

# NSW GOVERNMENT RESPONSE TO THE DISABILITY ROYAL COMMISSION

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31 July 2024



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# ACKNOWLEDGEMENTS

## Acknowledgement of Country

The NSW Government acknowledges First Nations people across NSW as the Traditional Custodians of the lands, seas and waters of Australia and pay respect to all First Nations Elders past, present and emerging.

We extend this respect to all First Nations people, acknowledging their resilience, wisdom, and contributions to our shared communities. We recognise the unique insights they bring to understanding disability and inclusion.

We pay our respects to all First Nations people with disability and recognise the distinct contributions they made to the outcomes of the Disability Royal Commission, NDIS Review and the development of this response.

## People with disability

We acknowledge people with disability who fought and campaigned long and hard for the establishment of the NDIS and for a Royal Commission into violence, abuse, neglect and exploitation of people with disability.

We acknowledge the strength of people with lived experience of disability who shared their knowledge, insights and experiences all of which have contributed to the development of the NSW Government response.

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# SUPPORT SERVICES

This response contains material that may be triggering or upsetting for some people. If you or someone you know need support at any time, you can contact the following confidential services.

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**Lifeline Crisis Support** – 13 11 14 or [www.lifeline.org.au](http://www.lifeline.org.au)

**1800 Respect** - 1800 737 732 or [www.1800respect.org.au](http://www.1800respect.org.au)

**13YARN** – 13 92 76 or [www.13yarn.org.au](http://www.13yarn.org.au)

**NSW Ageing and Disability Commission** - 1800 628 221 or [www.ageingdisabilitycommission.nsw.gov.au](http://www.ageingdisabilitycommission.nsw.gov.au)

**NDIS Quality and Safeguards Commission** - 1800 035 444 or [www.ndiscommission.gov.au/complaints](http://www.ndiscommission.gov.au/complaints)

**National Disability Insurance Agency** - 1800 800 110 or [www.ndis.gov.au](http://www.ndis.gov.au)

**Disability Gateway** – 1800 643 787 or [www.disabilitygateway.gov.au](http://www.disabilitygateway.gov.au)

**NSW Disability Advocacy Providers** - <https://dcj.nsw.gov.au/community-inclusion/disability-and-inclusion/disability-advocacy-futures-program.html>

**National Disability Advocacy Providers** - <https://www.dss.gov.au/disability-and-carers-programs-services-for-people-with-disability-ndis-appeals/support-services-for-people-with-disability-new-south-wales>

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# MINISTER'S FOREWORD



The Disability Royal Commission's final report and the NDIS Review report together present an extraordinary opportunity to create fundamental change for people with disability and our society.

The Royal Commission's final report marked the end of a 4½-year journey that opened our eyes to the violence, abuse, neglect and exploitation people with disability face right across our society. The report sets out recommendations for change, aimed at transforming our society to a place where the rights of people with disability are upheld and their dignity is respected.

The NDIS Review report, released in December 2023, contains 26 recommended changes with 139 supporting actions to create a unified disability ecosystem of supports for people with disability. This comprehensive ecosystem, which extends beyond the NDIS, aims to ensure Australians with disability can enjoy the same opportunities as others in the Australian community.

Although the Royal Commission final report and NDIS Review differ in scope, there are many common themes and recommendations. Both call for a unified and contemporary approach to disability rights, discrimination and inclusion legislation. They both aim to improve the safety and quality of disability supports, and to increase the scale and pace of mainstream inclusion.

It is important that we look at the Disability Royal Commission final report and NDIS Review together.

People with disability fought long and hard for these reviews and, often at great personal expense, shared their experiences so that they might help make our society better for others. I would like to express my deep gratitude to every person with disability, their families and communities, for their courage and willingness to share their stories. From your experiences and insights, we have many of the ideas for change.

Experience has shown us that meaningful and effective change cannot be achieved without people with disability being firmly at the centre. That is why we have been hearing from people with disability and the disability community as we developed our response. As we move to implement the recommendations of these reports, we commit to ongoing partnership with people with disability.

The disability reforms before us are wide reaching and ambitious. Bringing them about requires a long-term commitment and a clear plan. This response sets out the NSW Government's positions on the recommendations in the Disability Royal Commission final report. It also sets out how NSW will progress a broader disability reform agenda that encompasses the recommendations of both reports. This response is an initial step in an ongoing program to drive lasting change.

## **The Hon Kate Washington MP**

Minister for Disability Inclusion

Minister for Families and Communities

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# 1 INTRODUCTION

## The need for change

The final reports of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (**Disability Royal Commission**) and the Independent Review of the National Disability Insurance Scheme (**NDIS Review**) have shone a light on the experiences of people with disability.

The recommendations of both reports present a blueprint for generational change in the way society supports and enables people with disability to live in safe and inclusive communities.

Taken together they provide us with a roadmap for doing things differently. They set out a way to recognise human rights and increase safeguards against abuse, neglect, violence, and exploitation. They also outline what is needed to ensure appropriate services and supports are in place for all who need them.

The NSW Government recognises the courage and advocacy of all those who have contributed to the development of these recommendations. Nearly 10,000 people with disability, their family, friends, supporters and advocates shared their experiences and recommendations with the Royal Commission, including through 34 public hearings. The NDIS Review heard from 10,000 people, received 4000 submissions, and collected more than 2,000 hours of deeply personal stories from people with disability.

The NSW Government acknowledges that change is needed and is committed to working with people with disability, their families, carers and supporters to deliver on this.

The NSW Government is committed to recognising and responding to the intersectional and diverse experiences of people with disability and their carers at all life stages. We must work together to create a safe and inclusive society where all people, regardless of disability, gender, age, race, culture, religion, or sexual orientation, can thrive.

A detailed NSW Government response to each of the Disability Royal Commission recommendations is at **Appendix A**.

This formal response does not represent our final response to these complex and deeply considered recommendations. It is the first step in our long-term commitment to meaningful change.

## Our next steps

Over the next year, the NSW Government will be progressing work in response to the Royal Commission and the NDIS Review, including to establish foundational supports. We will also commit to new actions under Australia's Disability Strategy, develop the next NSW Disability Inclusion Plan and remake a large number of Disability Inclusion Action Plans under the *NSW Disability Inclusion Act 2014*.

Throughout this document we have called out specific actions the NSW Government will take in the next year, and there is more information about these in the 2024-25 Implementation Plan at **Appendix B**.

We will continue to refine the implementation plan with stakeholders.

We will hold a series of stakeholder forums over the next year with people with disability and the organisations that support them. These forums will allow us to test reform ideas and listen to feedback.

Through the Disability Reform Ministerial Council, we will support regular reporting on progress by all governments on the Disability Royal Commission recommendations. The first report is expected to cover the period to March 2025 with reports every six months after that.

# How we developed this response

A safe, inclusive, and responsive disability ecosystem is everybody's business.

There are about 1.35 million people in NSW with disability, which is almost one in every five people. People with disability engage with and contribute to all areas of the community.

That's why we have taken a whole of government approach to the recommendations. We established a Disability Royal Commission Taskforce working across NSW Government agencies to share information and combine efforts. We have also worked closely with the Australian Government and other states and territories to take a coordinated approach to the recommendations that all governments need to consider.

Our approach has also been informed by ongoing stakeholder consultation, including through stakeholder forums held on 23 October 2023, 1 February 2024 and 3 June 2024, a submissions process in January and February 2024, and other targeted consultation.

A summary of our stakeholder engagement is at **Appendix C**.

The NSW Government will:

1. Work with other governments on a review of Australia's Disability Strategy and creating new Targeted Action Plans
2. Deliver the next Disability Inclusion Plan for NSW
3. Develop a new approach to Disability Inclusion Action Planning (DIAP) for NSW
4. Hold a series of stakeholder forums with a particular focus on progressing the recommendations that require further consideration
5. Report every six months on progress against Disability Royal Commission recommendations

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## 2 RECOGNISING THE RIGHTS AND AUTONOMY OF PEOPLE WITH DISABILITY

### Strengthening disability rights

A contemporary approach to disability rights is needed to achieve equality and inclusion for people with disability. The NSW Government is strongly committed to upholding the rights of people with disability and is closely considering recommendations to achieve this.

Rights set out in the United Nations *Convention on the Rights of Persons with Disabilities* are enlivened in NSW in a range of ways, including legislation, strategies and safeguards. The *NSW Anti-Discrimination Act 1977* makes unlawful both direct and indirect discrimination on the basis of disability. The NSW Law Reform Commission is currently looking at whether the Anti-Discrimination Act could be modernised and simplified to better promote the equal enjoyment of rights and reflect contemporary community standards. This review includes an examination of the adequacy of protections against vilification, and the adequacy and accessibility of complaints procedures and remedies.

We are working with other governments to consider the most appropriate and effective ways to strengthen disability rights protections. Recommendations made by the Royal Commission and the NDIS Review are being considered alongside the recently published findings and recommendations of the Parliamentary Joint Committee on Human Rights' Inquiry into Australia's Human Rights Framework.

### Reducing the use of restrictive practices

Addressing the misuse and overuse of restrictive practices is critical to upholding the rights and safety of people with disability. The NSW Government is committed to reducing the use of restrictive practices and, where possible, eliminating the use of restrictive practices against people with disability.

Having strict rules about the use of restrictive practices is critical to achieving this goal. NSW is currently investigating the Royal Commission recommendation to enact a legal framework to regulate the authorisation of the use of restrictive practices. People with disability and other stakeholders will be consulted should the NSW Government decide to pursue legislation in this area.

We will work with the Australian Government and other states and territories to look at ways to improve data on the use of restrictive practices and to develop targets to drive a reduction in their use. As a first step, we are prioritising establishing consistent targets and measures for disability settings.

### Guardianship and supported decision making

We have heard about the importance of supporting people with disability to make decisions about themselves, for themselves. People with disability have told us that when other people make decisions about where they live, the services they use, their medical treatment and finances, the decisions made don't always reflect their wishes.

The NSW Government is giving detailed consideration to the recommendations about guardianship and supported decision-making. Before the Disability Royal Commission delivered its report, the NSW Government established the Guardianship Reform Working Group to engage with community representatives on the NSW guardianship framework and to make recommendations for reform.

This group included community stakeholders, including disability advocacy organisations, peak legal stakeholders, and relevant government departments and agencies, including NSW Health, NSW Trustee and Guardian and the Ageing and Disability Commission. The advice of the Working Group will be used to support further consideration of relevant recommendations.



## Strong safeguard and oversight mechanisms

A strong safeguarding system, with accessible and responsive complaints mechanisms and robust oversight processes, is critical to reducing violence and abuse against people with disability.

The Royal Commission recognised the valuable role the NSW Ageing and Disability Commission plays safeguarding the rights of people with disability in NSW, highlighting it as an adult safeguarding model. The NSW Ageing and Disability Commission was formed in 2019 to respond to allegations of abuse, neglect and exploitation of adults with disability and older people. The Ageing and Disability Commission maintains the NSW Ageing and Disability Abuse Helpline. It also coordinates the Official Community Visitor scheme to supported disability accommodation settings, among other important functions.

The *NSW Ageing and Disability Commissioner Act 2019* was recently amended to implement recommendations from an independent statutory review. One of the changes has expanded the Commissioner's information-sharing powers to include a wider range of organisations and individuals for certain purposes related to the safety of an adult with disability.

We are committed to working together with the Australian Government and other states and territories to consider opportunities for nationally consistent approaches to safeguarding and developing a coordinated approach to embedding more accessible and integrated complaints reporting pathways.

The NSW Government will:

6. Consider recommendations arising from the NSW Law Reform Commission review of the *Anti-Discrimination Act 1977*
7. Investigate a legislative framework for restrictive practices authorisation
8. Consider the advice of the NSW Guardianship Working Group about the recommendations on reforming guardianship and administration laws to embed supported decision-making

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## 3 BETTER OUTCOMES FOR FIRST NATIONS PEOPLE WITH DISABILITY

### First Nations governance and leadership

First Nations people know what is best for their families and communities and that self-determination means they need to be equal partners in decision-making.

The NSW Government recognises the value of shared decision-making and formal partnerships in line with Priority Reform One of the National Agreement on Closing the Gap. Together with other Australian governments, the NSW Government supports the establishment of a First Nations Disability Forum to strengthen the voices of First Nations people with disability.

On 1 February 2024, the NSW Government, in partnership with the First Peoples Disability Network and the Disability Council NSW, held its second stakeholder forum on the Disability Royal Commission final report. The forum was an opportunity to give voice to First Nations stakeholders to inform the NSW Government response to the final report. Here we heard about the importance of establishing an ongoing First Nations Disability Forum with authority and that is properly resourced, that can support continuing sector consultation on key issues impacting First Nations people with disability. We are also examining what an ongoing state-based forum could look like and what role it might play in NSW disability policy and system reform.

NSW takes a partnership approach to delivering its Closing the Gap commitments. We worked with the NSW Coalition of Aboriginal Peak Organisations, in consultation with Aboriginal communities, to develop the NSW Closing the Gap Implementation Plan 2022-2024. The Plan recognises the need to consider Aboriginal people with disability under Closing the Gap and to bring an Aboriginal lens to key disability reforms, such as Australia's Disability Strategy. This includes designing an Indigenous Data Sovereignty and Indigenous Data Governance model to strengthen partnerships and shared decision making. The NSW Coalition of Peak Aboriginal Organisations has been holding Aboriginal Data Sovereignty Governance workshops to get community feedback on the issue over April-June of 2024.

### Culturally grounded, safe services and systems

Despite high rates of disability among First Nations people, services and systems too often fail to recognise and respond to the distinct needs of First Nations people with disability. This drives further inequality in social, economic, wellbeing and health outcomes.

We recognise that Aboriginal Community Controlled Organisations are critical to delivering effective services to First Nations people with disability in a way that is grounded in Aboriginal knowledge and culture. We heard through our consultation that First Nations communities are inclusive of people with all capabilities, and how culture plays a critical role in inclusion and safety for First Nations people with disability.

We agree that building the Aboriginal community-controlled disability sector is needed to address inequities and improve outcomes for First Nations people with disability. This includes strengthening First Nations disability services and all community-controlled sectors, such as health, housing and early childhood. NSW reaffirms its commitment to the Disability Sector Strengthening Plan (DSSP) and, with other governments, commits to work with First Peoples Disability Network through 2024 to strengthen implementation of the DSSP to support improved outcomes against the existing actions.

Work to build the Aboriginal community-controlled disability sector needs to be complemented by a culturally safe and responsive non-Indigenous disability sector, to enable choice and control for First Nations people with disability to access any organisation they choose.

## First Nations children and parents in the child protection system

We know that Aboriginal children and families have been, and continue to be, disproportionately impacted by child protection practices. Our commitment to do better for Aboriginal children, families and communities means we need to address long-standing issues. We need to do things differently.

We are improving the child protection system by implementing recommendations of the Family is Culture review. The Family is Culture Bill resulted in amendments to the *Children and Young Persons (Care and Protection) Act 1998* embedding the Aboriginal and Torres Strait Islander Child Placement Principle and imposing obligations for practitioners to take 'active efforts' to prevent all children from entering out-of-home care (OOHC) and restore children to their parents. The amendments also require the Department of Communities and Justice to consider alternative options to OOHC and ensure families and communities have a voice in decision making.

In August 2023, the Minister for Families and Communities hosted the Aboriginal Child Safety and Wellbeing Reform Forum with Aboriginal stakeholders, leaders and community representatives to hear what is required to build a more responsive, culturally safe and accountable system. An outcome was the establishment of the Ministerial Aboriginal Partnership Group to help design significant structural reform and oversee its implementation.

Work is underway to design a new approach to assessing families in our statutory child protection system. This work, guided by the Ministerial Aboriginal Partnership Group, is being undertaken in partnership with AbSec and the Aboriginal Legal Service. A priority is to deliver more contemporary, equitable, fair and culturally safe assessment tools that will improve decision making and support better outcomes for children and families in NSW including families where a child, parent or caregiver has a disability.

We support the use of culturally adapted developmental screening, including the Ages and Stages Questionnaire-Talking about Raising Aboriginal Kids (ASQ-TRAK). The NSW Health OOHC Health Pathway Program provides coordinated health assessments for children and young people aged 0-17 years in statutory OOHC. NSW Health is exploring opportunities to further improve culturally appropriate assessment and health management planning for Aboriginal children and young people in OOHC and is supporting use of ASQ-TRAK in the program.

NSW is also working to better understand disability prevalence and enhance our capacity to meet the disability-related needs of families, children and young people in contact with the child protection system. NSW led the National Disability Data Asset pilot on early childhood and are collaborating with the National Disability Insurance Agency to integrate NDIS data with our OOHC data.

The NSW Government will:

9. With other governments and First Nations people with disability, establish a First Nations Disability Forum that builds on Closing the Gap partnerships and mechanisms
10. Continue working in partnership with the NSW Coalition of Aboriginal Peak Organisations to implement the NSW Closing the Gap Implementation Plan 2022-2024
11. Work with other governments and First Peoples Disability Network to strengthen implementation of the Disability Sector Strengthening Plan
12. Continue to implement the accepted recommendations of Family is Culture review
13. Work with the Ministerial Aboriginal Partnership Group to help design significant structural reform of the child protection system and consider disability in this process

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## 4 ADDRESSING BARRIERS TO PROMOTE INCLUSION AND ACCESS

### Improving access to disability advocacy services

Advocacy is a crucial tool to support people with disability to defend and protect their rights. Governments play an important role in providing advocacy services and are working together to ensure people with disability have access to effective advocacy.

The NSW Government continues its commitment to advocacy through the Disability Advocacy Futures Program, which funds organisations to deliver individual, systemic and representative advocacy to people with disability in NSW. In 2024 we will begin to implement a new outcomes framework to monitor, evaluate and improve outcomes for people with disability accessing disability advocacy programs.

We will work with the Australian Government and other states and territories to build upon the National Disability Advocacy Framework 2023-2025. We will continue work to increase culturally appropriate and accessible advocacy services for people with disability from diverse groups and communities.

### Making information accessible

Accessible information and communications are critical for the autonomy and safety of people with disability. We are working towards making NSW Government information easy to read, easy to find, easy to use. The first step to develop an Easy Read Style Guide in partnership with people with intellectual disability, is already underway.

NSW Government digital products and services are expected to meet accessibility standards. These standards include the Australian standard AS EN 301 549 Accessibility requirements for ICT products and services, and the current version of the Web Content Accessibility Guidelines (WCAG) to level AA for Government websites, web content and apps. We have produced an Accessibility and Inclusivity Toolkit to help public servants build and buy digital products and services everyone can use.

We require public authorities to report annually on the implementation of their Disability Inclusion Action Plans, which include a focus on accessible systems and processes, including accessible information.

We will work with other governments to develop a national plan to improve the accessibility of information and communications for people with disability, in connection with Australia's Disability Strategy. We are committed to making sure this plan is developed with people with disability and their representative organisations, particularly diverse people with disability who may face additional barriers to accessing the information and communications they need. Governments have agreed that scoping and development of the plan will commence in 2024.

We realise the vital role Auslan and Deaf interpreters play in supporting people who are Deaf or hard of hearing to access the information and communications they need. As part of developing the national plan on accessibility of information and communications, the Disability Reform Ministerial Council will consider strategies, initiatives and approaches to boost the Auslan and Deaf interpreter and translator workforce.

### Improving community attitudes

NSW has an enduring focus on improving community attitudes so that people with disability are respected, valued and able to contribute to society. We heard through consultation on our first state Disability Inclusion Plan that real change won't happen without shifting attitudes.

We will work with all governments to develop a new Targeted Action Plan under Australia's Disability Strategy focused on community attitudes. An important way that NSW will deliver on this is through our Disability Inclusion Plan and Disability Inclusion Action Plans, which have a focus area on positive community attitudes and behaviours.

## Better public sector employment opportunities

The NSW Government has an important role to play in promoting inclusive employment. We are the largest single employer in Australia, with about 400,000 employees. Our actions matter and can offer a model of best practice inclusion that influences other employers and workplaces. Specific employment targets can have a positive impact and we are committed to public reporting on public sector disability employment strategies and targets.

As part of making our workplaces accessible and inclusive, public service commissioners or their equivalents across Australia will consider common principles to underpin adjustment policies in the public sector. The Office of the Public Service Commissioner is currently finalising a principles-based model workplace adjustment policy for the NSW public sector that can be shared with other jurisdictions.

The Department of Communities and Justice is working with our partner Get Skilled Access to support disability employment in the sector through targeted opportunities with a number of agencies, with actions including developing Disability Inclusion Action Plans and better understanding workplace adjustments. Annual reporting by public authorities on the implementation of Disability Inclusion Action Plans includes a focus on employment.

We will also encourage inclusive employment practices and work to incorporate minimum accessibility and inclusion requirements into procurement policies.

The NSW Government will:

14. Support advocacy in NSW through the Disability Advocacy Futures Program and implement an outcomes and reporting framework
15. Work with other governments to build on the National Disability Advocacy Framework 2023-2025, prioritising work to increase culturally appropriate and accessible advocacy services for people with disability from diverse communities
16. Work with other governments, people with disability and their representative organisations to develop a new national plan to improve the accessibility of information
17. Continue work to have all NSW Government information relevant to people with intellectual disability in Easy Read by 2025 and developing an Easy Read Style Guide
18. Develop a principles-based workplace adjustment policy
19. Continue work at agency level to increase the number of employees with disability
20. Continue work to integrate accessible procurement practices

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## 5 BUILDING A STRONG ECOSYSTEM OF DISABILITY SUPPORTS

### A better NDIS for participants

The NSW Government is committed to the future of the NDIS. In 2024/25 the NSW Government will invest \$3.96 billion in the NDIS, which supports more than 193,000 people across the state.

NSW was the first state or territory to sign up to the NDIS. We led the country in pilot sites in the Hunter and the Blue Mountains and were the first state or territory to transition to full scheme arrangements.

We will continue to work with the Australian Government and other states and territories to ensure changes to the NDIS improve the experience of participants, increase the quality and safety of services and secure the NDIS into the future.

National Cabinet in December 2023 agreed to adjust state and territory NDIS contribution escalation rates in line with actual annual scheme growth (capped at 8 per cent) commencing 1 July 2028.

### Investing in foundational supports

The NSW Government has committed to invest in foundational supports for people with disability, their families and carers. NSW is working with the Australian Government and other states and territories on the design and implementation of foundational supports that will provide people with disability and their families access to more disability support outside the NDIS.

### Inclusive mainstream services

Provision of accessible and inclusive mainstream services is a critical part of the unified disability support ecosystem described by the NDIS Review. NSW is committed to continuous improvement of our services, including improved universal design and making adjustments, so that mainstream services are safe, accessible and meet the needs of people with disability. This is discussed in more detail in the next section about housing, health and education services.

### Better data drives reform

The National Disability Data Asset will enable more effective data gathering, sharing and reporting. NSW has led the development of the data asset by initiating pilots and leading the National Project Team.

The data asset safely, legally, and ethically combines Australian Government, state and territory datasets to better understand the experiences of people with disability and to improve ways for government systems to serve the needs of people with disability.

Insights from the Early Childhood Pilot led by NSW show the benefits of data sharing across state and national health, education and human services systems. From this, we can see what delivers the best results and identify ways to drive better educational outcomes and meet developmental goals.

The National Disability Data Asset will start coming online this year. The first data transfers of Commonwealth and NSW data will occur mid-year with the first analytics projects expected to commence in late 2024.

We are committed to monitoring and reporting under the outcomes framework for Australia's Disability Strategy. This includes work through a Data Improvement Plan to address data gaps by the end of 2024.



## Strong governance to embed reforms

We will work with the Australian Government and other states and territories to improve national governance arrangements. All governments are committed to ensuring intergovernmental structures and arrangements support collaboration to advance equality, inclusion, and the rights of people with disability.

The Disability Council NSW is the official advisory body to the NSW Government on issues impacting people with disability and disability inclusion, established under the *Disability Inclusion Act 2014*. Through its advisory role, the Disability Council NSW will play an important role in the successful implementation of government actions in response to the final report.

We will deliver a new five-year NSW Disability Inclusion Plan that will be released before the end of 2024. Our next plan will bring together actions that respond to the Royal Commission and other initiatives to improve the quality, safety and accessibility of all mainstream services. We will consult with people with disability, the Disability Council NSW, stakeholders and the broader sector in coming months to develop our next plan. This will also include reforms to how we develop, implement and evaluate our Disability Inclusion Action Plans to drive outcomes and hold public authorities to account.

The NSW Government will:

21. Work with other governments and the disability community to design and implement foundational supports.
22. Implement the National Disability Data Asset

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## 6 SERVICES THAT ARE SAFE AND INCLUSIVE

### Housing and homelessness

The NSW Government recognises the fundamental importance of having a safe and secure home. We are working with all governments to implement national housing and homelessness reforms. There is an opportunity to set up the homelessness system to better respond to the needs of people with disability.

We are taking steps to make our processes for allocating and modifying social housing more accessible and inclusive for people with disability. In July 2022 the NSW Ombudsman released the report *Modifying public housing properties to meet the needs of tenants with disability*. We are working with the disability sector and peak bodies to revise our policies and processes on home modifications and alterations. The new policies and processes are expected to commence by the end of 2024.

The NSW Government is committed to ending 'no grounds' terminations by requiring owners to have a good reason to end a lease and is working to deliver a more modern and fair rental market.

The NSW Government supports improving protections for renters, as well as residents in boarding houses and other shared accommodation. A statutory review of the *Boarding Houses Act 2012* has been completed. Specific elements of the Disability Royal Commission recommendation on assisted boarding houses will be considered as part of the development and drafting of future legislation.

### Health care

NSW is committed to ensuring that people with disability have access to high-quality health care and can achieve the same health outcomes as other people in our community.

The Royal Commission identified NSW as a leader in the delivery of health and mental health services for people with intellectual disability and recommended that similar services be established across Australia. The evaluation of our Intellectual Disability Mental Health Hubs identified significant benefits of this service, including decreased emergency department presentations by 28% and increased capacity of mainstream mental health services. An independent evaluation of our Intellectual Disability Health Service has been commissioned with a final report expected by June 2025. We will work with partners in the disability sector to improve these services and identify opportunities to address broader system gaps.

We are working with all governments to ensure health policy instruments and planned healthcare services meet the needs of people with disability. This includes providing adaptations and tailored supports and involving the support network of a person with disability during health treatment when appropriate.

We recognise that people with disability may require additional support to navigate the healthcare system and will work with the Australian Government and other states and territories to develop a nationally consistent health navigation framework. We continue to support the significant reform efforts being made under the National Roadmap for Improving the Health of People with Intellectual Disability.

### Education

Access to safe, equitable, and inclusive education profoundly impacts the life trajectories of children and young people with disability. Under the *Education Act 1990*, all students in NSW, including those with disability, have a legal right to enrol in their local schools. The Education Act, along with NSW school registration requirements, mandates that all schools provide a safe and supportive environment for students. The NSW Government is committed to improving the safety, inclusivity, and quality of education for students with disability by considering amendments to school registration requirements and enhancing regulatory oversight. We are dedicated to offering clear and accessible resources for students with disability and their families, detailing their rights, the obligations of schools, and review processes.

The NSW Government is a strong advocate of embedding inclusive practices within our education system. The Department of Education launched a comprehensive Disability Strategy in 2019 and has designed and



delivered programs and initiatives under this strategy. We released the Inclusive Education Statement for Students with Disability in 2020 outlining the six core principles of inclusive practice as 1) student agency and self-determination, 2) parent and carer inclusion, 3) social and cultural inclusion, 4) curriculum inclusion, 5) workforce capability for inclusion, 6) system inclusion. The Inclusive Education for Students with Disability Policy and a range of supporting practice resources were implemented in 2022 to further embed inclusive learning in our schools.

We have invested in accessible school facilities, improvements in complaint handling, new professional learning courses and training, and enhanced support for specialist learning. The Inclusive Assessment program will be available in NSW public schools this year, including a world-first set of integrated online assessment tools. The tools will help teachers understand the literacy and numeracy skills of their students with complex learning needs, enabling them to plan an effective and targeted learning program.

The Disability Royal Commission has shown the need for better direction and guidance for educators about the requirements under the *Disability Discrimination Act 1992* (Cth) (DDA) and the *Disability Standards for Education 2005* (Cth) (Education Standards). Since July 2020, the Department of Education has provided school leaders, including principals, with training in the DDA and the Education Standards. The department's website now provides additional resources that outline the legal obligations of educators in our state, and the training available to support their skills and capabilities in this area.

The NSW Government has established an inclusive education unit that fulfills the functions envisaged by the Royal Commission. Inclusion is embedded in all aspects of school life, and is supported by culture, policies and everyday practices. Inclusion means education environments that adapt the design and physical structures, teaching methods, and curriculum as well as the culture, policy and practice of education environments so that they are accessible to all students without discrimination.

NSW is committed to collaborating with other governments to develop a National Roadmap to Inclusive Education for students with disability. By reporting on milestones and performance measures, states and territories can collectively tackle barriers and enhance the inclusivity of our education systems. We fully support the transition to needs-based funding and already use the Nationally Consistent Collection of Data (NCCD) to inform our disability equity loading.

## Justice

The NSW Government recognises that people with disability are significantly over-represented across the criminal justice system and is committed to addressing this. We support evidence-based programs that assist people with disability and reduce inappropriate contact with the criminal justice system. Drawing on what we heard during the Royal Commission, the NSW Government expanded the Justice Advocacy Service to include a diversion service for defendants with cognitive impairment (JAS Diversion). An independent process evaluation of this service, including JAS Diversion, has been completed. An independent outcomes evaluation and economic analysis of JAS will be initiated in 2024/25.

Work to improve conditions in custody is taking place through the Corrective Services Strategic Plan and Youth Justice's Disability Action Plan. Under its Disability Action Plan, Youth Justice has taken steps to enhance screening and assessment and improve workforce capability and training. Youth Justice's next Disability Action Plan will have a strong focus on First Nations young people with disability.

The NSW Government recognises the need for systems and services that properly support and supervise forensic patients with cognitive impairment. We have a cross-agency team reviewing current step-down transitional support and accommodation arrangements for forensic patients with cognitive impairment and identifying options for reform. NSW Health will review its policy on the use of Seclusion and Restraint in NSW Health settings, which supports minimising the use of seclusion.

We will work with all governments to develop a consistent national approach for screening for disability in custody. We agree the development and use of culturally appropriate screening tools is an important area to progress. This needs to be done in partnership with First Nations communities and organisations.

We are committed to improving police responses to people with disability, recognising the critical role police play in promoting and maintaining people's rights. We will work with people with disability to design, implement and evaluate strategies to improve police responses.

## Women and girls with disability

The NSW Government is undertaking significant reform to prevent and respond to gender-based violence. Women and girls with disability are a priority in this work.

NSW domestic violence legislation reflects best practice and is a model for other governments. The definition of 'domestic relationship' in the *Crimes (Domestic and Personal Violence) Act 2007* includes both paid and unpaid carer relationships and relationships between co-residents in same residential setting. Since February 2024, the Act includes a new definition of domestic abuse supported by a non-exhaustive list of examples, including physical abuse, sexual abuse, economic abuse, intimidation and stalking. This captures specific forms of violence experienced by people with disability, such as withholding necessary medical or other care, support, aids, equipment or essential support services from a person, or compelling the person to take medication or undertake medical procedures.

Through the National Plan to End Violence Against Women and Children 2022-2032, all governments agreed that the findings of the Royal Commission would guide future work to end violence against women and girls with disability. We are implementing initiatives with this focus, including through the NSW Domestic and Family Violence Plan 2022-2027 and the NSW Sexual Violence Plan 2022-2027.

The NSW Government will:

23. Revise home modification and alteration policies in consultation with the disability sector and peak bodies, with new policies expected to begin in late 2024
24. Consider specific elements of the recommendations relating to Assisted Boarding Houses as part of the development/drafting of future legislation
25. Work with other governments to make sure the healthcare needs of people with disability are considered in national health policies and develop a national health navigation framework
26. Evaluate our Intellectual Disability Health Service
27. Work with other governments to develop a 'National Roadmap to Inclusive Education' for students with disability
28. Continue to embed inclusive education principles in all NSW public schools guided by the Inclusive Education Statement for Students with Disability and with support from the Inclusive Education Unit
29. Consider the capital investment needs for educational infrastructure arising from the Royal Commission's recommendations
30. Review the NSW Department of Education's enrolment policy, including the obligations of schools relating to applications to attend a local school as well as enrolment review processes
31. Consider amendments to school registration requirements and regulatory oversights to improve the safety, inclusivity and quality of education for students with disability
32. Consult with partners and stakeholders, including students, parents and carers, teachers and community members about actions to continue delivering resources and advice to schools and teachers about implementing inclusive education
33. Work with other governments to refine Nationally Consistent Collection of Data on School Students with Disability (NCCD) levels of adjustments and associated funding for students with disability
34. Build workforce capability to foster inclusive learning environments
35. Evaluate the Justice Advocacy Service diversion service, with an independent outcomes evaluation and cost-benefit analysis planned for 2024
36. Work with other states and territories to develop a consistent national approach for screening for disability in custody

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# APPENDICES

## Appendix A: Response to Disability Royal Commission recommendations

Appendix A is available at: [Appendix A: Response to Disability Royal Commission recommendations](#)

## Appendix B: Implementation Plan

Appendix B is available at: [Appendix B: Implementation Plan](#)

## Appendix C: Engagement Summary

Appendix C is available at: [Appendix C: Engagement Summary](#)

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