

People with disability

In recent years Australian governments adopted *Australia's Disability Strategy 2021-2031*, a 10-year framework 'for an inclusive Australian society that ensures people with disability can fulfil their potential, as equal members of the community'. In 2023, two landmark inquiries made recommendations for disability reform: the [Royal Commission into Violence, Abuse Neglect and Exploitation of People with Disability](#) and the [Independent Review of the National Disability Insurance Scheme](#). Both inquiries emphasised the importance of a rights-based approach to reform, and that the human rights of people with disability in Australia should be better protected in law and policy.

Disability Discrimination Act

Equality and fairness

Recent human rights advances

The Australian Government has accepted recommendations of the Disability Royal Commission to reform the Disability Discrimination Act to better protect persons with disability. National consultations have now occurred with draft legislation expected in 2026/27.

The Disability Discrimination Act is an important law and many people with disability who experience discrimination use it to enforce their rights. However, the Disability Discrimination Act has not had any significant changes to it since 2009. It is clear that parts of the Disability Discrimination Act are not working as they were meant to.

The Disability Royal Commission endorsed and repeated recommendations made in the Commission's Free and Equal report for reform to the Disability Discrimination Act. In 2025, the Australian Government consulted on recommendations from these two reports. Key changes that should be introduced are building a culture of prevention by the introduction of a positive duty for duty holders to take active steps to eliminate discrimination in all areas of protected public life. A positive duty would require a modern and responsive regulatory framework so as to be effectively enforced. Other changes to the Act would also enhance access to justice.

The Commission maintains that all four federal discrimination laws should be harmonised so as to have in place a coherent and complementary set of laws.

Australia's Disability Strategy (ADS)

Despite being Australia's national disability policy framework to implement the United Nations *Convention on the Rights of Persons with Disabilities* (CRPD), the ADS is not acting as the vehicle for transformative policy reform to achieve equality for people with disability. This is due, in part, to a lack of alignment with the CRPD and poor governance and accountability measures.

The ADS' policy priorities across outcomes areas and Targeted Action Plans lack strong human rights framing. Since the ADS was introduced in 2021, 75% of outcome measures have shown no change, have regressed, or lack available data. A more robust governance framework and data development plan needs to be put in place to support accountability. It should incorporate human rights indicators and link to the National Disability Data Asset to build a greater evidence base.

Australia has yet to formally designate an Independent Monitoring Mechanism (IMM), as required under CRPD Article 33. While the Commission is viewed as the de-facto IMM, it has minimal visibility of, or input into, the ADS. To satisfy obligations under Article 33(2), an IMM should be formally established under law. This mechanism should be co-designed with and include organisations of people with disability and play a central role in the implementation, evaluation and monitoring of the ADS.

The first independent evaluation of the ADS in 2025-26 is an opportunity to review and improve the effectiveness of the ADS in driving implementation of the CRPD.

Priority Action

The Australian Government should introduce stronger accountability and governance mechanisms into Australia's Disability Strategy, including a designated Independent Monitoring Mechanism under the CRPD.

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

Safety

Other priority human rights issues

Australian government responses to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability have resulted in limited outcomes to date. A range of recommendations remain unimplemented.

In September 2023, the *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability* (Disability Royal Commission) handed down its Final Report to government after 4.5 years of inquiry. The Disability Royal Commission made 222 recommendations to improve laws, policies, structures, and practices to create a more ‘inclusive and just society that supports the independence of people with disability and their right to live free from violence, abuse, neglect and exploitation’.

The Australian Government accepted only 13 recommendations in full and 117 in principle. A further 42 were noted or required further consideration. For example, governments did not accept recommendations to:

- phase out segregation in education, housing or employment
- raise sub-minimum wages
- prohibit forced sterilisation
- commit to tangible leadership on supported decision-making.

Since this initial response, the Government has not published a comprehensive implementation plan. Instead, brief updates on the implementation status of each

Priority Action

The Australian Government should implement the recommendations of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

recommendation were provided., Overall, there has been no significant commitment to addressing the systemic and structural causes of violence, abuse, neglect and exploitation identified by the Disability Royal Commission. Greater commitment is required to ensure that implementation meets the standards and principles of the CRPD and reflects the intersectionality and diversity of people with disability. The Government should work closely with the Australian Human Rights Commission and people with disability. Transparent and independent monitoring of implementation should be established and prioritised.

Restrictive practices

There is evidence that people with disability experience higher rates of all forms of violence, abuse, neglect, exploitation and ill treatment. These practices are unacceptably high, indicating that current levels of monitoring and oversight are insufficient.

Restrictive practices (including physical, mechanical and chemical restraints, and other forms of deprivations of liberty) occur in the context of NDIS service delivery, as well as in a range of other settings, including mental health services, hospitals, aged care facilities, schools.

There is a need for a nationally consistent approach to monitoring, regulating and eliminating the use of restrictive practices across all settings.

Priority Action

The Australian Government should introduce a national framework on the use of restrictive practices on people with disability across all service systems.

Segregation of people with disability

Equality and fairness

Urgent human rights issues

Too many people with disability remain segregated in education, housing and employment settings without adequate progress to change this. Below award wages remain lawful, providing discriminatory payment schemes for people with disability in employment.

The segregation of people with disability continues to increase across Australia in the areas of education, housing and employment. This stems from ableist policy responses which normalise the segregation of people with disability.

The Disability Royal Commission found there is a 'polished pathway' whereby early segregation in education makes it more likely for people with disability to transition into other segregated environments throughout their life, such as housing and employment.

The number of 'special'/segregated schools across Australia is on the rise. For example, in Queensland segregated schools increased by 26% (106 schools) between 2010 and 2022, and recently, the 'largest' segregated schooling investment in Queensland's history to build of 6 segregated schools. Segregated education settings result in higher rates of violence, abuse, and neglect of people with disability, leading to poorer academic outcomes, reduced employment opportunities and social exclusion.

Australia has one of the lowest employment rates for people with disability in the OECD, with persistently low labour force participation rates of people with disability over three decades. Only 61% of people with disability participate in the labour force compared to 85% of participation for those without disability. Some people with disability in segregated employment settings are paid as little as \$3.01 per hour of work, which is lawful under the Supported Wage System.

People with disability continue to be segregated into institutional and congregate living arrangements based on their disability. Over 7,000 people participating in the National Disability Insurance Scheme (NDIS) receiving specialist disability accommodation payments live in group homes, often sharing supports as a condition of funding.

People with disability continue to be overrepresented in criminal detention, mental health facilities and other congregate care arrangements, and face significant barriers to accessible and adaptive mainstream housing that meets their needs. Governments must prioritise deinstitutionalisation and support people with disability to live independently in accessible and appropriate housing of their choice within the community.

All Australian governments need to take concrete actions to eliminate the segregation of people with disability in education, employment and housing, via National Roadmaps that set out the broader conditions for reform and uphold the standards and principles of the CPRD.

Priority Action

The Australian Government should eliminate segregation of people with disability in education, housing and employment. Abolish below-minimum disability wages and redirect resources to removing barriers that perpetuate segregation.

Decision making

National decision-making framework

The use of substitute decision-making restricts the exercise of the right of people with disability to equal recognition before the law and restricts their ability to exercise autonomy in making decisions about their lives.

The roll out of the NDIS has led to a rise in applications for guardianship arrangements across Australian states and territories. For example, in Queensland, guardianship applications steadily increased between 2016 – 2019; and in South Australia, guardianship matters nearly doubled from 2015 to 2022. People are also remaining under guardianship for longer periods of time; in Victoria, the reappointment rate climbed 15% since the roll out of the NDIS.

Substitute decision-making regimes are established across several laws, and there are differences in standards between jurisdictions. In 2014, the Australian Law Reform Commission (ALRC) called for harmonisation via National Decision-Making Principles. These need to be endorsed, implemented and harmonised across all legal frameworks in all States and Territories.

Priority Action

The Australian Government should implement a nationally consistent supported decision-making framework.

Deprivation of liberty on the basis of impairment

People with disability in Australia are subject to deprivations of liberty on the basis of impairment.

In some jurisdictions, declarations of unfitness to stand trial or to plead can lead to indefinite detention of unconvicted people with disability, including children. A person can spend longer in detention than if they had been found guilty and were sentenced to imprisonment for the offence. There are no special procedures for children. In 2015 the Australian Government made a commitment to improve the treatment of people found unfit to stand trial or to plead, but little has changed since then.

Furthermore, mental health laws, frameworks and policies in Australia permit mental health services to be provided in a way that breaches human rights. In Australia, 46% of hospitalisations in mental health facilities were involuntary in 2022-23.

Sterilisation and forced administration of contraceptives and abortion procedures on people with disability, continues to take place.

Priority Action

The Australian Government should repeal laws and cease practices that enable the deprivation of liberty on the basis of impairment, including indefinite detention and compulsory mental health treatment. Implement uniform legislation to prohibit involuntary sterilisation and forced medical.