



Factsheet: People with disabilities

Background Information

Since Australia's first cycle review, progress has been made to protect and promote the human rights of people with disabilities. The Council of Australian Governments adopted the National Disability Strategy in February 2011; the Disability (Access to Premises – buildings) Standards 2010 commenced in May 2011; and the world leading National Disability Insurance Scheme has commenced implementation.

Key Issue – National Disability Insurance Scheme roll-out

The Commission welcomes the continued support and roll out of the world leading National Disability Insurance Scheme. The Scheme provides individualised support packages to people with disability and commenced in July 2013. There are currently seven trial sites across the country with full roll-out across the country by June 2019.¹

Recommendation

The Commission recommends that the Government fully fund the National Disability Insurance Scheme.

Key Issue – People with disabilities and employment

Employment rates of people with disabilities are comparable with 1992 levels when the *Disability Discrimination Act 1992* (Cth) came into effect.² Overall employment rates for people with disability remain low, with labour force participation at around 53 per cent, compared to 83 per cent for people without disability.³ The rate of unemployment for people with disabilities also increased in 2012 from 7.8 per cent in 2009 to 9.4 per cent in 2012.⁴ There has been a consistent decline in employment levels of people with disability in the Australian Public Service over the last 20 years from 5.8 per cent in 1992, to 3.7 per cent in 2001, to 3.1 per cent in 2014.⁵

The Commission welcomed the announcement by the Australian Government of a national inquiry into barriers facing older workers and people with disability in employment. At the request of the Attorney-General, the Australian Human Rights Commission is undertaking the National Inquiry into Employment Discrimination against Older Australians and Australians with Disability.⁶

Recommendation

The Commission recommends that Government support an inclusive employment culture through resourcing transition to work programs, educational support and reasonable accommodation, and a targeted increase in public service employment.

Key Issue – Violence against people with disabilities

Violence against people with disabilities in Australia continues, including reports of sterilisation of people with disabilities, including children, without their consent. The Australian Government is encouraged to take note of and implement the recommendations in the Concluding Obligations on Australia by the UN Committee Against Torture on this issue.⁷

Recommendation

The Commission recommends that Government adopt a national approach to address violence against people with disabilities and introduce legal protections to ensure no sterilisation of people with disabilities without their consent.

Key Issue – Access to justice

Access to justice for people with disabilities continues to present significant challenges.

The Commission's report, *Equal Before the Law*,⁸ concluded that people with disabilities have higher rates of interaction with the criminal justice system than other Australians. The Report cited 2012 statistics, which indicate that 38% of prison entrants reported they have ever been told by a doctor, psychiatrist, psychologist or nurse that they have a mental health disorder and 46% of prison discharges reported that they have ever been told they have a health condition – mental health, including drug and alcohol abuse. The report found that necessary supports and adjustments for people with disabilities were frequently not provided in the criminal justice system.

The indefinite detention of people with a cognitive impairment is also of concern. In 2014 the Commission inquired into complaints by four Aboriginal men with intellectual and cognitive disabilities who had been incarcerated for a number of years despite being found unfit to stand trial or not guilty by reason of insanity.⁹ The Aboriginal Disability Justice Campaign advocates for progress in relation to the indefinite incarceration of Aboriginal people with intellectual and cognitive disabilities.¹⁰

Recommendation

The Commission recommends that Government adopt measures to improve access to justice for people with disabilities, develop alternative care arrangements where people are found unfit to plead for reasons including cognitive impairment or acquired brain injury.

¹ National Disability Insurance Scheme, *What is the NDIS?*. At <http://www.ndis.gov.au/what-is-the-ndis> (viewed 20 June 2015).

² Australian Bureau of Statistics, *Disability, Ageing and Carers, Australia: Summary of Findings, 2012*, 4430.0 (2012). At <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/E82EBA276AB693E5CA257C21000E5013?opendocument> (viewed 21 March 2015).

³ Australian Bureau of Statistics (ABS), *Disability, Ageing and Carers, Australia: Summary of Findings, 2012*, 4430.0 (2012). At <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/E82EBA276AB693E5CA257C21000E5013?opendocument> (viewed 26 November 2014).

⁴ Australian Bureau of Statistics (ABS), *Disability, Ageing and Carers, Australia: Summary of Findings, 2012*, 4430.0 (2012). At <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/E82EBA276AB693E5CA257C21000E5013?opendocument> (viewed 26 November 2014).

⁵ Australian Public Service Commission, *Workplace Diversity Report 2000–01* (2001) p 73. At <http://www.apsc.gov.au/publications-and-media/print-only> (viewed 23 October 2013); Australian Public Service Commission, *State of the Service Report, State of the Services Series 2013–14* (2014) p 209. At <http://www.apsc.gov.au/publications-and-media/current-publications/state-of-the-service/state-of-the-service-2013-14> (viewed 4 December 2014).

⁶ Australian Human Rights Commission, *Willing to Work: National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability*. At <https://www.humanrights.gov.au/our-work/disability-rights/projects/willing-work-national-inquiry-employment-discrimination-against#about> (viewed 20 June 2016).

⁷ United Nations Committee Against Torture, *Concluding observations on the fourth and fifth periodic reports of Australia – Advanced Unedited Version*. At http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/AUS/CAT_C_AUS_CO_4-5_18888_E.pdf (viewed 5 December 2014).

⁸ Australian Human Rights Commission, *Equal Before the Law: Towards disability justice strategies* (2014) p 12. At <https://www.humanrights.gov.au/our-work/disability-rights/publications/equal-law> (viewed 22 June 2015).

⁹ *KA, KB, KC and KD v Commonwealth of Australia* [2014] AusHRC 80. At <https://www.humanrights.gov.au/our-work/legal/publications/ka-kb-kc-and-kd-v-commonwealth-australia> (viewed 22 June 2015).

¹⁰ People with Disability Australia, *Aboriginal Disability Justice Campaign* (2015). At <http://www.pwd.org.au/adjc/about-us-adjc.html> (viewed 22 June 2015).