

Submission – Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability

Australian Government Response



Submitted to the Department of Social Services

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About Queenslanders with Disability Network (QDN)

Queenslanders with Disability Network (QDN) is an organisation of, for, and with people with disability. QDN operates a state-wide network of 2,000+ members and supporters who provide information, feedback and views based on their lived experience, which inform the organisation's systemic advocacy activities. We believe people with disability should always be at the table when decisions are made that directly impact their lives.

QDN also hosts 21 peer support groups across Queensland, made up of people with a diverse range of disabilities, and convened by people with disability. The groups network socially, share information, life experiences and solutions, to create more inclusive lives and communities. Local groups are a safe space for people with disability to share information on topics that are of interest to them, to extend their social networks, and to build capacity and leadership skills.

Introduction

QDN welcomes the opportunity to make a submission to The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission (DRC)) Australian Government response.

During the DRC QDN made eight submissions based on the lived experience, knowledge and expertise of QDN members.

Following the release of the DRC's final report on 29 September 2023, QDN facilitated four member forums in November and December 2023 to discuss and provide feedback on the recommendations. The first forum was an introductory session with Queensland Government on the process for their response to the Recommendations. The following three forums covered recommendations on housing, health and employment and provided an opportunity to hear from QDN members on these important topics.

In total there were 87 members who came together to share valuable feedback, insights and ideas regarding which recommendations they felt should be prioritised.

This submission seeks to place on record insights and expertise based on the lived experiences of QDN members to provide feedback on recommendations relating to the Disability Rights Act, Governing for Inclusion and three key policy priority areas for QDN and its members. These are health, employment and housing.

Disability Rights Act

The DRC has recommended that the Australian Government enact a new Disability Rights Act and State/Territory governments should implement complementary or equivalent legislation.

QDN members see the Disability Rights Act as high priority and all recommendations relating to this legislation should be acted on without delay.

QDN supports in principle the DRC recommendations in **Volume 4 – Realising the human rights of people with disability** relating to a Disability Rights Act and recommends Australian and State/Territory governments each pass a Disability Rights Act by 2025 with strong enforcement provisions.

QDN and its members call for greater clarity around how this Act would interact with the Disability Discrimination Act 1992 (Cth) and the new Disability Services and Inclusion Act as well as a co-design process with people with disability in design and implementation of the Act.

In relation to **Recommendation 4.4 Future Review of the Disability Rights Act**, QDN believes five years is too long for a review of the Act and urges Government to aim for a review three years after commencement.

Governing for Inclusion

QDN is supportive of recommendations in **Volume 5 Governing for Inclusion** with consideration of the following:

- that the new National Disability Agreement apply to all people with disability regardless of age or NDIS status,
- that updating State and Territory strategies and plans commence after Australia's Disability Strategy is updated to reduce fragmented approaches to policy,
- that action plans are put in place following development of strategies. QDN members report national agreements and plans don't always reach health professionals on the ground where efforts need to be improved around standards of care and disability awareness and understanding.

With regards to **Recommendation 5.4 Review of national agreements, strategies and plans**, QDN recommends detailed and transparent criteria for assessing the impact of policies designed to create attitudinal change across all updates to National, State and Territory strategies and agreements. Driving systemic and long-term attitudinal change in mainstream services remains unlikely without clear deliverables that are properly funded; monitored and measured, and transparently reported. Co-design with people with disability is imperative to the review of all agreements, strategies and plans.

Health

QDN supports recommendations to improve the health and wellbeing of all people with disability. With regards to **Recommendation 6.30 Expand the scope of the National Centre of Excellence in Intellectual Disability Health**, expansion of the centre would dilute outcomes and be detrimental for people with intellectual disability, given their specific and complex health needs. Focus on other cognitive disabilities whilst welcome needs to be addressed in another way.

QDN supports in principle the following recommendations:

Recommendation 4.9 The right to equitable access to health services. While QDN supports this recommendation, an important part of this process is that people with disability have a right to access staff who have undertaken disability awareness training which is not specific enough in this recommendation.

Recommendation 6.20 Interpretive declaration. The retraction of interpretive declarations on articles 12, 17 and 18 would assist with ending substitute decision-making, compulsory assistance or treatment, and discriminatory migration health requirements, and would be a welcome move towards equality before the law for people with disability.

Recommendation 6.21 Additional funding for advocacy programs

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

Recommendation 6.23 Culturally safe disability advocacy

QDN members have identified the importance of having access to independent, individual advocacy and support when navigating their health journey. Members report the need for a more holistic approach taken by navigators from the point of hospital admission through to finding safe and suitable housing when discharged. QDN members have also said the role of a Clinical Advocate to review and oversee care in clinical health settings would be helpful in terms of oversight and review mechanisms to improve clinical care and outcomes.

Consideration should also be given to funding systemic advocacy as vital to broader systems reform and systems change. Systemic advocacy is critical to bring about change to deliver improved health care for people with intellectual disability. The work of systemic advocacy organisations ensures government receives informed feedback on policy, including service development and delivery. Additionally, it provides a channel for government to communicate with people with disability who are often not involved in mainstream public policy discussions and development.

Recommendation 6.24 Improve implementation planning and coordination for the cognitive disability health capability framework

Recommendation 6.25 Expand the scope of health workforce capability development to include all forms of cognitive disability at all stages of education and training

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

Recommendation 6.27 Establish regular progress reporting by accreditation authorities

Recommendation 6.28 Improve access to clinical placements in disability health services

Recommendation 6.29 Improve specialist training and continuing professional development in cognitive disability health care

QDN members report the urgent need for improved disability awareness training, trauma-informed and person-centred approaches and greater understanding for people with disability in all health care settings.

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

instruments. QDN members report urgent need for this recommendation in particular the need for people with disability to have a support person always accompany them in a health care setting and regardless of health directives eg COVID.

Recommendation 6.32 Increase capacity to provide supports and adaptations through improved guidance, funding and accessible information. QDN members report an urgent need for this recommendation to roll out in hospital settings and include actions that are easy for hospital staff to implement. QDN members suggest co-designing a solution with people with disability for example a report people with disability could give to staff in any health care setting to reduce communication barriers, trauma and lives lost.

While it is acknowledged that ehealth records and a range of clinical mechanisms to record and keep information are important, people with intellectual disability have also identified that a patient controlled communication tool is important, reflective of person-centred and patient-centred care principles and empowering for individuals to be more involved, and directive of their care.

There are a range of tools and resources that have been developed in different jurisdictions including Julian's Key in Queensland and it will be important going forward to consider how this can be implemented in a consistent and informed way that directly involves people with disability.

Recommendations 6.35-6.40 regarding the reduction and elimination of and improvements in reporting restrictive practices.

Recommendation 6.41 Legislative prohibition of non-therapeutic sterilisation in recognition of the right for people with disability to make their own informed medical decisions.

Recommendation 11.14 Establishing disability death review schemes

Recommendation 11.15 Disability death review scheme requirements

Recommendation 11.16 National agreement on disability death reviews

QDN members welcome improvements to disability death reviews and additional data collection that includes the suffering and circumstances leading to a person's death.

Employment

QDN supports in principle the following recommendations:

Recommendation 7.16 Priorities for inclusion in the new Disability Employment Services model. QDN members recommend the new DES model must be co-designed with people with a diverse range of disabilities, take an intersectional approach and include people with disability living in remote and regional areas. People with disability in regional and remote areas face multiple barriers including lack of access to public transport, opportunities, community support and understanding of people with disability compared to those living in metropolitan areas.

Recommendation 7.17 Develop education and training resources for Disability Employment Services staff. QDN members note that there is already existing data, research and knowledge from many government, business and recruitment company consultations over the years to improve inclusive employment that could feed into this and many of the following recommendations. Members report that despite this already existing intel very little has been done over the past 20 years and welcome action in this space. Addressing conscious and unconscious bias in workplaces through disability awareness training is recommended by members. This is training that has been successfully delivered by

QDN members through the QDeNgage program to both government departments and private enterprise.

Recommendations 7.18-7.23 Increasing public sector employment for people with disability and Promoting accessibility through procurement policies noting that the aim should be for employment targets and strategies to be implemented across all industries. QDN members welcome the notion of an employment passport and see this as a practical catalyst for change across all industries. An accessibility tick of approval or grading of workplace accessibility would also be beneficial.

Recommendation 7.30 Support the transition to inclusive employment

Recommendation 7.31 Raise subminimum wages

Recommendation 7.32 End segregated employment by 2034

QDN members note that all employment settings should be integrated so for people with disability wishing to continue working in an Australian Disability Enterprise (ADE) that setting should also be integrated in a fair and equitable way. We are broadly supportive of the development of an employment roadmap however deep consultation will need to be undertaken with QDN members to comment further on a pathway towards ending segregated employment.

QDN members strongly support raising of subminimum wages however recommend that this be achieved within a shorter timeframe to reduce the level of exploitation experienced by many people with disability. In addition to this the superannuation rate of 9.5% in the Supported Employment Services Award 2020 for people with disability must be raised to 11% and continue to increase to reach 12% by 2025 in line with the national superannuation guarantee.

Housing

QDN members are unanimous that accessible housing is a human right and all people with disability should be prioritised regardless of age or access to the NDIS. Members also note that housing isn't just a Department of Housing issue and that funding, strategies and action should be a priority for other departments including, but not limited to, health, education and employment.

QDN supports in principle with all recommendations relating to housing with consideration of the following:

Recommendation 7.35 Increase the availability and supply of accessible and adaptive housing for people with disability through the National Construction Code. QDN members urge that all accessible housing needs to be improved to gold standard. QDN members also request alternative housing options that are easier and more affordable be considered rather than retrofitting or demolishing and rebuilding. Members note many instances of accessible housing being inaccessible and located in inaccessible communities. They request more collaboration between people with disability, peak bodies, developers, investors, state government and local councils to provide safe and suitable housing.

Recommendation 7.36 Improve social housing operational policy and processes. QDN members request that social housing operational policies and processes need to be urgently reviewed and improved.

Recommendation 7.37 Increase tenancy and occupancy protections for people with disability

Recommendation 7.38 Minimum service standards and monitoring and oversight of supported residential services and their equivalents

QDN meets regularly with Supported Accommodation Providers Association (SAPA) representatives in Queensland to ensure collaborative relationships and build trust in working to ensure tenants in Level 3 residential services have access to appropriate safeguards and raise awareness. QDN has engaged with residents of Level 3 facilities regularly since the introduction of the NDIS to build capacity and more recently raise awareness of the Queensland Parliamentary Inquiry into Supported Accommodation.

QDN supports recommendations relating to Level 3 facilities including those recommending the separation of supported accommodation and NDIS services to eliminate conflict of interest. In addition to the minimum standards listed in Recommendation 7.38, QDN also recommends the following:

- Address the need for targeted funding for residents without disability-specific funded supports
- NDIS funding, supports and service provision better align with resident needs
- Improve digital literacy skills of residents through access to devices and capacity building providing a pathway to services and vocational opportunities
- Capacity building be included in support plans for residents.

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

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

Recommendation 7.41 Group home reform

Recommendation 7.42 Improve access to alternative housing options

People with disability are at higher risk of homelessness and this needs to be addressed as a priority.

QDN members specifically highlight the following be addressed in relation to these recommendations:

- Advocacy for independent living in particular the transition out of hospital and into safe and appropriate housing and targeted specialist support to meet key barriers of lack of integration.
- Support for people with disability transitioning out of group homes and into other housing including appropriate NDIS supports, financial literacy support and capacity building.
- Inclusion of people with disability in co-design processes at all stages of accessible housing development and building standards processes.
- A review of Supported Disability Accommodation (SDA) guidelines/model to reduce conflict of interest with Supported Independent Living (SIL) services. QDN asserts it is important to protect the participant from a provider conflict of interest where the provider of SDA is also the provider for SIL. Further, where SDA and SIL are provided by different service providers, participants are also less likely to experience violence, abuse, neglect and exploitation and are more likely to be empowered to raise concerns about what is not working for them. QDN strongly recommends that accommodation, SIL, and other supports such as capacity building and community participation are provided by different service providers for these reasons.

Recommendation 7.43 A roadmap to phase out group homes. QDN supports policy reform to end the group home model and to give real choice and control to people with disability who need supported accommodation whether under the NDIS or not. It is important for people with disability to have choice, control, rights and inclusion in where they live and with whom. Best practice accommodation options include models that are socially inclusive with self-directed support options and are based on the premise that people with disability are unique and rightly want and deserve a lifestyle that respects their individuality.

As per QDN's response to the DRC Group Homes Issues Paper, it is informed by QDN members who live in group homes and those who have a deep understanding of the historical context of people with disability living in systems where they have limited choice and control to determine the direction of their own lives.

Recommendation 7.44 A roadmap to phase out group homes over a generational timeframe. QDN **disagrees** with this recommendation. Even with the immediate commitments cited in the recommendation, a generational timeframe is too long.

Conclusion

QDN acknowledges that people with disability have historically experienced abuse, neglect, exploitation and violence when accessing a range of services and acknowledges the impact that this has had on individual's lives, which continues today. QDN strongly supports reform and change that leads to improved lives for people with disability and commends the work of the DRC. QDN and its members strongly urge the Australian Government to ensure the DRC recommendations lead to transformational change. This will ultimately reduce the number of preventable deaths, trauma, harm and exploitation of people with disability and ensure that people's rights to a more inclusive society are upheld. QDN strongly supports a system that is built upon evidence and data, and delivers coordinated, integrated and quality outcomes for all people with disability.