

Submission to the Department of   
Social Services and the Commonwealth Disability Royal Commission Taskforce on the Australian Government’s response to the Royal Commission into Violence, Abuse, Neglect, and Exploitation of People with Disability (DRC)

**9 February 2024**

About the Submitter

JFA Purple Orange is an independent social-profit organisation that undertakes systemic policy analysis and advocacy across a range of issues affecting people living with disability and their families.

Our work is characterised by co-design and co-production and includes hosting a number of user-led initiatives.

Much of our work involves connecting people living with disability to good information and to each other. We also work extensively in multi-stakeholder consultation and collaboration, especially about policy and practice that helps ensure people living with disability are welcomed as valued members of the mainstream community.

Our work is informed by a model called *Citizenhood*.

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# Summary and recommendations

The Federal Government’s response to the Final Report of the Royal Commission into Violence, Abuse, Neglect, and Exploitation of People with Disability (DRC) presents an unprecedented opportunity for Australia to make fundamental changes to how it treats people living with disability and to genuinely ensure all Australians receive a fair go at everything life has to offer. In this submission, JFA Purple Orange wholeheartedly endorses the recommendations of the three Commissioners with lived experience of disability who unanimously recommended an end to segregation, although we strongly believe the timeframes for transition can be, and should be, far more ambitious. If the federal, state, and territory governments all act with urgency, a real desire and commitment to change, and a recognition of the need to make significant investments in order to deliver a genuine transformation that will pay huge dividends over the short-, medium-, and long-terms, then the policies and practices of segregation can end within the term of *Australia’s Disability Strategy 2021-2031*.

All responses to the DRC’s recommendations must be human rights centred and involve Australians living with diverse disabilities in co-designing the reforms. They must reject false assertions that segregation is often a ‘choice’ and recognise it is the failure of governments and providers to deliver safe, inclusive, and accessible mainstream services and infrastructure that forces people into segregated options. We recognise that segregation cannot end overnight and, therefore, offer recommendations in support of national co-designed transition plans for inclusive education, employment, and housing that ensure no one will fall through the cracks or lose the essential supports they rely on. Creating genuinely safe, inclusive, and accessible alternatives to outdated segregated approaches must be a top priority, however we strongly believe that only clear timeframes for each stage of the transitions and a final deadline set now will provide the necessary impetus to ensure the transformation is achieved.

The Federal Government’s response to the DRC should begin with a commitment to join with the disability community and all Australians to build a shared vision for an authentically inclusive modern nation that does not segregate, exclude, or discriminate, and to deliver this as soon as possible.

We recommend:

Recommendation 1: **The Commonwealth Disability Royal Commission Taskforce should implement genuine best-practice co-design processes involving Australians living with disability for all elements of the response to the recommendations. Co-design members should reflect the full diversity of disability experiences, as well as all life stages and demographics, including, but not limited to, people living with disability in closed systems, people living with intellectual disability, First Nations people living with disability, and people living with disability from culturally and linguistically diverse (CALD) backgrounds.**

Recommendation 2: **The Federal Government, Department of Social Services, and Commonwealth Disability Royal Commission Taskforce should draw on the Model of Citizenhood Support as a useful lens through which to understand the profound consequences of policies and practices of segregation and the immense benefits of enabling and advancing the *Citizenhood* of Australians living with disability through genuinely inclusive approaches.**

Recommendation 3: **In responding to the Disability Royal Commission’s recommendations, the Federal Government, Department of Social Services, and Commonwealth Disability Royal Commission Taskforce should ensure that Australia’s obligations under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), as well as legislative requirements and the commitments of all tiers of government made in *Australia’s Disability Strategy 2021-2031*,are fulfilled and fully realised in the lives of Australians living with disability. This includes appropriate investment in actions to deliver outcomes and the establishment of accountability mechanisms to ensure change occurs.**

Recommendation 4: **In responding to the Disability Royal Commission’s recommendations, the Federal Government, Department of Social Services, and Commonwealth Disability Royal Commission Taskforce should recognise the legacy of institutionalisation in Australia and how this continues to influence and impact current policies and practices of segregation. All responses should reject institutionalisation and segregation and, instead, reflect and endorse contemporary human rights-based approaches consistent with the Social Model of Disability.**

Recommendation 5: **The Federal Government, Department of Social Services, and Commonwealth Disability Royal Commission Taskforce should take a strong leadership role against all policies and practices of segregation and in rejecting false claims that segregation can constitute a genuine ‘choice’.**

Recommendation 6: **The Federal Government should immediately cease funding for any new segregated provisions in education, employment, and housing, including, but not limited to, ‘special’ schools and units, supported employment options such as Australian Disability Enterprises (ADEs), and new group houses (including via individual NDIS budgets). All public money should be invested in authentically inclusive infrastructure, services, and programs that provide the foundations for transition plans to succeed into the future.**

Recommendation 7: **The Federal Government, Department of Social Services, and Commonwealth Disability Royal Commission Taskforce should work with the National Disability Insurance Agency (NDIA) to ensure that it adopts practices that do not support, fund, or perpetuate segregated services, including by ending quasi-blocked funded supports in areas including, but not limited to, Supported Independent Living (SIL), community participation, and supported employment.**

Recommendation 8: **In responding to the Disability Royal Commission’s recommendations, the Federal Government, Department of Social Services, and Commonwealth Disability Royal Commission Taskforce should recognise the utmost importance of informal natural safeguards in the lives of all Australians and reject policies and practices of segregation because these actively undermine the prevention of violence, abuse, neglect, and exploitation.**

Recommendation 9: **The Federal Government should fund and provide a clear pathway for the creation of a co-designed comprehensive national transition plan to end segregated education settings for people living with disability including clear timebound transition stages. It should endorse a final deadline to ensure segregated settings and practices are eliminated nationally within the term of *Australia’s Disability Strategy 2021-2031*.**

Recommendation 10: **The Federal Government should require that the National Curriculum be amended to fully embrace the principles and practices of inclusive education approaches in all schools across Australia.**

Recommendation 11: **The Federal Government should amend the ‘Disability Standards for Education 2005’ under the *Disability Discrimination Act 1992* to fully embrace the principles and practices of inclusive education approaches in all schools across Australia.**

Recommendation 12: **The Federal Government should review all aspects of teacher education and training, including undergraduate and postgraduate university courses, to ensure they fully adhere to principles and practices of inclusive education and adequately prepare graduates to successfully implement these in schools.**

Recommendation 13: **The Federal Government should fund and provide a clear pathway for the creation of a co-designed comprehensive national transition plan to end segregated employment for people living with disability including clear timebound transition stages. It should endorse a final deadline to ensure segregated settings and practices are eliminated nationally within the term of *Australia’s Disability Strategy 2021-2031*.**

Recommendation 14: **The Federal Government should urgently set a deadline to abolish the Supported Employment Services Award within no more than five years, as one of the stages within a comprehensive national transition plan to end segregated employment for people living with disability.**

Recommendation 15: **The Federal Government should urgently prioritise genuine reform of the Disability Employment Services (DES) program, JobAccess program, and the rules regarding income for those receiving the Disability Support Pension (DSP) to ensure they support – and do not hinder – achieving an end to segregated employment and contribute to improving the mainstream employment outcomes of Australians living with disability.**

Recommendation 16: **The Federal Government should fund and provide a clear pathway for the creation of a co-designed comprehensive national transition plan to end segregated and congregated housing for people living with disability including clear timebound transition stages. It should endorse a final deadline to ensure segregated settings and practices are eliminated nationally within the term of *Australia’s Disability Strategy 2021-2031*.**

Recommendation 17: **The Federal Government, Department of Social Services, and Commonwealth Disability Royal Commission Taskforce should work with the National Disability Insurance Agency (NDIA) to ensure that no new residents enter group houses, aged care facilities, or other segregated or unsuitable accommodation arrangements effective immediately.**

Recommendation 18: **The Federal Government should work with the states and territories to ensure the National Construction Code 2022 Livable Housing Design Standard is implemented to the fullest extent possible in all jurisdictions as soon as possible. Further, the Federal Government should ensure all federal funding, including that under a new National Housing and Homelessness Agreement with the states and territories, is only used to support housing construction that is fully compliant with the National Construction Code 2022 Livable Housing Design Standard.**

# Introduction

JFA Purple Orange is grateful for the opportunity to provide this submission to the Department of Social Services and the Commonwealth Disability Royal Commission Taskforce regarding the Australian Government’s response to the Royal Commission into Violence, Abuse, Neglect, and Exploitation of People with Disability (DRC).

JFA Purple Orange commends the establishment of the Commonwealth Disability Royal Commission Taskforce and strongly supports the need for an effective coordinated response to actioning the recommendations of the DRC between all parts of the Federal Government and its agencies, as well as other tiers of government. Evidence to the DRC highlighted the multitude of ways in which Australians living with disability experience violence, abuse, neglect, and the deprivation of material, social, cultural, and personal resources that are essential to living a good ordinary life. It demonstrated that these are not problems of times gone by, but an ongoing everyday reality for so many people living with disability in 21st century Australia. While some progress has been made across a number of areas, our country must confront and address the continuing segregation, exclusion, and discrimination that is pervasive in many aspects of life, including in segregated forms of education, employment, and housing, which were a significant focus of the DRC.

Segregation involves the separation of a group of people, based on a particular characteristic, from all other people and/or the implementation of different conditions, treatment, or rules for one group alone. It exists in education settings through so-called ‘special’ schools and units; places of employment under the Supported Wage System (SWS) and Australian Disability Enterprises (ADEs); ‘alternatives’ to education and employment, such as ‘day programs’ or ‘day options’; and for housing in group houses[[1]](#footnote-2) and other quasi-institutionalised accommodation types.

The DRC undertook a huge workload and examined a wide range of topics, making important recommendations across many areas of government policy. However, segregation emerged as one of the most fundamental questions for the DRC and gained increased prominence as a result of the diverging recommendations among Commissioners regarding the best way forward. JFA Purple Orange wholeheartedly endorses the position of the Commissioners with lived experience of disability who unanimously recommended an end to segregation, although we strongly believe the proposed timeframes for transition are far too long. Given the breadth of issues covered by the DRC and the limited time for submissions to be lodged, our submission primarily focuses on the need to end policies and practices of segregation and to co-design and fund effective national transition plans to achieve this. Our submission draws on input from people living with disability through a range of discussions and consultations we regularly undertake, including some specifically about the DRC’s recommendations.

Importantly, we are not proposing to just close segregated settings immediately as this would leave people unsafe, unsupported, and isolated. Rather, we will be arguing strongly for co-designed and appropriately funded national transition plans in each of the areas of education, employment, and housing, among other measures that will help underpin a successful coordinated response to the DRC. We fully appreciate that a lot needs to change in mainstream schools, workplaces, and housing before fully inclusive approaches can be realised, and we acknowledge that changes and reforms in the past have failed some people living with disability. We must learn the lessons of those experiences and from the transitions occurring in other jurisdictions around the world. Similarly, we recognise there are some positive attributes within segregated settings, particularly the social connections and relationships that many people hold dear. However, these exist despite segregation, certainly not because of segregation. People living with disability are resilient and adaptable, hence they have sought to make the best of the circumstances they are in. The reasons for the presence of these positive attributes should not be misunderstood or misattributed to practices of segregation. They will continue – indeed, can be significantly enhanced – by embracing inclusive approaches to education, employment, and housing.

In this submission, we implore the Federal Government, DSS, and the Taskforce to accept the recommendations of the Commissioners with lived experience of disability to end segregation and focus all their collective efforts on a successful transition in partnership with the disability community. The first section of this submission highlights how Australia is falling short of its obligations and commitments to upholding the human rights of people living with disability and makes recommendations to help change this. Subsequent sections focus on how Australia can end segregation in the key areas of education, employment, and housing. Before moving onto these sections though, we highlight the importance of co-designing responses to the DRC and introduce the Model of Citizenhood Support, which provides a useful lens through which to consider new inclusive approaches to education, employment, and housing.

## DRC responses should be co-designed

Successful responses to the DRC recommendations will require genuine partnerships between governments, disability communities, other stakeholders, and the broader Australian community. It must not be left to the disability community alone to shoulder the weight of advocacy, community education, and changemaking. Access and inclusion are everyone’s responsibility. The DRC Commissioners provided contrasting views on some profound questions, but this must not be used to sew or foster divisions in order to avoid actions or investments. Instead, there needs to be strong Federal Government and public service commitments to leadership and consensus building toward the fundamental changes that Australia must undertake to fulfill its international obligations and stated commitments to human rights and full inclusion. Transition processes must occur in ways that do not result in anyone falling through the cracks or becoming alienated from supports and services.

Most importantly, the voices of Australians living with disability must be listened to, respected, and elevated in decision making about the future. Notably, all DRC Commissioners with lived experience of disability are united on all recommendations and this fact should be given weight in decisions about responses. Adopting genuine co-design processes across all aspects of the response, with people living with diverse disabilities directly involved in deliberations and decision making, offers the best chance of success in both transitions and outcomes. It is only through leveraging the lived experiences, insights, and ideas of Australians living with disability who are the experts in their own lives that change will have its greatest impact. This must be supported by investing in and engaging relevant expertise from within the public service and beyond to develop and implement national transition plans, particularly in education, employment, and housing.

The role of the Taskforce should be to join with the disability community to drive change together. Indeed, all governments and agencies should proactively consider how genuine co-design processes can enhance policy development across all areas of their work. We are concerned that many of the processes that governments are currently referring to as co-design fall well short of best practice and do not include active involvement in decision making. We encourage DSS and the Taskforce to access our Guide to Co-Design with People Living with Disability,[[2]](#footnote-3) which was itself co-designed, via our [website](https://purpleorange.org.au/application/files/7416/2510/1861/PO-CoDesign_Guide-Web-Accessible.pdf).

Recommendation 1: **The Commonwealth Disability Royal Commission Taskforce should implement genuine best-practice co-design processes involving Australians living with disability for all elements of the response to the recommendations. Co-design members should reflect the full diversity of disability experiences, as well as all life stages and demographics, including, but not limited to, people living with disability in closed systems, people living with intellectual disability, First Nations people living with disability, and people living with disability from culturally and linguistically diverse (CALD) backgrounds.**

## Model of Citizenhood Support and our vision for inclusion

JFA Purple Orange has a strong position against all forms of disability-specific segregation. Instead, we believe that all people living with disability can, and should be enabled to, live good ordinary lives where they are welcomed, loved, and valued in community. We strongly believe people living with disability should have the same opportunities as non-disabled people to thrive, pursue their dreams, and achieve their full potential. All policies and practices of segregation stand in fundamental opposition to these outcomes and cannot be ‘reformed’ or ‘evolved’ into anything else.

To help understand how and why people living with disability are segregated, excluded, and marginalised in Australian society, it is necessary to consider what contributes to a good ordinary life characterised by valued roles and active participation in community. The Model of Citizenhood Support[[3]](#footnote-4) sets out a framework for how people can be supported to build their chances of a good life and maximise their *Citizenhood*. It provides a comprehensive contextual framework for organising policy and practice in support of people living with disability. The concept of *Citizenhood* is not to be confused with the concept of Citizenship, which is a much narrower static construct typically referring to membership of a country.

The Model asserts that our life chances comprise of four key elements:

1. Personal Capital (how the person sees themselves and understands their place in the world around them). This has significant ramifications in terms of segregated settings. Internalised prejudice and low self-esteem are common, particularly when people living with disability have spent a lifetime being funnelled into ‘special’ education settings, ‘day options’ programs, ADEs, group houses, and similar.
2. Knowledge Capital (what the person knows and learns). This particularly relates to the opportunities people living with disability have for access to education on an equal basis to those of their non-disabled peers. This means having opportunities to participate in mainstream settings where education is delivered.
3. Material Capital (money and the tangible things in our lives including a place to call home). This concerns (a) personal finances and tangible resources that support a person to enact their rights and live a good life, (b) the inclusivity and accessibility of environmental and infrastructure design in their surroundings, and (c) the physical and material goods and services available in their local community and more broadly through systems, structures, and policies, such as public transport and health services.
4. Social Capital (having people in our lives whom we know and know us). This includes forging meaningful relationships with family, friends, neighbours, colleagues, and others in our community in ways that promote free will and association. Social Capital also refers to identifying with valued social roles in the community (for example, being a parent, an employee, a volunteer, and similar).

The Model offers a framework for understanding and envisioning how opportunities and life chances ultimately shape how (and to what extent) people forge a positive sense of identity and belonging in community. A sense of thriving and wellbeing relies on opportunities to (a) learn and develop (Knowledge Capital), (b) have meaningful relationships (Social Capital), (c) access to resources (Material Capital), and (d) have freedom to express will and preferences in line with our values and identity (Personal Capital). Segregation significantly diminishes and hinders a person’s life chances. To reiterate, there is no ‘reform’ or way to ‘evolve’ policies, practices, or conditions of segregation that can overcome this direct consequence.

Recommendation 2: **The Federal Government, Department of Social Services, and Commonwealth Disability Royal Commission Taskforce should draw on the Model of Citizenhood Support as a useful lens through which to understand the profound consequences of policies and practices of segregation and the immense benefits of enabling and advancing the *Citizenhood* of Australians living with disability through genuinely inclusive approaches.**

# Human rights should be central in government responses

All responses to the DRC’s recommendations should be centred on human rights and uphold Australia’s international obligations. As a signatory of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), among other treaties, Australia recognises that people living with disability have the right to participate in all aspects of community life on an equal basis to their non-disabled peers without fear of discrimination, oppression, or harm. This fundamental principle underpins all the rights outlined in the UNCRPD. Celebrating Australia’s imminent ratification of the UNCRPD in 2008, then-Parliamentary Secretary for Disabilities and Children’s Services Bill Shorten MP stated:

#### ‘Ratifying the Convention sends an unequivocal message that people with disabilities should be treated equally and not as second-class citizens.’

Although progress has been made, many Australians living with disability are still not treated equally and, instead, experience segregation, exclusion, discrimination, and ongoing harms. To be clear, any experience of segregation, exclusion, discrimination, or harm is, at best, a second-class experience. The Federal Government’s response to the DRC presents a crucial opportunity to change this and ensure the intentions of the UNCRPD are fully realised in Australia.

Alongside our international obligations, governments should also adhere to legislative requirements. Similarly, reality continues to fall short of obligations. The *Disability Discrimination Act 1992* is supposed to prohibit discrimination against a person on the basis of disability and ensure that reasonable adjustments are made so they can participate in society to the same extent as their non-disabled peers (for example, s5). As will be shown in later sections of this submission, discrimination remains rife. Disability standards are legislative instruments under the *Act* and, again, it is supposed to be unlawful to contravene them (s32), but this is generally not enforced. For example, the Disability Standards for Accessible Public Transport were established in 2002 with a reasonable and realistic timetable for change over a period of 20 years – or, in the case of train and tram conveyances, 30 years. It is extremely disappointing that after more than 20 years the requirements laid out in these Standards are not even close to being achieved. Instead, the Standards have become bogged down in multiple reviews and myriad operator excuses for not achieving them.

All tiers of government have also made significant commitments under *Australia’s Disability Strategy 2021-2031*, as well as its predecessor, the *National Disability Strategy 2010-2020*, but a lack of investment and follow through means the goals remain largely unfulfilled. A plethora of associated documents have also been produced, but without funding or accountability measures they too go generally unheeded. Many of the measures included in the Outcomes Framework do not have relevant data or, in some cases, the data is very old. Other measures fail to capture meaningful data, for example hours spent on ‘social participation’ tells us nothing about the *quality* or *authenticity* of that experience.[[4]](#footnote-5)

The Federal Government’s response to the DRC is an opportunity to invest in real change that genuinely creates an inclusive society and advances the life chances of people living with disability. Upholding human rights must form the context in which responses are co-designed and implemented. This includes understanding the legacies of the past and how these impact on current policies and practices. Equally, it must involve genuine engagement with contemporary perspectives and approaches. Below, we step through elements of the broader context to highlight factors that we believe are central to considerations of how to best respond to the DRC’s recommendations.

Recommendation 3: **In responding to the Disability Royal Commission’s recommendations, the Federal Government, Department of Social Services, and Commonwealth Disability Royal Commission Taskforce should ensure that Australia’s obligations under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), as well as legislative requirements and the commitments of all tiers of government made in *Australia’s Disability Strategy 2021-2031*,are fulfilled and fully realised in the lives of Australians living with disability. This includes appropriate investment in actions to deliver outcomes and the establishment of accountability mechanisms to ensure change occurs.**

## Context of institutional legacy in Australia

It is essential that everyone involved in deliberations about responses to the DRC’s recommendations develops a clear well-informed understanding of how the policies and practices addressed in the Final Report came about and rejects outdated tropes about disability and baseless assertions regarding ‘choice’ or ‘best interests’. Current policies and practices of segregation have their roots in Australia’s history of institutionalising people living with disability, which saw many people shut away from community in appalling conditions. The rise of industrialisation and the prominence of the science and medical fields reinforced institutionalisation approaches. Doctors and other medical professionals were viewed as experts and from a medical perspective the ‘disabled body’ was considered broken, defective, malformed, disfigured, tragic, and worthless. Hence, it was considered best if people living with disability were hidden away from community and treated in ways that were separate and different to the rest of the population.

A global disability rights movement gained prominence from 1960 onwards and it challenged this ill-conceived and misconstrued ‘Medical Model of Disability’. The movement argued disability is not the ‘problem’; rather people experience exclusion, marginalisation, inequality, and vulnerability due to the world around them, including the inaccessible environment, discriminatory policies, maladaptive systems, and society’s attitudes. Many of these issues remain present today and, in some instances, continue to be perpetuated in new infrastructure, policies, and services. But by understanding that disability is both a bodily difference *and* a social construct, policymakers can overcome the historical tendency to believe people need ‘fixing’ and instead focus on the responsibility to address the environmental and social barriers that are constant in the lives of Australians living with disability.

The ‘Social Model of Disability’ reflects this movement, recognising that experiences of exclusion, marginalisation, inequality, and vulnerability happen when people living with disability are forced to navigate inaccessible poorly designed environments and a society where they are subjected to unfair treatment, prejudice, and stigma. The Model emphasises that despite these conditions and experiences, people living with disability have the same inherent value and human rights as all other people. The Social Model emphasises the importance of creating an inclusive society and accessible environment that enable everyone to fully participate and access the Capitals of *Citizenhood*.

With this shift, disability advocates argued that institutions are inhumane and should be closed. The government (and broader society) were urged to deinstitutionalise and move people into community, with the view that resources should be put towards supporting people living with disability to take up opportunities to go to school, gain employment, have families and relationships, and more. Australia, following the example set by the disability rights movements in Britain and the United States, began the process of deinstitutionalisation from 1970 onwards, but it has been an incredibly slow process that has taken decades to progress.

This history is extremely important to understand in the context of the DRC’s recommendations. While the institutionalisation of people living with disability may seem far removed from today’s norms, it was common practice for many generations alive today. Indeed, some people living with disability continue to live in ‘closed systems’ that in many aspects are quite similar to the institutions of the past, while some replacement practices, such as establishing group houses, are, at best, still quasi-institutional in character and effect. While progress has been made in improving the lives of Australians living with disability, the impact and legacy of institutionalisation policies and practices are ever-present and, unfortunately, continue to influence ongoing approaches despite being in breach of human rights obligations. In critically assessing these approaches, it is essential that their origins be clearly understood and acknowledged in order that the lessons are heeded, and harmful policies are not perpetuated for current and future generations.

Recommendation 4: **In responding to the Disability Royal Commission’s recommendations, the Federal Government, Department of Social Services, and Commonwealth Disability Royal Commission Taskforce should recognise the legacy of institutionalisation in Australia and how this continues to influence and impact current policies and practices of segregation. All responses should reject institutionalisation and segregation and, instead, reflect and endorse contemporary human rights-based approaches consistent with the Social Model of Disability.**

## Segregation is a breach of human rights and not a genuine ‘choice’

The progress made toward deinstitutionalisation has not resulted in an end to the segregation for Australians living with disability. Indeed, in numerous instances, it has simply heralded the creation of new forms of exclusion, marginalisation, and inequality in Australia, particularly in education, employment, and housing. People living with intellectual disability and those with multiple or complex disabilities or high support needs are more likely to be funnelled into segregated and congregated settings and services. These settings are highly institutionalised in their character and effects on people relegated to these offerings. They have significant impacts on each person’s quality of life and the opportunities available to them.

The findings from the DRC offer a compelling argument in terms of understanding why people are drawn into segregated disability-specific settings. The Final Report recognises that people living with disability and their families are systematically taught there are no safe or viable mainstream options, forcing them to access segregated settings, something that can be described as ‘coercive choice’.[[5]](#footnote-6) Often, people living with intellectual disability are funnelled from ‘special’ schools into an ADE and a group house; a trajectory that Catherine McAlpine, CEO of Inclusion Australia, calls ‘The Polished Pathway’.[[6]](#footnote-7) Not only does this Pathway severely limit a person’s opportunities and prospects for taking up meaningful valued roles, it perpetuates underlying messages that people living with disability do not belong in community, are lesser or defective, and it is okay to devalue people and treat them as second-class citizens – in direct contradiction to then-Parliamentary Secretary Shorten’s statement referred to above. These messages are deeply entrenched in society and are a consequence of the legacy of institutionalisation and ongoing policies and practices of segregation.

It is in this context, and *because of* this context, that people living with disability and their families are forced to turn to segregated disability-specific settings and services. When mainstream options continue to operate in ways that are inaccessible, exclusionary, and/or discriminatory, these options are taken away. People become exhausted and disillusioned by repeated poor and unsafe experiences and begin to perceive segregated options as ‘easier’ to deal with. It cannot be left to the disability community alone to shoulder the responsibility to change this reality. It requires the Federal Government to take a strong position against disingenuous claims, particularly those of sector lobbyists, that segregated options can constitute ‘choice’. ‘Choices’ made in a context where safe, high-quality, and inclusive alternatives are not available are *not* genuine choices.

Unfortunately, the shift to individualised funding under the National Disability Insurance Scheme (NDIS) has done little to change the practices of funnelling of people living with disability into segregated settings for learning, working, and living. The innovation that was expected to result from the approach of individualised funding and ‘choice and control’ under the NDIS has largely not materialised. Quasi-block funding approaches continue even under individual plans, particularly for Supported Independent Living (SIL) and community participation and this has the flow on effects of compelling people into segregated group-based services. Usually, these policies and practices are attributed to the ‘efficient’ use of resources without providing any modelling regarding the direct and indirect costs, as well as ongoing harms and poorer outcomes, of segregated and congregated approaches. As part of a comprehensive program of work to respond to the DRC’s recommendations, the role of NDIS practices in perpetuating segregation and congregation should be addressed.

It is important to note that people living with disability can and do have positive meaningful relationships with their peers who also have disability. These relationships do not constitute segregation or congregation and are not an excuse for such policies and practices. We fully support the funding of peer networks, associations, and similar, and emphasise the value of these opportunities in the lives of people living with disability. There is a clear distinction between funnelling people into segregated disability-specific settings in the absence of any ordinary alternatives being available compared to the existence of peer networks and spaces led by people living with disability themselves. The latter is generally a freely chosen association that can exist among a smorgasbord of options and form only one aspect of a person’s life, as opposed to being shut out of community altogether as a consequence of segregation. Many people with various cultural heritages gather for positive community fellowship without being restricted to only learning, working, and living with people who share that particular characteristic in segregated settings – such an approach would rightly appal most Australians. Peer networks and similar provide people with genuine opportunities to develop freely given meaningful connections and facilitate a sense of identity, belonging, value, and respect. They support the growth and mutual support that leads to self- and group-advocacy to make positive changes. However, they should also never detract from full and meaningful participation in mainstream community life.

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Recommendation 7: **The Federal Government, Department of Social Services, and Commonwealth Disability Royal Commission Taskforce should work with the National Disability Insurance Agency (NDIA) to ensure that it adopts practices that do not support, fund, or perpetuate segregated services, including by ending quasi-blocked funded supports in areas including, but not limited to, Supported Independent Living (SIL), community participation, and supported employment.**

## Desegregation key to safeguarding

There is ample evidence that segregated settings are more likely to enable violence, abuse, neglect, and exploitation of Australians living with disability. These settings are closed off and isolated from scrutiny and connection thereby allowing abuse to occur and poor practices to fester. The NDIS Quality and Safeguards Commission’s ‘Own Motion Inquiry into Aspects of Supported Accommodation’ provides one clear illustration of this.[[7]](#footnote-8) Formal safeguards alone are inadequate to prevent abuse from occurring – quite simply, regulators cannot be at every provider all of the time. Informal natural safeguards are critically important, yet the very nature of segregated settings actively works against the presence or development of natural safeguards, such as genuine connections and friendships with people in the community.

People are more likely to be safer when they are connected into their neighbourhood and local community. Being an active member of local community life, and the mutually valued relationships that emerge from that, is a compelling safeguard. Freely given relationships of mutual support and benefit offer the greatest protections and safeguards for us all, and it should be no different just because a person lives with disability. As set out in the Model of Citizenhood Support, explained in Section 2 of this submission, this mutuality is termed ‘Social Capital’ and is critical to our life chances. The transition to new inclusive options for education, employment, and housing should be supported through investments in strategic capacity building across mainstream settings to foster opportunities for developing natural informal safeguards.

Natural safeguards are reciprocal. Therefore, the focus cannot just be on building the capacity of people living with disability to ‘make friends’; rather attention must be given to the contexts and conditions that create opportunities for genuine reciprocal relationships to emerge. Segregated settings do not do this. Natural safeguarding requires diverse informal relationships and community connections. Therefore, we must eliminate all forms of segregation where the context and conditions are such that they prevent the development of a diverse range of natural safeguards. We must lift our expectations about the types of lives that Australians living with disability can lead and the ways that they can be enabled to take up meaningful roles in everyday life, including via mainstream education and employment, and through living in ordinary housing in ordinary neighbourhoods where they are treated with positive regard and viewed as equally valued citizens. We must also lift our expectations of society and ensure all Australians are better equipped and educated in order to embed attitudes and practices of inclusion across all elements of daily life.

Recommendation 8: **In responding to the Disability Royal Commission’s recommendations, the Federal Government, Department of Social Services, and Commonwealth Disability Royal Commission Taskforce should recognise the utmost importance of informal natural safeguards in the lives of all Australians and reject policies and practices of segregation because these actively undermine the prevention of violence, abuse, neglect, and exploitation.**

# Upholding human rights in education

Education is a fundamental human right. Article 24 of the UNCRPD enshrines the right to an inclusive education on an equal basis to non-disabled peers. This means that all Australian children and young people living with disability have the right to be included in mainstream education, in their local communities, on the same basis as students without disability, and that they receive reasonable accommodations and supports. Sadly, for too many children and young people living with disability, this right is denied.

Access to a high-quality education has the potential to benefit and improve a person’s life chances and has a significant impact on how children develop socially, academically, culturally, and physically. Access to education is also strongly linked to better outcomes later in life, especially in terms of access to further education, employment, and economic wellbeing. Education is also a critical way to mobilise productive capacity across the nation and break the cycle of social and economic disadvantage.

We strongly concur with the recommendations of Commissioners Bennett, Galbally, and McEwin to end segregated ‘special’ education in Australia, although their proposed timeframe to achieve this is far too long. We believe this can be, *and should be*, achieved within the term of the current *Australia’s Disability Strategy 2021-2031*. It is critically important that all governments’ responses to the DRC are anchored on the right of every child to attend their local school and receive a welcoming, inclusive, successful education that prepares them to lead a rich, fulfilling, good ordinary life as an active, valued, contributing member of their community. This right must be held as universal and applied equally to all children and young people accessing education without exclusion, segregation, or discrimination.

Importantly, this must be the approach that is also applied to the transition stages as well. We have deep concerns about the proposal to first locate or relocate segregated education settings to new sites in close proximity to mainstream schools. There should be no new segregated schools or units located anywhere, with all investment in new provisions to instead be allocated toward achieving genuine inclusion. Relocating existing ‘special’ schools would be a very expensive interim measure and the funding required would be much better spent in achieving the overall goal of ending segregation. Once new segregated settings are established, it will become very difficult to dismantle them, especially given the typical lifespan of school infrastructure is much longer than the proposed interim period. The likely effect of such an approach would be to cause lag in the transition timeframes and waste precious school funding.

Further, most students living with disability are forced to travel long distances to ‘special’ schools, so the nearby mainstream schools these would be co-located with are unlikely to be the *local* schools of a majority of students and, therefore, not preferred or likely options for their future inclusive education. Hence, such a step will not constitute a genuine transition for most students. The focus of transition stages must be toward genuine inclusion, not making expensive geographic moves with little to no beneficial impact.

In this section, we reflect on the current state of play for students living with disability in accessing their right to education, what must change, and our vision for the future. We make recommendations aimed at ensuring the right of every child to be included in mainstream schools is upheld, promoted, and delivered in Australia.

## The current situation

Students living with disability face challenges in accessing mainstream education and often experience discrimination, bullying, restrictive practices, and suspensions or expulsions in schools. This often leads to these students being compelled into segregated education settings. These segregated settings can take the form of separate ‘special’ schools or ‘special’ units and classes co-located with mainstream schools. According to Survey of Disability, Ageing, and Carers (SDAC) data from 2018, about 32,400 children aged 5 to 14 living with disability attended a ‘special’ school, about 57,200 attended ‘special’ classes at mainstream schools, and about 11,200 did not attend school at all. This means 31.2 per cent of children aged 5 to 14 living with disability were receiving some or all of their education in segregated settings while a further 4.2 per cent were excluded completely.[[8]](#footnote-9) This is unacceptable in modern Australia.

The *Disability Discrimination Act 1992* and the ‘Disability Standards for Education 2005’[[9]](#footnote-10) are supposed to ensure all Australian children living with disability can access and participate in education on the same basis as students without disability. The Standards make clear that schools and education providers have a responsibility to support and protect students living with disability, including through ‘reasonable adjustments’. The premise of ‘reasonable adjustments’ is the responsibility that teachers and other school staff must accommodate and adapt to meet the needs of students living with disability. The clear weakness of this is that what is ‘reasonable’ is subjective and often those with poor understandings and entrenched low expectations of children living with disability are the decision-makers.

We recognise some families have made the decision for their child to attend a ‘special’ school or unit because of poor previous experiences with mainstream provision. We also recognise that there are dedicated and highly skilled educators working in those settings, however we argue that decisions to opt for segregated options are often informed by the belief that their child will not be accepted or supported in their local school or have access to required resources, supports, and skilled teachers if they attend a mainstream school. It is these beliefs that we wish to confront and challenge. We respect the decisions of families who opt for segregated options given current conditions, but we argue that these decisions can be easily ‘coerced’ with families believing that this is their only option if they want their child to receive the required supports to ensure a safe and quality education.

We must interrogate the question of ‘why’ segregated schooling options have been opted for. These decisions stem from past experiences of (or fear of) discrimination and harm in mainstream settings due to misunderstanding, prejudice, and/or lack of skills. Sometimes these segregated disability school settings are the only places where parents and families also meet other families in similar circumstances and experience peer support and genuine solidarity. These reasons are valid, and we recognise that these decisions to opt for special educational settings arise from the best of intentions with the wellbeing of the child at heart. This does not mean that we cannot envision a different better future.

## What must change

We strongly believe that adopting inclusive education approaches is the only way to uphold the fundamental human rights of every student and to ensure they can pursue lives of active *Citizenhood*. Segregated education sets a person up to live a segregated life and this must change. Every child should be welcomed at their local school.Indeed, decades of research and evidence[[10]](#footnote-11) tells us that inclusive education best prepares students living with disability for life and success. Research also demonstrates that students without disability benefit from inclusive education.[[11]](#footnote-12) These benefits include a more positive sense of self, enhanced communication and language development, increased awareness of diversity, and a higher quality education that is better suited to individual needs. As detailed in General Comment 4 for the UNCRPD, ‘Inclusive education is central to achieving high-quality education for all learners, including those with disabilities, and for the development of inclusive, peaceful, and fair societies.’[[12]](#footnote-13)

Inclusive education means that children and young people from all social, cultural, community, and family backgrounds, and of all identities, with and without disability, are able to:

* attend and be welcomed by their local school
* access and participate fully in a high-quality education
* learn and engage in the same curriculum and all other aspects of school life alongside similarly-aged peers
* learn in a safe and supportive environment free from bullying, harassment, or discrimination
* achieve academically and socially with support and adjustments that are tailored to meet the individual strengths and needs of every student.

In short, inclusive education is:

* A human right
* Best for everyone
* Based on evidence
* Supported by law.[[13]](#footnote-14)

The case for inclusive education over ‘special’ education models is strong and is evidenced by four decades of research showing that when students living with disability are included, all students learn and achieve more.[[14]](#footnote-15) Further, ‘there is clear and consistent evidence that inclusive educational settings can confer substantial short- and long-term benefits for students with and without disabilities.’[[15]](#footnote-16) Children living with disability perform better on all measures and benefit academically, socially, and emotionally from education in regular classrooms in the general education system rather than segregated, disability-specific settings.[[16]](#footnote-17)

A 2016 systematic review of the research comprising 280 studies from 25 countries found students living with disability who are educated in inclusive education settings rather than segregated settings:

* develop stronger skills and higher achievement in language and mathematics
* have higher rates of attendance
* are more likely to complete secondary school
* are less likely to have behavioural problems
* have increased social skills
* experience more positive peer relationships.

And as adults, students living with disability who have experienced an inclusive education are:

* more likely to be enrolled in post-secondary education
* more likely to be employed
* more likely to be living independently.[[17]](#footnote-18)

Evidence tells us that our mainstream education systems continue to fall short in achieving the goal of promoting high-quality nationally consistent inclusive education. While students living with disability have the right to an education enshrined in the UNCRPD, the findings from the DRC (and decades of prior research) continue to highlight that they are disadvantaged compared to their non-disabled peers. The disadvantages created in non-inclusive education settings span across a lifetime with severe flow on effects for wellbeing, health, and economic and social participation.

We believe the best approach to ending segregated education options and ensuring a successful transition that leaves no child behind is for the Federal Government to proactively lead a national co-design process to develop a staged, timebound, comprehensive transition plan. Achieving change will require a significant investment of resources and effort from all tiers of government, the education sector, and communities. The transition must not be rushed before mainstream settings are fully accessible and enabled to provide necessary supports, however it must also be recognised that establishing clear timeframes for each transition stage and a final deadline is essential to ensure change actually occurs. While segregated settings continue without a deadline for transition there is little impetus to make mainstream education settings inclusive.

Further, in order for all tiers of government to fulfil their obligations to provide good quality education to all students under the UNCRPD, it is critical for the Federal Government to take a proactive role in promoting and advancing a nationally consistent standard of inclusive education that includes a review and focus on upskilling the teaching workforce to meet the needs of all students. Teacher training must adhere to inclusive education pedagogy and ensure it is embedded from the outset among new teaching professionals. Additionally, the National Curriculum should include a priority area focused on school-wide cultural change regarding inclusivity, accessibility, and respect for diversity. The Federal Government should take the lead in promoting a cultural shift with the view that inclusive education benefits *all* Australians – not just those living with disability.

## Our vision for inclusive education

An inclusive education gives every student the best chance of lifelong wellbeing and happiness, as well as success in achieving all aspects of active *Citizenhood*. Every child should be able to attend their local mainstream neighbourhood school and receive a high-quality inclusive education, where success is characterised by authentic inclusion across all areas of school life, and where the student has the best possible chance of transitioning to a productive adult life. All education should be based on the assumption all children have the capacity to grow and learn and that this will best happen in supportive inclusive neighbourhood schools.

JFA Purple Orange gives unequivocal support to a high-quality inclusive education system. Inclusive education is not an act of welfare, but rather a productive investment in better quality outcomes for all. Schools that implement an inclusive education approach well are more likely to report a positive sense of wellbeing, more accepting of all forms of human diversity, and more likely to provide opportunities to develop communication and language skills for students. In order to realise this vision, we need to invest in developing a quality education workforce well prepared to embody inclusive teaching pedagogy as part of their everyday practice in schools.

Additionally, individualised post-school planning for students living with disability needs to start early. Indeed, experiences at school have a long-lasting influence on the future trajectory of a person’s life. Inclusion at school is the start of inclusion in life and students who have access to inclusive education are more likely to progress to further education and employment as adults. As such, a comprehensive lifecycle approach to education, skills development, career goals and plans, and transition support is the best way to ensure successful employment outcomes will be achieved by young people when they complete their education.

We believe that with proactive leadership from the Federal Government, along with a genuine commitment from state and territory governments and appropriate resources and supports, we can build the capacity of mainstream education settings to become fully inclusive schools such that we no longer need to compel students living with disability into ‘special’ schools and units. We strongly advocate for each child’s right to learn and play alongside their peers with and without disability. We believe that all students with disability should have the opportunity to go to their local school in their local community and should authentically belong in that community.

Recommendation 9: **The Federal Government should fund and provide a clear pathway for the creation of a co-designed comprehensive national transition plan to end segregated education settings for people living with disability including clear timebound transition stages. It should endorse a final deadline to ensure segregated settings and practices are eliminated nationally within the term of *Australia’s Disability Strategy 2021-2031*.**

Recommendation 10: **The Federal Government should require that the National Curriculum be amended to fully embrace the principles and practices of inclusive education approaches in all schools across Australia.**

Recommendation 11: **The Federal Government should amend the ‘Disability Standards for Education 2005’ under the *Disability Discrimination Act 1992* to fully embrace the principles and practices of inclusive education approaches in all schools across Australia.**

Recommendation 12: **The Federal Government should review all aspects of teacher education and training, including undergraduate and postgraduate university courses, to ensure they fully adhere to principles and practices of inclusive education and adequately prepare graduates to successfully implement these in schools.**

# Upholding human rights in employment

Australians living with disability have a right to work and to do so in the mainstream workforce; not in segregated or exploitative separate systems. Article 27 of the UNCRPD states that all people living with disability have the right ‘to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive, and accessible to persons with disabilities’. Australia’s ratification of the UNCRPD comes with responsibilities to ensure that people living with disability have a fair go in the open labour market, are supported within mainstream inclusive workplaces, and do not experience any form of discrimination, be it, in recruitment processes, pay and conditions, accessibility in work environments, career advancement, or health and safety.

To date, Australia’s progress in fulfilling these obligations has been slow. In particular, the UN Committee on the Rights of Persons with Disabilities, which monitors the implementation of the UNCRPD, is concerned about the very low workforce participation rates of women living with disability, First Nations people living with disability, and people from culturally and linguistically diverse backgrounds living with disability.[[18]](#footnote-19) How Australia responds to the DRC will be critical to changing these outcomes and ensuring all people get a fair go at work. This will also have many positive flow-on effects for achieving full employment, increasing national productivity, and boosting economic activity across the country.

We wholeheartedly endorse the recommendations of Commissioners Bennett, Galbally, Mason, and McEwin to end segregated employment and subminimum wages, although we strongly believe that this can be, *and should be*, achieved within the term of the current *Australia’s Disability Strategy 2021-2031*. It is well known that employment significantly advances a person’s physical and mental health and enables a greater level of independence and financial security. Employment is not only an economic benefit to the person and the nation, but also offers each person a sense of purpose and strengthens their opportunities to pursue personal interests and make valued contributions, connections, and relationships with others in the community and creates a strong natural safeguard. Employment is also linked with opportunities for education, housing, and other basic human rights.

In this section, we reflect on the current situation for Australians living with disability in employment outcomes, what must change, and our vision for the future. We make recommendations aimed at ensuring that the right of each person of working age to be included in the mainstream workforce is upheld, promoted, and delivered in Australia.

## The current situation

Australians living with disability are severely underrepresented in the workforce. According to the Australian Bureau of Statistics (ABS), the workforce participation rate (people either employed or available to work) for working aged people living with disability was 53.4 per cent in 2018 compared to 84.1 per cent for people without disability.[[19]](#footnote-20) However, it is very likely that the size of the available labour force continues to be significantly understated given the enduring tendency to assign deficits and low expectations to people living with disability rather than focusing on their skills, strengths, and capacity. Significant effort is required to create the expectation that people living with disability are, and will be, active participants in the Australian workforce and to challenge misconceptions that they cannot contribute as much, or as well, as their non-disabled peers. While much attention is rightly given to rates of unemployment, more than 30 per cent of Australians living with disability of working age are rendered invisible by an outdated approach to measuring the available labour force that excludes so many people from having potential for employment.

The unemployment rate for people living with disability considered part of the labour force (that is, the 53.4 per cent mentioned above) was 10.3 per cent in 2018 compared to 4.6 per cent for non-disabled people at that time. For those who were employed, the 2018 data also shows that workers living with disability experience high levels of unfair treatment and discrimination at work, with 45.2 per cent reporting being targeted by an employer and 42 per cent by their work colleagues. The median gross personal income of a person living with disability was $505 per week in 2018, less than half that of a non-disabled person at $1016 per week at that time. These statistics from 2018 are the most recent publicly available due to the infrequency of data collection about Australians living with disability and the exclusion of a disability variable from many mainstream surveys, including the ABS Labour Force Survey (LFS), which reports monthly and quarterly about the employment experiences of Australian workers.

The statistics outlined above paint a stark picture about the employment outcomes for Australians living with disability compared to their non-disabled peers generally. However, for those stuck in segregated or exploitative separate systems, the current situation is even more bleak. There are two aspects of the so-called Supported Wage System (SWS) that continue to inflict segregation or exploitation on workers living with disability: one that is used by supported employment services that were previously called ‘sheltered workshops’ but are now given the more ‘uplifting’ label of Australian Disability Enterprises (ADEs), and the second that is used by other employers offering so-called ‘open employment’.

Both result in workers being paid very low wages that are out of step with the minimum wage that applies to other workers. The effect of this arrangement is these workers are kept in poverty and cannot make the range of life choices that are available to others. For workers in ADEs, the low wage rates are even lower because the productivity adjustments are applied to the already extremely low pay rates within the Supported Employment Services Award. Typically, these workers continue to receive the Disability Support Pension (DSP) to somewhat prop up their income, although their DSP can also be reduced if their ‘wage’ reaches relevant thresholds.

Changes to the Award came into effect on 30 June 2023 after the Fair Work Commission’s recent four yearly review. Under the changes, a minimum wage rate of $4.75 per hour applies to Grade A workers (Clause 15.2) but this can be reduced to as little as $2.90 per hour by a productivity assessment (Schedule D.4.1).[[20]](#footnote-21) The Supported Wage System assessment is now the only assessment tool available to assess productive capacity and the National Panel of Assessors (NPA), not the employer, must conduct the assessment. Unfortunately, employers have until 30 June 2026 (Schedule H.2.2) to update the assessments of workers previously assessed by employers using other tools. This is too long given the Fair Work Commission has accepted that employers’ use of other tools meant many were ‘permitted, in practice, to set their own minimum wages for supported employees rather than have them determined objectively’.[[21]](#footnote-22) It is likely many affected workers are being paid below what an objective assessment would determine, and this could continue until mid-2026.

As the DRC Final Report notes, there are more than 17,000 people working at about 161 ADEs, but the fact the Commissioners highlighted that ‘it is difficult to identify with precision’ the number of workers, despite having the powers of a Royal Commission, is extremely concerning.[[22]](#footnote-23) There is a clear need for closer monitoring and transparent reporting of aggregated and disaggregated data about all facets of the SWS. The ADE model relies on both segregation and exploitation of workers living with disability. It is directly harming the life chances of people living with disability and trapping people in a lifetime of poverty. ADEs are incentivised to hold on to their most productive workers rather than enable their advancement into mainstream employment opportunities because this productivity ensures the ADE can fulfill its commercial commitments to customers.

The second part of the SWS allows ‘mainstream’ employers, often supermarkets, retailers, or fast-food outlets, to exploit workers living with disability on wages that are lower than their peers within the same workplace doing the same job. It is often overlooked in discussions about ending segregation and exploitation because this model does not involve the same degree of overt segregation of people living with disability as that of ADEs. Yet, it is also highly exploitative and still perpetuates separateness within the workplace environment by creating a different system of wages and rules only applying to part of the workforce.

Further context also lies in the rules and requirements of the DSP, which are currently too complicated and not well understood by many recipients. This creates significant disincentives to doing any amount of paid employment, and needs to be addressed. We acknowledge that some of the disincentives are real while others are misperceived, but their affect in discouraging work is the same. The process to apply and access the DSP is so lengthy and taxing that many recipients regard achieving this as akin to a ‘holy grail’ and fear losing access if they do any work or attempt to re-enter ongoing employment. The rates of transition from DSP to employment are currently extremely low.

Similarly, the current approach to Disability Employment Services (DES) is severely underperforming. DES services are achieving poor outcomes for people living with disability seeking employment. DES currently costs the Commonwealth more than $1.4 billion a year with about 310,000 participants accessing services each month.[[23]](#footnote-24) However, a review of DES by Boston Consulting Group in August 2020[[24]](#footnote-25) found that between July 2014 and March 2020 the number of unique participants was about 560,000, meaning the monthly participation rate reflects high rates of re-entry. About a third of participants in March 2020 had exited and re-entered DES at least once, with 52 per cent of re-entries occurring less than three months after exit.

## What must change

All forms of segregated and/or exploitative employment relying on separate different systems that only apply to one segment of the Australian population must end. Neither the SWS nor the Supported Employment Services Award have any place in a future where Australia upholds its international obligations and stated commitments under *Australia’s Disability Strategy 2021-2031*. The SWS produces poor outcomes for people living with disability, the workforce, the economy, and the community. Further, the Supported Employment Services Award should be cancelled. Where genuine training is being undertaken, there are already training wage provisions in relevant mainstream awards.

We are extremely disappointed that the Federal Government’s Employment White Paper released last year perpetuates the myth that the SWS supports people ‘who, because of their disabilities, need substantial ongoing support to obtain and/or keep paid employment’.[[25]](#footnote-26) This description fails to account for the myriad reasons why people end up working in supported employment, including being directed into these segregated environments from segregated ‘special’ schools due to an entrenched ‘Polished Pathway’, highlighted in Section 3 of this submission, based on outdated assumptions, and an absence of appropriate support to identify more suitable options based on a person’s skills, interests, and goals. Supported employment does not exist because of failures or inadequacies of people living with disability, but rather failures of education, training, and employment systems to recognise the value these workers offer, to maximise their contributions, and to support them to reach their full potential.

DSS should take urgent steps to co-design a comprehensive funded transition plan to end the SWS and the Supported Employment Services Award in Australia. This does not mean closing ADEs down overnight; it means establishing a clear pathway to transition ADEs to a new business model that ends segregation and ensures that all Australians are protected by the existing mainstream minimum employment standards that apply to all other workers. We appreciate that this will require a significant shift in both mindsets and practices and, therefore, there will need to be sufficient time and appropriate government support for a transition to occur. However, Australia should begin to transition away from this outdated model immediately.

Australia is not the only jurisdiction needing to end segregated exploitative disability employment approaches. There is a global trend to transition away from these approaches with many lessons that Australia can learn about how to approach (and how not to approach) this from the experiences in other places undergoing similar transitions. For example, many states in the United States have already started, or, in the case of Vermont, completed this transition. In September 2020, the US Commission on Civil Rights released an extensive report entitled 'Subminimum Wages: Impacts on the Civil Rights of People with Disabilities'[[26]](#footnote-27) and this is but one of the international examples that we can draw on to inform policymaking in Australia.

The ‘Guiding Principles for the future of supported employment’[[27]](#footnote-28), which resulted from a limited consultation with invited participants at the Supported Employment Roundtable in October 2022, are vague and lack the necessary potency to drive the change that is needed to overcome the disability employment gap in Australia and to uphold the employment rights of people living with disability. We urge DSS to revisit these principles through an open consultation process. We believe there is a significant opportunity for strengthened Guiding Principles to play a valuable role in the transition to alternative inclusive employment approaches, alongside a clear deadline to end segregated exploitative employment in Australia.

The Guiding Principles also draw attention to the problem of disguising supported employment arrangements in the fallacy that they represent ‘equal remuneration and associated conditions for work of equal value’. So long as the use of productivity assessments to set wages only target one specific group of Australian workers, this simply cannot be said to be ‘equal’. We are not suggesting they should apply to all workers; rather, we simply point out the absurdity of the claim to equality for a system that no other group of workers would accept. Therefore, productivity assessments should not be an acceptable way to discriminate against workers living with disability.

We argue that segregated employment options must be phased out in a timely and respectful way that ensures workers are not left worse off. The Federal Government should proactively lead a national co-design process to develop a staged, timebound, transition plan that enables ADEs to implement new inclusive business models and invests in ensuring Australian workplaces become fully inclusive and accessible. Achieving change will require a significant investment of resources and effort from all tiers of government, employers, and communities. The transition should be supported by investments in co-designed programs to address the shortfalls in mainstream employment that exclude workers living with disability. Again, it must also be recognised that establishing clear timeframes for each transition stage and a final deadline is essential to ensure change actually occurs. While segregated employment and the Support Employment Services Award continue without a deadline for transition there is little impetus to make mainstream workplaces inclusive.

## Our vision for inclusive employment

People living with disability should have the same opportunities to choose their career path based on their individual skills, interests, and goals as all other workers. Too often we hear stories of people living with disability being placed in any available job, often below their qualifications and experience, instead of utilising an individualised career planning approach. While many workers have filled gaps in their career trajectories with whatever job was available at a moment in time before moving on to something that was a better fit, this is not how their long-term career vision is formulated. There must be a greater focus on skills, not deficits, and on individually articulated goals and plans to achieve them.

We have noted with interest that a key feature of plans for a ‘just transition’ away from carbon-intensive energy production, is government investments in individualised plans for impacted workers to move into alternative employment that suits their skills, interests, and goals. For example, the Collies Just Transition Plan of the Western Australian Government invests in individualised tailored plans that are described as meeting workers’ own individual and family needs and ensuring they are ‘treated with justice and dignity’.[[28]](#footnote-29) We strongly believe this approach merits much broader application and should be part of a comprehensive transition plan to end supported employment arrangements and ensure workers can access pathways into suitable long-term sustainable employment outcomes.

We believe that people living with disability can and do offer a diverse range of skills, talents and qualifications and with the right supports and workplace adjustments, can participate more meaningfully in the economy. To achieve this vision, we need policy directives and strategies put in place to assist people living with disability to seek and retain employment as valued members of mainstream workplaces. When people living with disability are employed, this has flow on benefits to the workplace, our local community, and Australian society more broadly.

The presence in the mainstream labour market of employers who are ready to employ people living with disability is critical for improving the quality of employment outcomes. Traditional one-size-fits-all approaches often do not support employers to employ workers living with disability. Alternatively, an industry-based approach allows employers within a particular sector to come together and identify their needs and specific circumstances and design bespoke pathways that meet the needs of both the organisation and the workers. In contrast, the current supported employment and ADE approach limits the diversity of opportunities. Consequently, it is not delivering effective change at an individual, systemic, or economy wide level.

We do not want people living with disability to continue to be exploited and forced to live in poverty with no economic security. This transition requires leadership and effective and ongoing co-design with the disability community to ensure that decisions are made in ways that do not cause unnecessary distress and harm to people living with disability. We appreciate that this requires a significant shift in both mindsets and practices across Australia, however sound policy and good resources would have sway in shifting both.

Recommendation 13: **The Federal Government should fund and provide a clear pathway for the creation of a co-designed comprehensive national transition plan to end segregated employment for people living with disability including clear timebound transition stages. It should endorse a final deadline to ensure segregated settings and practices are eliminated nationally within the term of *Australia’s Disability Strategy 2021-2031*.**

Recommendation 14: **The Federal Government should urgently set a deadline to abolish the Supported Employment Services Award within no more than five years, as one of the stages within a comprehensive national transition plan to end segregated employment for people living with disability.**

Recommendation 15: **The Federal Government should urgently prioritise genuine reform of the Disability Employment Services (DES) program, JobAccess program, and the rules regarding income for those receiving the Disability Support Pension (DSP) to ensure they support – and do not hinder – achieving an end to segregated employment and contribute to improving the mainstream employment outcomes of Australians living with disability.**

# Upholding human rights in housing

A place to call home is foundational to living a good ordinary life. Having a home is more than a physical place of shelter. It is a place of comfort, rest, reprieve, renewal, growth, safety, and belonging. Home is a safe space where we are free to be ourselves, are able to personalise our surroundings, and have the liberty of deciding on who enters our home. Crucially, a home should be a private place where a person can enact intimacy and welcome family, friends, and visitors. The location of ‘home’ also shapes opportunities for meaningful relationships with neighbours. Home is also important in terms of needing a safe base to return to when needing a reprieve from a world that is often discriminatory. Having a safe place to call home is instrumental in order for people living with disability to take up valued roles in community, including building a family, taking up education or work, and participating in social, cultural, or recreational life. An authentic ‘home’ is never a segregated facility.

Article 19 of the UNCRPD highlights that all people living with disability have the right to live in the community, with choices equal to those without disability. This means that people living with disability should have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and not be obliged to live in a particular living arrangement because of their disability. This includes obligations to ensure that people living with disability are able to equally access in-home and community support services to assist with everyday living supports, as well as obligations to ensure that mainstream community services are also accessible to people living with disability. Furthermore, Article 28 guarantees the right to an adequate standard of living and social protection and to the enjoyment of living without discrimination on the basis of disability. This means the Australian Government has an obligation to ensure, as examples, there is equal access to clean water and electricity services; access to appropriate and affordable services, devices, and other assistance for disability-related needs; and equal access to social protection programs and poverty reduction programs including access to public housing.

We wholeheartedly endorse the recommendations of Commissioners Bennett, Galbally, Mason, and McEwin to end segregated group houses, although we strongly believe that this can be, *and should be*, achieved within the term of the current *Australia’s Disability Strategy 2021-2031*. In this section, we again follow the approach established in the two previous sections, reflecting on the current housing crisis for Australians, including the segregation of those living with disability, followed by a description of what must change, and an outline of our vision for the future. We make recommendations aimed at ensuring that the right of each person to accessible, affordable, safe, and inclusive housing is upheld, promoted, and delivered in Australia.

## The current situation

Access to housing is a significant issue across Australia at present, impacting people from many walks of life. For those living with disability, the impact of the housing crisis is compounded by the scarcity of accessible dwellings, as well as the rising costs of living. While the implementation of the new National Construction Code 2022 Livable Housing Design Standard in some jurisdictions is very welcome, it will take time for supply to catch up with unmet demand even for what is a low level of accessibility. Those who require higher levels of accessibility will continue to face the same ongoing challenges.

These issues are exacerbated where people living with disability require support to live independently, which, in turn, forces them to turn to group homes, clustered disability settings, or boarding houses that are institutional in nature. The NDIS approach to quasi-blocked funded SIL and a lack of innovation in how these supports could be delivered are significant contributors to this problem. The move to segregated disability accommodation is often one driven by an underlying fear of being left stranded with no formal support structures in place – a particular concern when the family circumstances of a person living with disability changes and active informal support is no longer available. Like segregated employment, the DRC was unable to establish an accurate number of people living in group houses despite having the powers of a Royal Commission.[[29]](#footnote-30) The collection and reporting of data to establish a clear picture of housing outcomes for people living with disability is extremely inadequate.

The current reliance on these segregated settings, such as group houses, requires each person to compromise on:

* where they live (which in turn affects access to family, work, recreation, public transport, health, and social services)
* who they live with (often this means people are forced to live with others who are incompatible, which increases the risk of violence, abuse, and isolation)
* who provides their daily supports (when residential housing is provided by the same organisation in charge of daily in-home supports, this can create fear of losing their ‘place’ if complaining about quality of supports).

Those who live in group accommodation continue to experience high rates of violence, abuse, and neglect and are also more likely to be subjected to restrictive practices.[[30]](#footnote-31) Over the long-term, people living in these settings report poorer health outcomes and a much shorter life expectancy overall.[[31]](#footnote-32) Approximately 2,000 people living with disability are stuck in aged care facilities,[[32]](#footnote-33) while others are in hospitals, respite, or transitional care long term because of inaccessibility of housing that is exacerbated by the scarcity of disability providers willing to provide high-level intensive personal care day-to-day. People living with disability living in rural and remote communities face an even greater shortage in accessible and available housing.

Despite the transition to the NDIS and its promise of delivering individualised ordinary housing options, disability group houses continue to be a significant part of the housing mix for Australians living with disability. As noted earlier in this submission, we deliberately use the term ‘group houses’ rather than the more common ‘group homes’ because the use of ‘home’ in this context is a misnomer. In their character and effect, group houses are service facilities not homes. These facilities are not anchored on deep familial or personal connections but on imagined compatibility based on superficially similar support needs, outdated economics of disability support, and/or a scarcity of accessible ordinary housing. None of these ‘justifications’ are acceptable. They would not be acceptable to non-disabled Australians, so why should they be acceptable for a person living with disability?

*Home* should be more than just a *house*, and it is certainly not a *facility*. Group houses, even assuming the best of intentions are held, perpetuate segregation and marginalisation. Even with the best of support staff, the group house model is tough going, making it much harder to build momentum for authentic community inclusion. Group houses do not have a good track record of delivering authentic choice and control to occupants or enabling people into authentic ordinary social and economic participation in their communities.

Regrettably, group houses also do much worse. We have heard from numerous residents about how they are pressured or forced to live with ill-matched housemates, including situations where they have been subjected to violence as a result. The NDIS Quality and Safeguards Commission’s ‘Own Motion Inquiry into Aspects of Supported Accommodation’ report released in January 2023 highlighted the shocking prevalence of reportable incidents occurring in group houses, with the inquiry investigating about 7,000 incidents and complaints related to the facilities of seven providers during a period of about four years.[[33]](#footnote-34) The incidents included abuse, neglect, and unlawful physical or sexual contact.

The problems of segregation and exclusion are not limited to forced shared living in group houses. Congregate sites where people living with disability may have their own unit but within a complex where all or most other residents also live with disability does not constitute an ordinary life in an ordinary neighbourhood. Like group houses, congregate sites present to nearby residents as facilities and as an intentionally separate community that is not a part of the surrounding neighbourhood. It would be very rare to find an ordinary street anywhere in Australia where every household shares a particular characteristic, circumstance, or living arrangement. The richness of life in neighbourhoods and communities is built on a diversity of residents and households with inclusion as a key feature. It is true that neighbourhoods across Australia have different degrees of neighbourliness and interactions between residents – some where everyone knows everyone else, others where people do not know who lives next door – but congregate sites create a barrier of exclusion that removes opportunities for ordinary interactions with people beyond the boundary of what is, and is seen to be, a facility.

Social housing is provided by either the government (public housing) or by not-for-profit organisations (community housing), with a number of First Nations housing providers included in the sector. Rents are based on a percentage of a household’s income. Both public and community housing is a crucial part of the housing mix in Australia, yet governments have increasingly neglected investing in it over recent decades. People living with disability rely on social housing in greater numbers than the general population. In 2020, about 39 per cent of social housing households included a person living with disability.[[34]](#footnote-35) But there continues to be huge waiting lists across the country for both public and community social housing. Nationally, according to ABS Census data, ‘[i]n the 40 years between 1981 and 2021 the percentage of all Australian households living in social housing … has ranged from 4.9 per cent in 1981 to 3.8 per cent in 2021’.[[35]](#footnote-36) In June 2022, there were 174,600 households on public housing waiting lists nationally with expected wait times blowing out to 10 years in some areas.[[36]](#footnote-37)

## What must change

Australia must end disability group houses and all other segregated and congregated approaches to housing. Governments must also address the problem of people living with disability stuck in inappropriate accommodation including hospitals after their clinical needs have been met, as well as respite, transitional, or rehabilitation facilities over the long-term. All governments should immediately cease funding new group houses or placing new residents into any form of segregated or unsuitable accommodation.

Instead, Australia urgently needs more accessible housing. It is essential the housing market and social housing options cater to the needs of all Australians without discrimination, including those living with disability, older people, people using prams and other aids for young children, and the many others in the community who would benefit from greater accessibility. Good quality accessible housing should meet residents’ current requirements, taking into account the possibilities of a short-term injury or other mobility restriction, as well as being easily adaptable to their changing needs into the future. The problems of affordability and housing security are significantly worse for those requiring accessible housing due to the even more severe supply shortage of such dwellings.

Often, Australians living with disability have to make do with what they can get even if it is inaccessible in full or in part. Anecdotally, some people living with physical disability have reported to JFA Purple Orange that they must crawl into their bathrooms or complete personal care routines in kitchens. Similarly, many people living with disability continue to live in family homes by necessity, not choice. Others are being forced into shared living arrangements with strangers in disability group houses. This must change.

Getting by in unsuitable inaccessible housing has significant impacts on the lives of people with access needs. The 2020 study ‘Lived experience and social, health and economic impacts of accessible housing’, conducted by the University of Melbourne’s Dr Ilan Wiesel, highlighted the broad range of consequences of inaccessible housing.[[37]](#footnote-38) Almost one third of respondents to the study’s questionnaire indicated it had led to the loss of a job, a missed work opportunity, reduced work hours, or reduced productivity, while more than 80 per cent agreed or strongly agreed they cannot visit family or friends’ homes due to inaccessibility.

This underscores the importance of housing not just being available but also being suitable for a person’s needs. There continues to be examples of people being placed in social housing properties that are not fit-for-purpose, poorly maintained, or not appropriate to their needs, for example a man with mobility restrictions being placed in a two-storey property where he could not access the upper storey bathroom resulting in him not being able to shower regularly.[[38]](#footnote-39) We continue to hear other examples where tenants in social housing do not receive essential supports to enable personal care resulting in poor hygiene and medical consequences, as well as people sleeping in chairs because they do not receive support to go to bed in the evening or to get up in the morning.

It is critically important that responses to the DRC recognise and respond to the principle that access to housing on an equal basis with all other people is a fundamental human right of Australians living with disability. This means that people are not just housed, but that the nature of the housing, and the living arrangements therein, are the same as those available to their non-disabled peers. It is not a question of luxuries, but of the opportunity for all people to live good ordinary lives. The Federal Government should proactively lead a national co-design process to develop a staged, timebound, transition plan that enables people living with disability to live in ordinary living arrangements, in dwellings that are accessible for their needs, and in inclusive neighbourhoods that create opportunities for genuine connections and natural safeguards to emerge in their lives. Achieving change will require a significant investment of resources and effort from all tiers of government, employers, and communities.

## Our vision for inclusive housing, neighbourhoods, and communities

Adopting the lens of a right to access suitable accessible ordinary housing changes how we think about solutions to the many policy problems that governments need to address. It also brings the poorer housing outcomes experienced by Australians living with disability compared to non-disabled people into sharp focus. There is a fundamental difference between a house, a facility, and a *home*. The ultimate goal of all DRC responses should be to ensure that each Australian lives in a place where they feel an authentic sense of *home*. The co-designed transition plan should articulate what it means to have a place to call home and the characteristics that help achieve this outcome. The *Model of Citizenhood Support*, explained earlier in this submission, provides another useful lens through which to formulate this vision. The vision should encapsulate that home is personal to the individual and a base from which they can pursue all other parts of a happy, healthy, productive life in the community. Such a vision is critically important to challenging and overcoming outdated perceptions that it is appropriate for Australians living with disability to be excluded from the ordinary housing options available to non-disabled Australians.

Governments should commit to significant investment in better alternative housing options that enable people living with disability to make informed individual choices about where and how they live, on their own terms, without discrimination and segregation. There is an array of alternatives to suit individual needs and choices; just as there is in the housing market generally. This has been evident for a long time. We do not advocate for a single prescribed alternative to group houses; that too would be inconsistent with the principle of individual choice from a range of genuinely available ordinary options. Hence, governments should be open to the full range of reasonable alternatives, encourage genuine innovation, and take a flexible approach to how they invest in housing solutions that bring an authentic sense of home for each resident. And they must be affordable to most people. We regularly hear from people living with disability that the current model for Independent Living Options (ILO) under the NDIS is cost prohibitive for a majority of people who may be eligible.

Obviously, we are not suggesting that ‘beachside mansions’ are a reasonable ordinary request, but, equally, we strongly reject the argument that individual housing choices for people living with disability are somehow unreasonable or financially inefficient when this is an ordinary expectation of non-disabled Australians. We do not force non-disabled Australians to live with strangers even though this would also be more efficient and cost-effective, including for publicly funded social housing. Again, we are not suggesting this should be the case; only demonstrating the absurdity of this argument. Notwithstanding this, governments must be weary of so-called innovations that will, in effect, create a new generation of forced shared or congregate living dwellings and steadfastly focus on genuine individualised options.

We want Australia to be a country where people living with disability are not seen as ‘lesser’ or ‘exceptional’, but rather are treated as ordinary citizens, treated with dignity and, thus, provided supports to participate fully in the fabric of local community life with access to inclusive accessible housing embedded in regular neighbourhoods. JFA Purple Orange strongly urges governments to reject group houses and congregate sites and, instead, give their whole focus to driving new innovative, accessible, inclusive housing choices.

An inclusive community benefits from the participation and contribution of all its members, bringing a diversity of voices, ideas, and perspectives into decision-making, activities and events, businesses, and general community life. It is this diversity that makes community life rich, interesting, and dynamic for the benefit of all. Inclusive neighbourhoods create positive ordinary interactions between people living with disability and non-disabled members of the community, breaking down stereotypes and supporting meaningful connection. This can be further harnessed by increased participation of people living with disability in mainstream employment and education settings. The more inclusive our communities are, the more likely it is that people living with disability will have informal support networks; this in turn supports the emergence of natural safeguards. This might be as simple as a person visiting the local café weekly and becoming known by staff, organising regular catch ups with neighbours, or attending the local community garden. As these connections grow, the community members would notice and check in if the person was unexpectedly absent. Hence, natural safeguards emerge in thriving ordinary inclusive neighbourhoods in ways that are prevented from occurring by segregation and congregation.

Recommendation 16: **The Federal Government should fund and provide a clear pathway for the creation of a co-designed comprehensive national transition plan to end segregated and congregated housing for people living with disability including clear timebound transition stages. It should endorse a final deadline to ensure segregated settings and practices are eliminated nationally within the term of *Australia’s Disability Strategy 2021-2031*.**

Recommendation 17: **The Federal Government, Department of Social Services, and Commonwealth Disability Royal Commission Taskforce should work with the National Disability Insurance Agency (NDIA) to ensure that no new residents enter group houses, aged care facilities, or other segregated or unsuitable accommodation arrangements effective immediately.**

Recommendation 18: **The Federal Government should work with the states and territories to ensure the National Construction Code 2022 Livable Housing Design Standard is implemented to the fullest extent possible in all jurisdictions as soon as possible. Further, the Federal Government should ensure all federal funding, including that under a new National Housing and Homelessness Agreement with the states and territories, is only used to support housing construction that is fully compliant with the National Construction Code 2022 Livable Housing Design Standard.**

# Conclusion

For Australian governments to fulfil their international obligations and stated commitments to uphold the human rights of citizens living with disability, they must commit to, and invest in, wide-ranging reforms to end segregation. We strongly believe the best way to achieve this without causing adverse consequences, is for the Federal Government to fund and provide a clear pathway for the creation of co-designed comprehensive national transition plans including clear timebound reform stages for each of the policy areas of education, employment, and housing. They should endorse a final deadline to ensure segregated settings, policies, and practices are eliminated nationally within the term of *Australia’s Disability Strategy 2021-2031*.

Australia’s history of the institutionalisation of people living with disability continues to manifest in modern forms of segregation, congregation, exclusion, and discrimination. While often people living with disability enter segregated education, employment, and housing, we strongly reject claims this reflects an authentic choice from the same range of genuinely available options that non-disabled Australians can access. Instead, we concur with the description of ‘coerced choice’, referred to in the DRC’s Final Report. *Coerced* because, for many, the idea of being included in local community places of learning, working, and living seems unavailable, unwelcoming, threatening, insecure, unstable, risky, or even dangerous.

Government responses to the recommendations of the DRC present a unique and significant opportunity to drive fundamental change across the nation for the benefit of all Australians. When people living with disability are fully included in our schools, workplaces, neighbourhoods, and communities, life in Australia will be richer and stronger for it. It is beyond time to imagine and embrace a different future and to reap the rewards of the full economic, cultural, and social participation of 4.4 million Australians who live with disability. This will require significant investment and effort but will deliver far greater returns over the short-, medium-, and long-terms. A strong stand against the perpetuation of policies and practices of segregation will send a powerful positive message to society about inclusion, diversity, and equality, making Australia’s claim to being the land of the fair go more real for Australians living with disability.

JFA Purple Orange is very keen to support the development and implementation of co-designed national transition plans to end all forms of the segregation of Australians living with disability in any way we can. We respectfully request an opportunity to meet with the Commonwealth Disability Royal Commission Taskforce to discuss this submission and answer any questions. To arrange this, please contact Tracey Wallace, Strategy Leader, JFA Purple Orange, on (08) 8373 8333 or [traceyw@purpleorange.org.au](mailto:traceyw@purpleorange.org.au).

1. In their character and effect, group houses are service facilities, not homes. This is why we deliberately use the term ‘group houses’ rather than the more common ‘group homes’. The use of the word ‘home’ in this context is a misnomer and profoundly compromises its true meaning. [↑](#footnote-ref-2)
2. View the Guide at <https://purpleorange.org.au/application/files/7416/2510/1861/PO-CoDesign_Guide-Web-Accessible.pdf>. [↑](#footnote-ref-3)
3. R. Williams, ‘Model of Citizenhood Support’, 2nd edition, 2013, Julia Farr Association Inc, Unley, South Australia. See <https://www.purpleorange.org.au/what-we-do/library-our-work/model-citizenhood-support>. [↑](#footnote-ref-4)
4. Often community and social participation involves ‘community tourism’ or a person being taken somewhere away from their place of residence without actually interacting with anyone other than a support worker. These examples do not involve authentic community and social participation but continue to be countered as such. [↑](#footnote-ref-5)
5. Disability Royal Commission, Final Report, Volume 7: Inclusive education, employment, and housing - Summary and recommendations, 2023, p.65, available at [https://disability.royalcommission.gov.au/‌publications/final-report](https://disability.royalcommission.gov.au/publications/final-report). [↑](#footnote-ref-6)
6. See Catherine McAlpine's speech to the NDIS Jobs and Skills Summit on 17 August 2022, at <https://www.inclusionaustralia.org.au/wp-content/uploads/2022/10/The-Polished-Pathway-Final.pdf>. [↑](#footnote-ref-7)
7. For further details, see <https://www.ndiscommission.gov.au/resources/reports-policies-and-frameworks/inquiries-and-reviews/own-motion-inquiry-aspects>. [↑](#footnote-ref-8)
8. Australian Bureau of Statistics, Survey of Disability, Ageing and Carers, 2018, Disability, Ageing and Carers, Australia: Summary of Findings, available at <https://www.abs.gov.au/statistics/health/disability/disability-ageing-and-carers-australia-summary-findings/latest-release#children-with-disability>. [↑](#footnote-ref-9)
9. Australian Government, Federal Register of Legislation, ‘Disability Education Standards 2005’, <https://www.legislation.gov.au/F2005L00767/latest/text>. [↑](#footnote-ref-10)
10. For more information, see Inclusive School Communities project, October 2020, ‘Final Project Evaluation Report’, available at <https://inclusiveschoolcommunities.org.au/news/final-project-evaluation-report> [↑](#footnote-ref-11)
11. For example, See Family Advocacy (2018), Same classroom same opportunities, Briefing Paper; Hehir, T. et al., 2016, A summary of the evidence on inclusive education, Instituto Alana. [↑](#footnote-ref-12)
12. UN General Assembly, General Comment 4: Article 24: Right to Inclusive Education, 2016, available at [https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/CRPD\_‌General\_Comment\_4\_Inclusive\_Education\_2016\_En.pdf](https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/CRPD_General_Comment_4_Inclusive_Education_2016_En.pdf). [↑](#footnote-ref-13)
13. Community Resource Unit (2018), What is inclusive education?, Education fact sheet 1, <http://cru.org.au/wp-content/uploads/2018/11/Fact-Sheet-1-WHAT-IS-INCLUSIVE-EDUCATION.pdf>. [↑](#footnote-ref-14)
14. Hehir, T et al. (2016), A summary of the evidence on inclusive education, Instituto Alana, p.2. [↑](#footnote-ref-15)
15. *Ibid*. [↑](#footnote-ref-16)
16. Family Advocacy (2018), Same classroom same opportunities, Briefing Paper, p.3; and

    Hehir, T et al. (2016), A summary of the evidence on inclusive education, Instituto Alana, pp.3-4. [↑](#footnote-ref-17)
17. Hehir, T et al. (2016), A summary of the evidence on inclusive education, Instituto Alana, pp. 2, 3, 4, 7. [↑](#footnote-ref-18)
18. See Committee on the Rights of Persons with Disabilities, ‘Concluding observations on the combined second and third periodic reports of Australia,’ 15 October 2019, at <https://undocs.org/CRPD/C/AUS/CO/2-3>. [↑](#footnote-ref-19)
19. See Australian Bureau of Statistics (ABS), ‘Disability and the labour force’, 24 July 2020, at

    <https://www.abs.gov.au/articles/disability-and-labour-force>. [↑](#footnote-ref-20)
20. See further <https://www.fairwork.gov.au/pay-and-wages/minimum-wages/supported-employment-services-award-pay-rates>. [↑](#footnote-ref-21)
21. See [315] – [316] of the Fair Work Commission Decision [2019] FWCFB 8179, 4 yearly review of modern awards—*Supported Employment Services Award 2010* (AM2014/286), 3 December 2019, available at <https://www.fwc.gov.au/hearings-decisions/major-cases/4-yearly-review/awards-under-review/supported-employment-services>. [↑](#footnote-ref-22)
22. Disability Royal Commission, Final Report, Volume 7: Inclusive education, employment, and housing – Part B, 2023, p.464, available at [https://disability.royalcommission.gov.au/‌publications/final-report](https://disability.royalcommission.gov.au/publications/final-report). [↑](#footnote-ref-23)
23. See the Department of Social Services’ consultation paper 'Inclusive. Accessible. Diverse. Shaping your new disability employment support program,' p.5, at <https://engage.dss.gov.au/wp-content/uploads/2022/08/New-Disability-Employment-Support-Model-Consultation-Report.pdf>. [↑](#footnote-ref-24)
24. See Boston Consulting Group's 'Mid-term Review of the Disability Employment Services (DES) Program,’ August 2020, at <https://www.dss.gov.au/sites/default/files/documents/05_2021/des-mid-term-review-august-2020-v2.pdf>. [↑](#footnote-ref-25)
25. Australian Government, ‘Working Future: The Australian Government’s White Paper on Jobs and Opportunities’, 2023, p.68, available at <https://treasury.gov.au/employment-whitepaper/final-report>. [↑](#footnote-ref-26)
26. See the report at <https://www.usccr.gov/files/2020/2020-09-17-Subminimum-Wages-Report.pdf>. [↑](#footnote-ref-27)
27. The Guiding Principles are available at <https://www.dss.gov.au/disability-and-carers-programs-services-for-people-with-disability-supported-employment/guiding-principles-for-the-future-of-supported-employment>. [↑](#footnote-ref-28)
28. See the Government of Western Australia's 'Collie’s Just Transition Plan,' December 2020, at [https://www.wa.gov.au/system/files/2020-12/Collies%20Just%20Transition\_09%20December%‌202020\_‌web.pdf](https://www.wa.gov.au/system/files/2020-12/Collies%20Just%20Transition_09%20December%202020_web.pdf). [↑](#footnote-ref-29)
29. Disability Royal Commission, Final Report, Volume 7: Inclusive education, employment, and housing – Part C, 2023, p.547, available at [https://disability.royalcommission.gov.au/‌publications/final-report](https://disability.royalcommission.gov.au/publications/final-report). [↑](#footnote-ref-30)
30. See, for example, Office of the Public Advocate (Qld), 'Upholding the right to life and health: A review of the deaths in care of people with disability in Queensland - A systemic advocacy report', February 2016, available at <https://www.justice.qld.gov.au/__data/assets/pdf_file/0008/460088/final-systemic-advocacy-report-deaths-in-care-of-people-with-disability-in-Queensland-February-2016.pdf>; and Queensland Advocacy Incorporated, 'Restrictive Practices', December 2020, available at <https://qai.org.au/wp-content/uploads/2021/04/Restrictive-Practices-to-DRC-Dec-2020.pdf>. [↑](#footnote-ref-31)
31. Australian Institute of Health and Welfare (AIHW), ‘Mortality patterns among people using disability support services: 1 July 2013 to June 2018’, 16 September 2020, available at <https://www.aihw.gov.au/reports/disability/mortality-patterns-of-people-using-disability-serv/contents/summary>. [↑](#footnote-ref-32)
32. See Summer Housing’s dashboard at <https://www.summerfoundation.org.au/about-us/the-issue-young-people-living-in-aged-care/>. [↑](#footnote-ref-33)
33. NDIA Quality and Safeguards Commission, ‘Own Motion Inquiry into Aspects of Supported Accommodation: Inquiry Report’, January 2023, p.7, available at <https://www.ndiscommission.gov.au/resources/reports-policies-and-frameworks/inquiries-and-reviews/own-motion-inquiry-aspects> [↑](#footnote-ref-34)
34. Australian Institute of Health and Welfare (AIHW), ‘People with disability in Australia’, 5 July 2022, available at <https://www.aihw.gov.au/reports/disability/people-with-disability-in-australia/contents/housing/housing-assistance#Social-housing> [↑](#footnote-ref-35)
35. Australian Housing and Urban Research Institute (AHURI), ‘What is the right level of social housing for Australia?’, 2021, available at <https://www.ahuri.edu.au/analysis/brief/what-right-level-social-housing-australia>. [↑](#footnote-ref-36)
36. Australian Institute of Health and Welfare (AIHW), ‘Housing assistance in Australia', 14 July 2023, available at <https://www.aihw.gov.au/reports/housing-assistance/housing-assistance-in-australia>. [↑](#footnote-ref-37)
37. Ilan Wiesel, 'Lived experience and social, health and economic impacts of inaccessible housing', The University of Melbourne, 31 August 2020, available at <https://disability.unimelb.edu.au/__data/assets/pdf_file/0011/3492686/RIA-Report-Survey-Findings.pdf>. [↑](#footnote-ref-38)
38. For more information, see ‘VIDEO: Tenant with mobility issues put in two-storey house’, ABC, available at <https://www.abc.net.au/news/2023-05-10/tenant-with-mobility-issues-put-in-two-storey-house/102328712>. [↑](#footnote-ref-39)