psychosocial impairments, it contends that “these rights must be balanced against the need to prevent harm to others and uphold the rights of victims”²⁴. QIDAN recognises the importance of safeguarding the rights and well-being of both victims of criminalised behaviour and the broader community. However, we emphasise that indefinite detention constitutes a severe human rights violation and represents a continuation of the institutionalization of individuals with cognitive and psychosocial disabilities.

The most concerning government response is to recommendation **8.22**, which urges the Queensland Government to raise the age of criminal responsibility to fourteen years old. QIDAN is troubled by the Queensland Government's decision to reject this recommendation, particularly as it is the only recommendation that has been explicitly rejected. We suggest that the strong response to this recommendation is a political choice, considering the focus on “youth crime” in Queensland's 2024 State election. Evidence repeatedly demonstrates how incarceration is an ineffective deterrent to youth criminalised behaviour, and we suggest that the decision to not endorse this recommendation highlights the Queensland Government making decision based on politics rather than evidence-based best practice.

In principle, QIDAN endorses all recommendations in this volume, from Recommendation **8.1** to **8.24**.

QIDAN agree with recommendation **8.5**, which states that youth detention staff should engage in ongoing disability awareness training, and we further add that the training

²⁴ Australian Government. (2024). *Australian Government Response to the Disability Royal Commission*. [online]. (pg. 171). https://www.dss.gov.au/sites/default/files/documents/08_2024/australiangovernmentresponsetodrc_july2024.pdf

should be co-produced with people with disability, including people with disability who have lived experience in the youth justice system, as well as independent advocacy organisations. Participants involved in co-production should be provided with remuneration.

Additionally, QIDAN endorse recommendations **8.6** to **8.10**, but emphasise the proposed reviews and changes to youth detention operations also apply to the Queensland context, and we urge the Queensland Government to adopt these recommendations and review and amend our state's operations.

QIDAN agrees with the recommendations surrounding the NDIA and NDIS intersection with the youth justice system. We add to recommendation **8.17** that when a support or service need is determined to *not* be the responsibility of the NDIS, the NDIA should still support that person to identify and engage in an appropriate non-NDIS service. Likewise, we agree with recommendation **8.18**, which requests that the NDIS should ensure that release dates are not used as a precondition for approving funding for transitional supports for those in custody, and further add that transitional supports should begin to be planned as soon as a person enters custody.

Finally, QIDAN endorses recommendation **8.20** and the proposed strategies to improve police responses, and further add that these changes should include compulsory ongoing training on disability awareness and diversion pathways for people with disability.

Volume 9: First Nations people with disability

Volume 9 examines the extensive and intersecting marginalisation experienced by First Nations peoples with disability in Australia, illustrating how these experiences are intrinsically linked to the enduring impact of colonisation and systematic racism. The recommendations in this volume aim to address the unique barriers to inclusion and safety faced by First Nations peoples with disability, yet only one recommendation was accepted in full by governments. QIDAN is deeply concerned by the lack of government commitment to First Nations specific recommendations.

Recommendation **9.3** regards the cultural safety of First Nations peoples in criminal justice settings, and requests that any relevant strategies and plans should be reviewed to ensure their cultural safety by the end of 2024. The Queensland Government accept the recommendation in principle, but further express that the reviewing process is anticipated to be completed by mid-2026. QIDAN acknowledges the extensive work needed to review relevant strategies, but we emphasise that criminalised First Nations peoples will remain at a heightened risk of harm within the justice system until these strategies are reviewed and reformed. Immediate action is essential to prevent racism and discrimination against First Nations people in the criminal justice system, and the cultural safety of relevant strategies should be prioritised.

Recommendation **9.5** suggests that the National Disability Insurance Agency (NDIA) allocate block funding to First Nations community-controlled organisations to facilitate the provision of services to First Nations peoples. This approach could be especially impactful for rural and remote communities, which face substantial constraints to the types of services and service providers available. The recommendation is accepted in principle; however, the Australian Government do not accept the proposal to allocate block funding. Instead, the Australian Government refers to the use of other NDIS service delivery options including “Alternative Commissioning” and “Integrated Care and Commissioning”²⁵. QIDAN emphasise that block funding could distinctly provide community-controlled organisations with flexibility, autonomy, and control over the types of services that could be employed to meet the individual needs of the respective communities. The alternative service delivery options proposed by the Australian Government do not meet all these functions.

Recommendation **9.10** refers to the establishment of a First Nations Disability Forum (the Disability Forum) to lead the implementation of the Disability Sector Strengthening Plan

²⁵ Australian Government. (2024). *Australian Government response to the Disability Royal Commission*. [online]. (pg. 187). https://www.dss.gov.au/sites/default/files/documents/08_2024/australiangovernmentresponsetodrc_july2024.pdf

(DSSP). The recommendation has been accepted in principle by both Australian and state and territory Governments, however, neither level of government has committed to funding the Disability Forum. Without a commitment to funding, the capacity for First Nations Peoples with disability to coordinate and lead the implementation of the DSSP implementation is diminished.

QIDAN recognize the disproportionate barriers to inclusivity, culturally safe services, and safety generally experienced by First Nations peoples with disability. Therefore, QIDAN endorses all Volume 9 recommendations, from recommendation **9.1** to **9.13**.

With regards to recommendation **9.2**, which argues that First Nations children entering out-of-home-care should be screened for disability, QIDAN does not have a position on the recommendation and urges governments to seek advice and consult from First Nations community-controlled organisations and representatives.

QIDAN also agree with recommendation **9.3** regarding the review of the effectiveness of cultural safety strategies currently used in the criminal justice system, and further suggest that the review should include key targets, such as reducing the number of incarcerated First Nations children and adults, particularly those with disability.

Volume 10: Disability services

In Volume 10, the DRC examines the high risk of maltreatment, neglect, violence, and exploitation that individuals with disability have encountered in service delivery, with a specific focus on the role of the NDIS Quality and Safeguards Commission. Many suggestions made by the DRC provide practical steps to improve complaint mechanisms and better protect the safety of NDIS participants, yet only three recommendations have been fully accepted.

QIDAN members have heard very similar stories of maltreatment, abuse, neglect, violence, and exploitation to those shared with the DRC. Many of the extreme cases observed by QIDAN have involved persons with disability who were in closed settings, such as group homes, prisons and detention centres, psychiatric hospitals, and so forth. The DRC echoes

how the risks of exposure to abuse, neglect, violence, and exploitation are increased by these settings when a person's choice and control over service delivery is deprived, and when the ability to make complaints is reduced. Volume 10 clearly links to recommendations made in other volumes regarding the needs for greater disability-led governance, improved complaint and safeguarding mechanisms, the implementation of the CRPD and other international human rights obligations, and the end of segregation.

Part A: Disability service providers

Recommendation **10.5** highlights the need for the NDIS to establish a program that connects participants residing in supported accommodation with independent disability advocacy services. The Australian Government claims that people in these settings currently have access to advocacy services, and support coordinators can play a role in connecting participants with advocacy. However, individuals in supported accommodation often face increased social isolation and difficulties accessing services like advocacy. Additionally, conflicts of interest may arise, with support coordinators prioritising providers' interests over referrals to advocacy services. QIDAN highlights the need for a targeted program to connect supported accommodation participants with advocates, as proposed by the DRC.

Recommendation **10.10** requests the Australian Government to urgently engage with state and territory governments about funding and implementing of a provider of last resort scheme, emphasising the failed markets for First Nations peoples with disability in remote communities and the need for block funding arrangements. In response, all levels of government accepted the recommendation in principle, stating that a provider of last resort scheme may be one mechanism to consider, but ultimately governments did not express a commitment to the intent of the recommendation. Neither level of government provided additional ideas to address the critically thin and failed service markets that disproportionately impact First Nations peoples with disabilities, people in crisis situations, and people at risk of losing access to accommodation and services.

Part B: NDIS Quality and Safeguards Commission

Recommendation **10.11** regards reportable incidents, and the need for the NDIS Quality and Safeguards Commission to improve its internal process for monitoring incidents and providing feedback. The Australian Government accepted the recommendation in principle, whilst also noting that the NDIS has received funding for additional resources to meet demand and address outstanding issues. At no point in the response does the Australian Government advise whether it intends to work with the NDIS to improve the feedback and monitoring mechanisms of the Commission.

Similarly, recommendation **10.18** provides strategies to improve the NDIS Quality and Safeguard Commission's complaint handling and response procedures. The Australian Government accepts the recommendation in principle, but do not explicitly address strategies proposed by the DRC. Furthermore, the Australian Government state the revised processes will be based on proportionality. Though QIDAN appreciate that the severity of complaints occurs on a spectrum, we caution against relying on proportionality as a key function of any new safeguarding or complaint mechanisms. Currently, individuals who submit complaints to the NDIS Quality and Safeguards Commission often do not receive updates or outcomes regarding their complaints. This lack of communication can discourage individuals from lodging future complaints. It is essential that all complainants receive proper due process and are informed of the outcomes of their complaints, regardless of how their proportionality is assessed.

Recommendation **10.25** refers to strengthening the NDIS Quality and Safeguard Commission's monitoring, compliance, and enforcement capabilities. Despite the evidence provided by the DRC on the poor enforcement and compliance mechanism of the NDIS Quality and Safeguard Commission which supports this recommendation, the Australian Government offer no solid commitment to the content of this recommendation.

QIDAN endorse most recommendations in this section of Volume 10, from recommendation **10.1** to **10.7**, and **10.9** to **10.10**. QIDAN does not have a position on recommendation **10.8**.

QIDAN agree with recommendation **10.5**, which suggests that the NDIS should develop a program that connects participants living in supported accommodation with independent advocacy, and we note that disability advocacy organisations should be consulted throughout the process and should be provided with additional funding to ensure adequate services.

Regarding recommendation **10.8**, QIDAN has not agreed on a position on the proposed national disability support worker registration scheme. QIDAN note that registration is not the equivalent of safeguarding and falls short of protecting the safety and wellbeing of people with disability. Whilst we do not have a position on the recommendation, we do suggest that a registration scheme should occur on a 'sliding scale', and services like yard maintenance services should not be required to fully register.

QIDAN support a reformed Quality and Safeguards Commission, and endorse recommendations **10.11**, and **10.13** to **10.33**.

QIDAN reject recommendation **10.12**, which recommends the establishment of 'class or kind' determinations exempting certain registered providers from reporting 'less serious reportable incidents. QIDAN emphasise how important it is to remember *why* the DRC was required and cautions that categorizing certain incidents as minor and exempting them from reporting may lead to the escalation of these issues into more severe problems if left not investigated.

Volume 11: Independent oversight and complaint mechanisms

Preventing the risk of exploitation, abuse, neglect and violence experienced by people with disability requires strong independent oversight and complaint mechanisms that extend beyond the NDIS Quality and Safeguards Commission. The DRC highlight the need for oversight functions, complaint mechanisms and safeguarding processes to be enabled with strong legislative and policy frameworks, such as the OPCAT, and provided with the authority to take enforceable action when necessary.

In QIDAN's experience, existing complaints mechanisms, such as the NDIS Quality and Safeguard Commission, do not function well. QIDAN has observed how people with disability can feel distrustful toward these complaint mechanisms due to previous negative experiences and poor reputation. As the DRC report has demonstrated, small incidences can quickly snowball into serious human rights issues when they are not adequately addressed through complaints and safeguarding processes.

Despite the clear steps provided by the DRC for how oversight and complaint mechanisms throughout Australia can be improved, we note that neither the Australian Government nor the Queensland Government fully accept any of the recommendations in this volume. Equally concerning are the gaps in responses between the two levels of government that we believe will lead to inaction. Specifically, the recommendations around the implementation of the OPCAT. For example, in each of the Queensland Government's responses to OPCAT-related recommendations in this volume (**11.6 to 11.7**), it states that implementation of the OPCAT is subject to "the resolution of sufficient and ongoing funding from the Australian Government"²⁶. Again, the Australian Government responds to recommendation **11.7** explaining that each state and territory was previously offered one-off funding offers to assist with implementing the OPCAT, and to date, Queensland has not accepted the funding. It is difficult to believe that the Queensland Government is committed to administering the OPCAT if they are yet to take opportunities and funding presented to them.

Recommendations **11.14 to 11.16** refer to the establishment of a disability death review scheme, which would include functions like reviewing and assessing "reviewable deaths" of people with disability, formulating policies and practices to address deaths of people with disability with the aim to reduce the risk of reviewable deaths, and scrutinizing the systems who report reviewable deaths. In response, both the Queensland Government

²⁶ Queensland Government. (2024). *Queensland Government response to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*. [online]. (pg. 92). https://www.dcssds.qld.gov.au/_data/assets/file/0011/14321/queensland-government-response-disability-royal-commission.pdf

and Australian Government take the recommendations into further consideration and provide little clarity around time frames of consideration nor level of commitment to establishing the scheme.

QIDAN endorses all recommendations in this volume, from recommendation **11.1** to **11.18**. We emphasise the importance of quality oversight and safeguarding in the prevention of harm experienced by people with disability.

Volume 12: Beyond the Royal Commission

Volume 12 is the final volume in the DRC and offers steps for the implementation and monitoring of the DRC's recommendations. Many of the recommendations made in this volume focus on the accountability of governments, and the responsibility governments have in shaping an inclusive and safe society for all Australians. Though recommendations in volume 12 are based in ensuring that the changes proposed by the DRC are realised, not one recommendation in volume 12 is accepted in full. Indeed, the first recommendation of the volume (**12.1**), which called for governments to respond to the DRC by 31 March 2024, was not met. The governments' lack of commitment and consequent failure to fulfil certain recommendations in volume 12 raises QIDAN's concerns about the Australian and Queensland governments' ability to achieve the vision of the DRC and to take responsibility and accountability.

Recommendations **12.2** to **12.4** refer to the oversight of the implementation of the DRC's recommendations. Each recommendation is accepted in principle, however, the Australian and Queensland Governments' fail to express commitment to key aspects of the recommendations like timeframes and responsible monitoring bodies. Furthermore, the governments do not propose alternative plans that meet the intent of the recommendations. In response to Recommendation **12.3**, which proposes the National Disability Commission should table an annual report on the progress of the implementation of the DRC recommendations, the Australian and Queensland Governments accept the recommendation in principle. However, in their extended joint

response, the governments state they will “consider appropriate independent reporting arrangements”²⁷, and do not actually commit to annual reports nor the role of the National Disability Commission. Again, looking at recommendation **12.4**, which calls for the National Disability Commission to lead independent evaluation of the implementation of the DRC’s recommendations, the Australian Government accepts the recommendation in principle. However, the Australian Government of not once refer to or agree to the role of the National Disability Commission as proposed by the DRC. In the responses to both recommendation **12.3** and **12.4**, it is difficult to see what part of the recommendations are actually being agreed to by governments.

QIDAN endorses all recommendations in this volume, from recommendation **12.1** to **12.8**. However, we refer to recommendation **12.4**, regarding the evaluation of the effectiveness of the DRC recommendations, and recommend that evaluations should occur far sooner, and more frequently, than five and ten years. Furthermore, QIDAN recommend that an independent disability-led implementation body should be established and funded to monitor and annually report on the implementation and effectiveness of the DRC recommendations.

Conclusion

QIDAN thanks the Australian and Queensland Government for the opportunity to provide this position paper. We are happy to provide further information or clarification of any of the matters raised in this position paper upon request. We hope to see QIDAN’s recommendations embedded in the governments’ implementation of the Disability Royal Commission recommendations.

²⁷ Australian Government. (2024). *Joint Australian, State and Territory response to the Disability Royal Commission*. [online]. (pg. 104). <https://www.dcssds.qld.gov.au/media/documents/disability/queensland-government-response-disability-royal-commission.pdf>

Appendix: Table of comparison – responses to DRC recommendations from Australian Government, Queensland Government and QIDAN

Volume 4: Realising the human rights of people with disability

Recommendation	Australian Government Response	QLD Government Response	QIDAN Response
4.1 - Establish a Disability Rights Act	Subject to further consideration	N/A	Accept in principle
4.2- Objects of the Disability Rights Act	Subject to further consideration	N/A	Accept in principle
4.3 - Principles in the Disability Rights Act	Subject to further consideration	N/A	Accept in principle
4.4 - Future review of the Disability Rights Act	Subject to further consideration	N/A	Accept in principle
4.5 - The right to non-discrimination and equality before the law	Subject to further consideration	N/A	Accept in principle
4.6 - The right to equal recognition before the law	Subject to further consideration	N/A	Accept in principle
4.7 - The right to live free from exploitation, violence and abuse	Subject to further consideration	N/A	Accept in principle
4.8 - The right to liberty and security of person	Subject to further consideration	N/A	Accept in principle

4.9 - The right to equitable access to health services	Subject to further consideration	N/A	Accept in principle
4.10 - Public authority conduct	Subject to further consideration	N/A	Accept in principle
4.11 - Consultation with people with disability	Subject to further consideration	N/A	Accept in principle
4.12 - Positive duty to promote disability equality and inclusion	Subject to further consideration	N/A	Accept in principle
4.13 - The duty to provide an interpreter	Subject to further consideration	N/A	Accept in principle
4.14 - The duty to provide accessible information	Subject to further consideration	N/A	Accept in principle
4.15 - Duties supporting compliance with the Disability Rights Act	Subject to further consideration	N/A	Accept in principle
4.16 - Interpretation of the Disability Rights Act consistently with international human right	Subject to further consideration	N/A	Accept in principle
4.17 - Limitations on right	Subject to further consideration	N/A	Accept in principle
4.18 - Functions of the National Disability Commission to support compliance with the Disability Rights Ac	Subject to further consideration	N/A	Accept in principle

4.19 - Co-design a new complaints mechanism for people with disability	Subject to further consideration	N/A	Accept in principle
4.20 - Enabling remedies through the courts	Subject to further consideration	N/A	Accept in principle
4.21 - Strengthening awareness and understanding of disability rights	Subject to further consideration	N/A	Accept in principle
4.22 - Strengthening disability rights protection in state and territory laws	Subject to further consideration	Subject to further consideration	Accept in principle
4.23 - Burden of proof in direct discrimination	Accept in principle	N/A	Accept
4.24 - Reforming indirect discrimination	Accept in principle	N/A	Accept
4.25 - Adjustments	Accept in principle	N/A	Accept
4.26 - Standalone duty to make adjustments	Accept in principle	N/A	Accept
4.27 - Positive duty to eliminate disability discrimination	Accept in principle	N/A	Accept
4.28 - Systemic discrimination	Accept in principle	N/A	Accept
4.29 - Offensive behaviour	Accept in principle	N/A	Accept
4.30 - Vilification because of disability	Accept in principle	Accept in principle	Accept

4.31 - Disability discrimination and migration law	Accept in principle	N/A	Accept
4.32 - Unjustifiable hardship	Accept in principle	N/A	Accept
4.33 - Reference to the Convention on the Rights of Persons with Disabilities	Accept in principle	N/A	Accept
4.34 - Interpretation of the Disability Discrimination Act 1992 (Cth)	Accept in principle	N/A	Accept

Volume 5: Governing for inclusion

Recommendation	Australian Government Response	QLD Government Response	QIDAN Response
5.1: Develop a National Disability Agreement	Subject to further consideration	Accept in principle	Accept
5.2: Review and update Australia's Disability Strategy	Accept	Accept	Accept
5.3 - Review and update of disability strategies and plans	N/A	Accept in principle	Accept
5.4: Review national agreements, strategies and plans	Accept in principle	Accept in principle	Accept

5.5: Establishment of a National Disability Commission	Subject to further consideration	N/A	Accept
5.6: New governance arrangements for disability	Note	N/A	Accept
5.7: Focal points across jurisdictions to implement the CRPD	Accept in principle	Accept in principle	Accept

Volume 6: Enabling autonomy and access

Recommendation	Australian Government Response	QLD Government Response	QIDAN Response
6.1: National accessible communications plan	Accept in principle	Accept in principle	Accept
6.2: Increase the number of Auslan interpreters	Accept in principle	Accept in principle	Accept
6.3: Access to skilled and qualified interpreters	Accept in principle	N/A	Accept
6.4 - Terms and definitions in guardianship and administration legislation	N/A	Accept in principle	Accept in principle
6.5 - Objects of guardianship and administration legislation	N/A	Accept in principle	Accept
6.6: Supported decision-making principles	Accept in principle	Accept in principle	Accept
6.7 - Decision-making ability	N/A	Accept in principle	Accept

6.8 - Formal supporters	N/A	Accept in principle	Accept in principle
6.9 - Representatives as a last resort	N/A	Accept in principle	Accept
6.10 - Decision-making process	N/A	Accept in principle	Accept
6.11 - Guidelines on maximising participation	N/A	Accept in principle	Accept
6.12 - Public disclosure and confidentiality restrictions	N/A	Accept in principle	Accept
6.13 - Information and education on supported decision-making	N/A	Accept in principle	Accept
6.14 - Systemic advocacy to promote supported decision-making	N/A	Accept in principle	Accept
6.15 - Updating the national standards for public advocates, public guardians and public trustees	N/A	Accept in principle	Accept
6.16 - Financial skills development programs	N/A	Accept in principle	Accept
6.17 - Transparency of public trustee fees and charges	N/A	Accept in principle	Accept

6.18 - Review of public trustees' fees and charges	N/A	Accept in principle	Accept
6.19: Data collection on support and representation arrangements	Accept in principle	Accept in principle	Accept
6.20: Interpretative declaration	Subject to further consideration	N/A	Accept
6.21 - Additional funding for advocacy programs	Accept in principle	Accept in principle	Accept in principle
6.22 - Improved data collection and reporting on met and unmet demand for disability advocacy	Accept in principle	Accept in principle	Accept
6.23 - Culturally safe disability advocacy	Accept in principle	Accept in principle	Accept
6.24 -Improve implementation planning and coordination for the cognitive disability health capability framework	Accept in principle	N/A	Accept
6.25 - Expand the scope of health workforce capability development to include all forms of cognitive disability at all stages of education and training	Accept in principle	N/A	Accept

6.26: Expand the role of the Health Ministers Meeting to monitor health workforce capability development	Accept in principle	Accept in principle	Accept
6.27: Establish regular progress reporting by accreditation authorities	6.27 (a) and (b): Accept in principle 6.27 (c): Accept	N/A	Accept
6.28: Improve access to clinical placements in disability health services	Accept in principle	N/A	Accept
6.29: Improve specialist training and continuing professional development in cognitive disability health care	Accept in principle	N/A	Accept
6.30: Expand the scope of the National Centre of Excellence in Intellectual Disability Health	Note	N/A	Accept
6.31: Embed the right to equitable access to health services in key policy instruments	6.31a - Accept 6.31b – Accept in principle	6.31a - Accept 6.31b – Accept in principle	Accept
6.32: Increase capacity to provide supports and adaptations through improved guidance,	Accept in principle	N/A	Accept

funding and accessible information			
6.33 - Develop specialised health and mental health services for people with cognitive disability	N/A	Subject to further consideration	Accept
6.34: Introduce disability health navigators to support navigation of health care for people with disability	Accept in principle	Accept in principle	Accept
6.35 - Legal frameworks for the authorisation, review and oversight of restrictive practices	N/A	Accept in principle	Accept
6.36 - Immediate action to provide that certain restrictive practices must not be used	N/A	Accept in principle	Accept
6.37: Data collection and public reporting on psychotropic medication	Accept	N/A	Accept
6.38: Strengthening the evidence base on reducing and eliminating restrictive practices	Accept in principle	N/A	Accept

6.39 -Improving collection and reporting of restrictive practices data	Accept in principle	Accept in principle	Accept
6.40 - Targets and performance indicators to drive the reduction and elimination of restrictive practices	Accept in principle	Accept in principle	Accept
6.41: Legislative prohibition of non-therapeutic sterilisation	Subject to further consideration	Accept in principle	Accept

Volume 7: Inclusive education, employment and housing

Recommendation	Australian Government Response	QLD Government Response	QIDAN Response
7.1 - Provide equal access to mainstream education and enrolment	N/A	Accept in principle	Accept
7.2 - Prevent the inappropriate use of exclusionary discipline against students with disability	Accept in principle	Accept in principle	Accept
7.3 - Improve policies and procedures on the provision of reasonable adjustments to students with disability	Accept in principle	Accept in principle	Accept

7.4 - Participation in school communities	N/A	Accept	Accept
7.5 - Careers guidance and transition support services	N/A	Accept in principle	Accept
7.6 - Student and parental communication and relationships	Accept in principle	Accept in principle	Accept
7.7 - Inclusive education units and First Nations expertise	N/A	Subject to further consideration	Accept
7.8 - Workforce capabilities, expertise and development	Accept in principle	Accept in principle	Accept
7.9 - Data, evidence and building best practice	Accept in principle	Accept in principle	Accept
7.10 - Complaint management	Accept in principle	Accept in principle	Accept
7.11 - Stronger oversight and enforcement of school duties	N/A	Subject to further consideration	Accept
7.12 - Improving funding	Accept in principle	Accept in principle	Accept
7.13 - National Roadmap to Inclusive Education	Accept in principle	Accept in principle	Accept in principle
7.14 - Phasing out and ending special/segregated education	Note	Note	Accept

7.15 - An alternative approach	Note	Note	Accept in part
7.16: Priorities for inclusion in the new Disability Employment Services model	Accept	N/A	Accept
7.17: Develop education and training resources for Disability Employment Services staff	Accept	N/A	Accept
7.18 Disability employment in the public sector	Accept in principle	Accept in principle	Accept
7.19 - Establish specific disability employment targets for new public service hires in agencies and departments	Accept in principle	Accept in principle	Accept in principle
7.20 - Clarify the application of the merit principle in public sector recruitment	Accept in principle	N/A	Accept
7.21 - Introduce consistent adjustment principles and adjustment passports	Accept in principle	Accept in principle	Accept
7.22 - Public reporting on public sector disability	Accept in principle	Accept in principle	Accept

employment strategies and targets			
7.23 - Strengthen disability employment procurement policies	Accept in principle	Accept in principle	Accept
7.24: Convene a Disability Employment Rights Council	Note	N/A	Accept
7.25: Amend the Fair Work Act 2009 (Cth)	Accept in principle	N/A	Accept
7.26 Amend the Disability Discrimination Act 1992 (Cth)	Accept in principle	N/A	Accept in principle
7.27 Enable a Fair Work Ombudsman referral mechanism	Accept	N/A	Accept
7.28 Improve information about wages and the Disability Support Pension	Accept	N/A	Accept
7.29 Embed an 'open employment first' approach in the NDIS Participant Employment Strategy	Accept	N/A	Accept
7.30 Support the transition to inclusive employment	Accept in principle	N/A	Accept
7.31 Raise subminimum wages	Subject to further consideration	N/A	Accept in principle

7.32 End segregated employment by 2034	Subject to further consideration	Subject to further consideration	Accept in principle
7.33 Prioritise people with disability in key national housing and homelessness approaches	Accept in principle	Accept in principle	Accept
7.34 Include homelessness in Australia's Disability Strategy	Accept	Accept	Accept
7.35 - Increase the availability and supply of accessible and adaptive housing for people with disability through the National Construction Code	Accept in principle	Accept in principle	Accept
7.36 Improve social housing operational policy and processes	N/A	Accept	Accept in principle
7.37 Increase tenancy and occupancy protections for people with disability	N/A	Subject to further consideration	Accept in principle
7.38 Minimum service standards and monitoring and oversight of supported residential services and their equivalents	N/A	Subject to further consideration	Accept in principle

7.39 Preventing homelessness when people with disability transition from service or institutional settings	Accept in principle	Accept in principle	Accept
7.40 Address homelessness for people with disability in the National Housing and Homelessness Plan	Subject to further consideration	Subject to further consideration	Accept
7.41 Group home reform	Accept in principle	N/A	Accept in principle
7.42 Improve access to alternative housing options	Accept in principle	Accept in principle	Accept
7.43 Group homes reform	Subject to further consideration	Subject to further consideration	Accept in principle
7.44 A roadmap to phase out group homes over a generational timeframe	Subject to further consideration	Subject to further consideration	Accept

Volume 8: Criminal justice and people with disability

Recommendation	Australian Government Response	QLD Government Response	QIDAN Response
8.1 Conditions in custody for people with disability	N/A	Accept in principle	Accept
8.2: Disability awareness in OPCAT monitoring	Accept in principle	Accept in principle	Accept

8.3 Prohibiting solitary confinement in youth detention	N/A	Accept in principle	Accept
8.4 Screening and assessment for disability in	N/A	Accept in principle	Accept
8.5 Disability training for staff in youth detention	N/A	Accept	Accept in principle
8.6 Western Australia youth detention staff retention	N/A	N/A	Accept in principle
8.7 Western Australia youth detention operating philosophy	N/A	N/A	Accept in principle
8.8 Inspector of Custodial Services Act 2003 (WA)	N/A	N/A	Accept in principle
8.9 Use of seclusion in New South Wales Justice Health and Forensic Mental Health Network	N/A	N/A	Accept in principle
8.10 Transition from custodial supervision in the Northern Territory	N/A	N/A	Accept in principle
8.11 Information for courts and legal practitioners	Accept in principle	Accept in principle	Accept
8.12 Implementation of the National Principles	Accept in principle	Accept in principle	Accept

8.13 Data about people detained in forensic systems	Accept in principle	Accept in principle	Accept
8.14 National practice guidelines for screening in custody	N/A	Accept	Accept
8.15 Policies and practices on screening, identifying and diagnosing disability in custody	N/A	Accept in principle	Accept
8.16 Support by First Nations organisations to people in custody	N/A	Accept	Accept
8.17 NDIS Applied Principles and Tables of Support concerning the justice system	Subject to further consideration	Subject to further consideration	Accept in principle
8.18 Timing of NDIA-funded transition supports	Accept	N/A	Accept in principle
8.19 Amendment of the Disability Discrimination Act 1992 (Cth) to cover police provision of 'services'	Accept in principle	N/A	Accept
8.20 Improving police responses to people with disability	Accept in principle	Accept in principle	Accept in principle

8.21 Diversion of people with cognitive disability from criminal proceedings	N/A	Accept in principle	Accept
8.22 Age of criminal responsibility	N/A	Reject	Accept
8.23 Action plan to end violence against women and children with disability	Accept in principle	Accept in principle	Accept in principle
8.24 Disability- inclusive definition of family and domestic violence	Accept in principle	Accept in principle	Accept

Volume 9: First Nations people with disability

Recommendation	Australian Government Response	QLD Government Response	QIDAN Response
9.1 Culturally appropriate parenting capacity assessments	N/A	Accept	Accept
9.2 Ages and Stages Questionnaire-Talking about Raising Aboriginal Kids (ASQ-TRAK)	N/A	Accept in principle	Note
9.3 Cultural safety of First Nations people in criminal justice settings	N/A	Accept in principle	Accept in principle
9.4: Expand community connector programs	Accept	N/A	Accept

9.5: Block funding the community-controlled sector	Accept in principle	N/A	Accept
9.6: National Disability Insurance Agency Board	Accept in principle	N/A	Accept
9.7: Participation in cultural life	Accept in principle	N/A	Accept
9.8 Return to Country		N/A	Accept
9.9: NDIS return to country and family supports policies and funding	Accept in principle	N/A	Accept
9.10: First Nations Disability Forum	Accept in principle	Accept in principle	Accept
9.11: Building on the Disability Sector Strengthening Plan	Accept in principle	Accept in principle	Accept
9.12: Disability-inclusive cultural safety standards	Accept in principle	N/A	Accept
9.13: Remote workforce development	Accept in principle	Accept in principle	Accept

Volume 10: Disability services

Recommendation	Australian Government Response	QLD Government Response	QIDAN Response
10.1: Embedding human rights	Accept in principle	Accept in principle	Accept
10.2: Independent support coordination	Accept in principle	Accept in principle	Accept

10.3: Adequate support coordination	Accept	N/A	Accept
10.4: Quality of support coordination	Accept in principle	N/A	Accept
10.5: Advocacy	Accept in principle	N/A	Accept in principle
10.6 Supported decision-making in disability services	Accept in principle	N/A	Accept
10.7 Practical guidance on supported decision-making	Accept in principle	N/A	Accept
10.8: A national disability support worker registration scheme	Subject to further consideration	N/A	Subject to further consideration
10.9: The Social, Community, Home Care and Disability Services Industry Award	Note	N/A	Accept
10.10: Provider of last resort	Accept in principle	Accept in principle	Accept
10.11: Internal procedures for monitoring reportable incidents.	Accept in principle	N/A	Accept
10.12: Introduction of class or kind determinations	Accept in principle	Accept in principle	Reject

10.13: Creating an independent investigators panel	Accept in principle	N/A	Accept
10.14: Developing model policies and procedures	Accept in principle	N/A	Accept
10.15: Complaint handling and investigative practice guideline	Accept in principle	Accept in principle	Accept
10.16: Requirement to consider redress	Accept in principle	Accept in principle	Accept
10.17: Access to safeguarding indicators and expertise	Accept in principle	N/A	Accept
10.18: Improved complaint handling procedures and responses	Accept in principle	N/A	Accept
10.19: Requirement to investigate certain complaints	Accept in principle	Accept in principle	Accept
10.20: Making complaint processes accessible	Accept	N/A	Accept
10.21: Registration and audit process	Accept in principle	Accept in principle	Accept
10.22: Strengthened regulatory requirements	Accept in principle	Accept in principle	Accept
10.23: Publishing data about the unregistered provider market	Accept	N/A	Accept

10.24: Improved access to behaviour support practitioners	Accept in principle	N/A	Accept in principle
10.25: Strengthened monitoring, compliance and enforcement	Accept in principle	N/A	Accept
10.26: Expanded data reporting and publication	Accept in principle	Accept in principle	Accept
10.27: Strengthened intelligence capacity	Accept in principle	N/A	Accept
10.28: Information sharing between prescribed bodies	Accept in principle	Accept in principle	Accept
10.29: Establishing a First Nations Unit	Accept in principle	N/A	Accept
10.30: Engagement and capacity building activities	Accept in principle	N/A	Accept
10.31 Continuous monitoring of criminal charges	Accept in principle	Accept in principle	Accept
10.32 Operational framework to guide worker screening	Accept in principle	Accept in principle	Accept
10.33 Reviewing information sharing arrangements	Accept in principle	Accept in principle	Accept

Volume 11: Independent oversight and complaints mechanism

Recommendation	Australian Government Response	QLD Government Response	QIDAN Response
11.1 Nationally consistent adult safeguarding functions	Subject to further consideration	Subject to further consideration	Accept
11.2 An integrated national adult safeguarding framework	Subject to further consideration	Subject to further consideration	Accept
11.3 'One-stop shop' complaint reporting, referral and support	N/A	Accept in principle	Accept
11.4: Creating accessible complaint pathways	Accept in principle	Accept in principle	Accept
11.5: Complaint handling and investigative practice guidelines	Accept in principle	Accept in principle	Accept
11.6: Enshrining key provisions of OPCAT in legislation	Accept in principle	N/A	Accept
11.7: Resourcing and wider definition of places of detention	Accept in principle	Subject to further consideration	Accept
11.8 Legislating National Preventive Mechanisms	N/A	Subject to further consideration	Accept
11.9 Designating National Preventive Mechanism bodies	N/A	Subject to further consideration	Accept

11.10: Improved consistency and coordination	Accept in principle	N/A	Accept
11.11: Disability inclusive approach to implementing OPCAT	Accept in principle	Subject to further consideration	Accept
11.12 Nationally consistent community visitor schemes	Accept in principle	Accept in principle	Accept
11.13 Integration of community visitor schemes with the NDIS	Accept in principle	Accept in principle	Accept
11.14 Establishing disability death review schemes	N/A	Subject to further consideration	Accept
11.15 Disability death review scheme requirements	N/A	Subject to further consideration	Accept
11.16: National agreement on disability death reviews	Subject to further consideration	Subject to further consideration	Accept
11.17 Nationally consistent reportable conduct schemes	N/A	Accept in principle	Accept
11.18: Dual oversight of reportable conduct and incidents	Accept in principle	Accept in principle	Accept

Volume 12: Beyond the Royal Commission

Recommendation	Australian Government Response	QLD Government Response	QIDAN Response
12.1: Government responses to the Final report	Accept in principle	Accept in principle	Accept
12.2: Implementation of the Final report recommendations	Accept in principle	Accept in principle	Accept in principle
12.3: Progress reporting on implementation of recommendations	Accept in principle	Accept in principle	Accept
12.4: Evaluation of effectiveness in improving outcomes	Accept in principle	N/A	Accept in principle
12.5: A nationally consistent approach to data collection	Accept in principle	Accept in principle	Accept
12.6: Disability flags in data collection for mainstream services	Accept in principle	Accept in principle	Accept
12.7: Improving disability data collection	Accept in principle	Accept in principle	Accept
12.8: Long-term support for the National Disability Data Asset	Accept in principle	Accept in principle	Accept

Key	
Response	Definition
Accept	Accept / support the recommendation in full
Accept in principle	Accept / support the overarching policy intent but may consider different approaches to implementation.
Subject to further consideration	Indicates the government is still considering the recommendation. This may be due to a need to await the outcome of related inquiries or to enable further consultation and engagement to inform a response.
Note	Used for recommendations for which it would not be appropriate to indicate acceptance or rejection, which may be due to the recommendation not being within the relevant governments' policy responsibility or remit.
Reject	The recommendation is not accepted / supported
Accept in part	Only part of the recommendation is accepted
N/A	Recommendation is not directed to the indicated government