



Australian
Human Rights
Commission

Information for List of Issues Prior to Reporting – Australia

**SUBMISSION BY THE AUSTRALIAN HUMAN RIGHTS
COMMISSION**

June 2017

ABN 47 996 232 602
Level 3, 175 Pitt Street, Sydney NSW 2000
GPO Box 5218, Sydney NSW 2001
General enquiries 1300 369 711
Complaints info line 1300 656 419
TTY 1800 620 241

Australian Human Rights Commission
www.humanrights.gov.au

Table of Contents

1	Introduction.....	3
2	General Principles and Obligations.....	4
3	Specific Rights.....	5
3.1	<i>Women with disabilities</i>	5
3.2	<i>Children with disabilities</i>	6
3.3	<i>Aboriginal and Torres Strait Islander people with disability</i>	7
3.4	<i>Accessibility</i>	8
(a)	<i>Built environment</i>	8
(b)	<i>Transport</i>	9
(c)	<i>Housing</i>	9
3.5	<i>Equal recognition before the law</i>	10
3.6	<i>Access to justice</i>	11
3.7	<i>Liberty and security of the person</i>	11
3.8	<i>Freedom from torture and cruel, inhuman or degrading treatment or punishment</i>	12
3.9	<i>Freedom from exploitation, violence and abuse</i>	13
3.10	<i>Integrity of the person</i>	13
3.11	<i>Living independently and being included in the community</i>	14
3.12	<i>Freedom of expression and opinion and access to information</i>	15
3.13	<i>Education</i>	16
3.14	<i>Right to Work</i>	17
4	Specific obligations.....	18
4.1	<i>Statistics and data collection</i>	18
4.2	<i>National implementation and monitoring</i>	18
5	Other issues.....	19
5.1	<i>National Disability Insurance Scheme</i>	19
	Attachment 1: Compilation of issues for consideration in the LOIPR.....	20
	Endnotes.....	24

1 Introduction

1. This submission is made by the Australian Human Rights Commission. The Commission is an ‘A status’ national human rights institution established and operating in full compliance with the Paris Principles. Information about the Commission can be found at: www.humanrights.gov.au.
2. The submission provides information to the Committee on the Rights of Persons with Disabilities (the Committee) that is relevant to Australia’s implementation of the *Convention on the Rights of Persons with Disabilities* (CRPD).¹
3. The submission is based on work that has been undertaken by the Commission in accordance with our mandate and functions. The material provided here has been publicly reported in Australia and has been brought to the attention of the Australian government.
4. In particular, the submission draws upon material contained in the following documents:
 - *Willing to Work: National Inquiry into Employment Discrimination Against Older Australians and Australians with disability* (2016)²
 - Commission submission to the *Senate Community Affairs Reference Committee inquiry into the Delivery of outcomes under the National Disability Strategy 2010-2020 to build inclusive and accessible communities*³
 - Commission submission to the UN Committee on Economic Social and Cultural Rights prior to its consideration of Australia’s 5th periodic report under the *International Covenant on Economic, Social and Cultural Rights*⁴
 - Commission submission to the UN Committee against Torture (CAT)⁵
 - Commission submission to Australia’s 2nd cycle Universal Periodic Review (UPR)⁶
 - *Equal before the law: Towards Disability Justice Strategies* (2014)⁷
5. The Commission thanks the Committee for the opportunity to provide a written contribution prior to its adoption of the List of Issues Prior to Reporting (LOIPR) on Australia.
6. The submission has been presented according to selected thematic issues identified in the Committee’s *Concluding Observations on the initial report of Australia* (UN Doc: CRPD/C/AUS/CO/1). The Commission has also included information considered relevant to the development of the LOIPR.
7. The recommended issues for consideration in the LOIPR are compiled in **Attachment 1** of this submission.

2 General Principles and Obligations

Concluding observations paras 8-13

Relevant provisions of the CRPD: Articles 1 and 4

8. The National Disability Strategy remains Australia's central mechanism for incorporating the CRPD into policies and programs affecting people with disability.
9. The Commission is concerned that the National Disability Strategy⁸ and subsequent implementation plans (*Laying the Groundwork 2011-2014* and *Driving Action 2015-2018*)⁹ have not fully delivered against Australia's obligations under the CRPD. The Commission raised these concerns in detail in its submission to the *Senate Community Affairs Reference Committee inquiry into the Delivery of outcomes under the National Disability Strategy 2010-2020 to build inclusive and accessible communities*.¹⁰
10. The Commission is particularly concerned that Australia has not addressed the basic challenges that people with disability face in accessing the built environment, accessible housing, transport and communication and information services since its ratification of the CRPD and the adoption of the National Disability Strategy.
11. The Commission notes the delays in the release of both National Disability Strategy implementation plans, January 2013 and December 2016, respectively.¹¹ The Commission is concerned that the delayed release of the implementation plans has significantly delayed progress towards implementation of the CRPD in Australia.
12. Progress under the National Disability Strategy has been limited by the lack of:
 - a national co-ordination mechanism
 - an operational plan
 - a monitoring, evaluation and performance framework with agreed timeframes for completing actions
 - dedicated resources for implementation.
13. The implementation challenges of the National Disability Insurance Scheme (NDIS) have also overshadowed momentum and progress under the priority areas of the National Disability Strategy.
14. The Commission is also concerned about the adequacy of mechanisms for consultation and engagement between the Government and people with disability and their representative organisations in all matters of policy development and legislative reform relating to the CRPD.
15. The Commission notes that in the transition to the NDIS some states and territories will discontinue funding organisations that represent people with

disability and provide individual and systemic advocacy support.¹² The Australian Government is yet to confirm how it will resource representative organisations to participate in the development, implementation and monitoring of policies to implement the CRPD once the NDIS rollout is complete and the current National Disability Advocacy Program funding ceases on 30 June 2018.¹³

Issues for consideration in the LOIPR:

- **Information on how the Australian government is co-ordinating and facilitating whole of government action under the National Disability Strategy and developing further measures for implementing the CRPD.**
- **Information on the outcomes achieved through the National Disability Strategy and on the process for evaluation and monitoring of impact.**
- **Information on how the Australian Government will adequately resource people with disability and their representative organisations to meaningfully participate in the ongoing development and monitoring of actions to implement the CRPD.**

3 Specific Rights

3.1 *Women with disabilities*

Concluding observations para 16 & 17; CRPD Article 6.

16. The Commission's recent national consultations with people with disability, their representative organisations and families on issues affecting people with disability¹⁴ and consultations with women on gender equality¹⁵ affirmed that women with disability in Australia continue to experience intersectional inequality and violence at higher rates than the general population.
17. The primary response to addressing violence against women in Australia, including women with disability, is through the *National Plan to Reduce Violence against Women and their Children 2010-2022*. The Commission is concerned that the focus of this plan and subsequent action plans is on traditional notions of domestic/family violence and sexual assault (in the context of intimate partner relationships only). This fails to address the many other forms of violence perpetrated against women and girls with disabilities such as violence in institutions and residential settings, sexual and reproductive rights violations, including forced sterilisation and forced abortion, restrictive practices, seclusion and restraint.¹⁶
18. The Commission remains concerned at the under-resourcing of accommodation and support services and the inadequate levels of support for women with disability.¹⁷
19. The Commission welcomes the planned action in the *Third Action Plan (2016-19)* under the *National Plan to Reduce Violence Against Women and their Children* to "improve support to women with disability who experience or are at risk of violence by working with them, the disability sector, specialist family and domestic

violence services and mainstream services.”¹⁸ However, there is a need for further clarity and detail about how this action will be implemented and how progress will be measured.

Issues for consideration in the LOIPR:

- **Information on how the *National Plan to Reduce Violence against Women and their Children 2010-2022* recognises and addresses all of the various forms of violence perpetrated against women and girls with disability.**
- **Information on funding and steps taken to improve support to women with disability who experience or at risk of violence and sexual abuse.**

3.2 *Children with disabilities*

Concluding observations para 18 & 19; CRPD Article 7

Concluding observations para 18 & 19; CRPD Article 7

1. The Commission notes that *Convention on the Rights of the Child* specifically provides for the rights of children with disabilities. Article 2 provides that State parties must respect and ensure the rights in the *Convention on the Rights of the Child* to each child without discrimination of any kind, irrespective of the child's disability.¹⁹ Article 23 provides that children with disabilities have the right to special care, and state parties must provide appropriate assistance free of charge to the child and those responsible for their care.²⁰ This assistance must ensure that the child has effective access to education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including their cultural and spiritual development).²¹
2. The Commission welcomes progress under the *National Framework for Protecting Australia's Children 2009-2020*²² and the establishment of the Royal Commission into the Protection and Detention of Children in the Northern Territory.²³
3. The Commission commends the Royal Commission into the Protection and Detention of Children in the Northern Territory for their commitment to providing accessible ways for children with disability to give information to the Royal Commission, including in small groups or through informal statements.²⁴ This is a positive example of enabling children with disability to express their views on matters concerning them.
4. The Commission also notes that the Royal Commission into Institutional Responses to Child Sexual Abuse has found that “segregation and exclusion in closed institutional contexts away from public scrutiny leaves children (and adults) with disability at heightened risk of violence and harm.”²⁵
5. In November 2016, under the *National Framework for Protecting Australia's Children*, and in response to the Royal Commission into Institutional Responses

to Child Sexual Abuse's recommendation for nationally consistent child safe policies and procedures, Community Services Ministers agreed to the development of a National Statement of Principles for Child Safe Organisations. These are due to be endorsed by the Council of Australian Governments (COAG) in mid-2018.

6. Each year the National Children's Commissioner produces a report relating to the enjoyment and exercise of human rights by children in Australia. The 2014 *Children's Rights Report* identified that children and young people with disability – in particular, severe or profound disability, or learning disabilities – are at a higher risk of self-harming behaviour or attempting suicide.²⁶ The 2015 *Children's Rights Report* highlighted that children with disability experience disproportionately high levels of violence.²⁷ The 2016 *Children's Rights Report* identified that research suggests that children and young people with cognitive disability are overrepresented in the criminal justice system.²⁸ The Children's Rights Reports noted that, for each of these thematic areas, there was a lack of available data on the number and characteristics of children with disability and further research and data collection is essential.
7. The Commission remains concerned that legislation, policies, programs, service standards and frameworks that apply to children generally do not incorporate the rights of children with disability articulated in the CRPD. The Commission welcomes actions under the *Third three-year action plan 2015-2018- Driving Change: Intervening Early* under the *National Framework for Protecting Australia's Children 2009-2020* to support families to address factors that contribute to vulnerability, such as disability, and the recognition that "[t]here is a need to understand the prevalence of abuse and neglect concerning families impacted by disability."²⁹ However, the *National Standards for Out-of-Home Care* do not include a specific standard relating to children with disability, despite their overrepresentation in out-of-home care and the poor recognition and fulfilment of their support needs.³⁰
8. The Commission is also concerned that data relating to child protection, including the annual Australian Institute of Health and Welfare *Child Protection Australia* report, is not disaggregated by disability.³¹

Issues for consideration in the LOIPR:

- **Information on steps taken to incorporate the rights of children with disability into legislation, policies, programs, service standards and frameworks that apply to children generally.**
- **Information on data collection relating to child protection and out-of-home care and disaggregation of data by disability.**

3.3 Aboriginal and Torres Strait Islander people with disability

9. Aboriginal and Torres Strait Islander people with disability face institutional and endemic discrimination both because of their disability and because of their Indigenous status. They are more likely than other Australians to experience various forms of disadvantage, including higher unemployment rates, poverty,

isolation, trauma, discrimination, exposure to violence, trouble with the law and alcohol and substance abuse.³²

10. The Commission is concerned that without specific strategies to address the unique challenges and disadvantage that Aboriginal and Torres Strait Islander people with disability face, this group will continue to experience disproportionate levels of disadvantage and will be denied the full enjoyment of their rights under the CRPD.
11. The Commission notes and welcomes the Australian Government's commitment outlined in the *National Disability Strategy Second Implementation Plan: Driving Action 2015-18* to develop the *Australian Government Plan to Improve Outcomes for Aboriginal and Torres Strait Islander People with Disability*³³ and looks forward to progress under this plan.

Issues for consideration in the LOIPR:

- **Information on the *Australian Government Plan to Improve Outcomes for Aboriginal and Torres Strait Islander People with Disability* and resources devoted to its implementation and monitoring of progress.**

3.4 Accessibility

Concluding observations para 20 & 21; CRPD Article 9

12. The Commission's recent national consultations heard that people with disability continue to face barriers to accessing the built environment, including schools, shops, workplaces, services and entertainment facilities.³⁴
13. Many Aboriginal and Torres Strait Islander people with disabilities experience discrimination on a regular basis in terms of access to premises and also in terms of access to transport. The negative experience of many Aboriginal and Torres Strait Islander people with disabilities is particularly acute but not exclusive to Aboriginal and Torres Strait Islander people with disabilities living in regional and remote Australia.³⁵

(a) Built environment

14. It is a common experience for many Aboriginal and Torres Strait Islander people with disability to be excluded from accessing essential services like shops. In regional and remote Australia and in small Aboriginal communities this can result in Aboriginal people with disabilities having little or no physical access to grocery stores to purchase essential goods.³⁶
15. Inaccessible premises can also limit participation of people with disability in voting and other political processes. In the 2016 Federal Election, a man who was a wheelchair user was unable to enter the only pre-polling place in Wollongong to vote, and instead had to vote outside under the supervision of an Australian Electoral Commission official.³⁷

16. The Commission is concerned that progress towards accessible commercial premises, public spaces and amenities is restricted by the lack of measures to ensure a consistent approach across Australia to implementation and monitoring of the *Disability (Access to Premises – Buildings) Standards 2010*.

(b) *Transport*

17. The Commission's recent national consultations also heard that people with disability remain unable to independently use public transport due to inaccessible infrastructure, and find it difficult to access information about services in formats that meet their needs. New and emerging forms of transport, including ride sharing services like Uber, also present unique challenges and barriers for people with disability in Australia and have the potential to decrease the availability of wheelchair accessible taxis.
18. The lack of accessible transport has a significant impact on Aboriginal and Torres Strait Islander people with disability, particularly physical disability, in regional and remote areas. This lack of access affects their ability to access education, employment and, critically, health services.³⁸
19. The issues that people with disability continue to face in accessing transport services and infrastructure are compounded by the lack of mechanisms to ensure compliance with the *Disability Standards for Accessible Public Transport 2002* (Transport Standards) and the significant delays in meeting the deadlines for review set out in the standards.
20. The Commission is concerned that the lack of enforceability, monitoring of compliance and penalties for non-compliance limits the effectiveness of the Transport Standards.
21. Although the Transport Standards must be reviewed every five years,³⁹ there have been significant delays in reviews to date. The Commission is concerned that these delays have inhibited, and continue to inhibit, progress towards changes that can enhance the efficiency and effectiveness of the Transport Standards.
22. The Commission welcomes the Australian Government's commitment to progressing the modernisation of the Transport Standards and the development of accessibility guidelines for a whole of journey approach to public transport.⁴⁰ However, the Commission remains concerned that resources have not been committed to implement many of the recommendations from the 2012 review of the Transport Standards.

(c) *Housing*

23. The Commission is also concerned that voluntary measures to increase the supply of accessible private housing have been ineffective.
24. There is a significant lack of accessible housing stock in regional and remote Australia. The Commission is concerned that some major housing initiatives for Aboriginal and Torres Strait Islander people have not met accessibility standards and have not been developed in consultation with experts in accessible design.⁴¹

25. In 2010, the National Dialogue on Universal Housing Design agreed to a voluntary target that all new housing construction by 2020 will meet the silver level of livable housing design standards.⁴² A 2015 review on progress towards this target prepared by Australian Network on Universal Housing Design and Rights and Inclusion Australia estimated that the uptake of livable housing design under the current voluntary approach is likely to be less than five per cent for new private dwellings by 2020.⁴³
26. The Commission is concerned that without regulatory intervention to introduce a mandatory minimum standard of accessibility for all private dwellings in Australia, access to appropriate housing will be limited for people with disability.

Issues for consideration in the LOIPR:

- **Information on monitoring, compliance and implementation of the *Disability (Access to Premises – Buildings) Standards 2010* and *Disability Standards for Accessible Public Transport 2002*.**
- **Information on efforts to address the barriers that people with disability continue to face in accessing commercial premises, public spaces and amenities and transport.**
- **Information on efforts to ensure an adequate supply of accessible housing, and that 2020 targets for universal housing design are met.**

3.5 Equal recognition before the law

Concluding observations paras 24-26; CRPD Article 12

27. In 2014, the Australian Law Reform Commission conducted an inquiry into laws and legal frameworks that deny or diminish the equal recognition of people with disability as persons before the law and their ability to exercise legal capacity.⁴⁴ The *Equality, Capacity and Disability in Commonwealth Laws* final inquiry report made 55 recommendations that propose national decision-making principles to underpin all Commonwealth, state and territory laws and a new supported decision-making model with appropriate and effective safeguards.⁴⁵ The decision-making model emphasises a supporter and representative scheme rather than substitute decision-making.⁴⁶
28. Australian states and territories are at various stages of reviewing their legislation to ensure consistency with these proposed principles and the decision-making model. A review of the Australian Capital Territory Guardianship legislation was conducted in 2016,⁴⁷ and a review of the New South Wales Guardianship legislation is currently in progress.⁴⁸ Reforms to capacity laws are also being considered as part of the Australian Law Reform Commission inquiry on *Protecting the Rights of Older Australians from Abuse (Elder Abuse inquiry)*.⁴⁹

Issues for consideration in the LOIPR:

- **Information on steps to implement the consistent supported decision-making model recommended by the Australian Law Reform Commission inquiry into *Equality, Capacity and Disability in Commonwealth Laws*.**

3.6 Access to justice

Concluding observations paras 27-30; CRPD Article 13

29. Data from the Australian Bureau of Statistics,⁵⁰ the Commission's *Equal Before the Law* report,⁵¹ and other studies⁵² show that people with disabilities have higher rates of interaction with the criminal justice system than other Australians. The issue of mental illness and cognitive disability in the criminal justice system is an area of ongoing review and reform.
30. The Commission notes with concern the high rate of disability among Aboriginal and Torres Strait Islander peoples and that they are over-represented in Australian prisons, particularly those with mental health disorders and cognitive disability. Aboriginal and Torres Strait Islander people with disability have very high levels of unmet disability care needs and find themselves trapped in a cycle of regular police contact and control instead of support.⁵³
31. Commission research has found that necessary supports and adjustments for people with disabilities are frequently not provided in the criminal justice system.⁵⁴ Justice processes are often inflexible and antagonistic to the needs of people with disability.
32. The Commission notes that South Australia has adopted a Disability Justice Plan to make the criminal justice system more accessible and responsive to the needs of people with disability.⁵⁵ Other states and territories are yet to adopt similar measures.

Issues for consideration in the LOIPR:

- **Information on culturally and contextually appropriate support provided to people with disability, particularly people with mental health issues and/or cognitive disability, to enable effective access to justice.**
- **Information about Government responses to issues affecting prisoners with disability or mental health issues.**
- **Information on strategies to make the criminal justice system more accessible and responsive to the needs of people with disability and address the rate of people with a disability in the criminal justice system.**

3.7 Liberty and security of the person

Concluding observations paras 31-34; CRPD Article 14

33. The indefinite detention of people with cognitive impairment remains a 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.⁵⁶

34. The Commission notes that the Committee has considered the issue of indefinite detention of people with cognitive impairment and welcomes the Committee's views under article 5 of the CRPD (No.7/2012) on the case of Marlon Noble.⁵⁷
35. The Commission draws the Committee's attention to the 2016 Senate Community Affairs References Committee *Inquiry into indefinite detention of people with cognitive and psychiatric impairment in Australia*.⁵⁸
36. Evidence presented to the Senate Community Affairs References Committee *Inquiry into indefinite detention of people with cognitive and psychiatric impairment in Australia* showed that there were more than 100 people detained across Australia without conviction in prisons and psychiatric units under mental impairment legislation, and that at least 50 of these people were Aboriginal and Torres Strait Islander people.⁵⁹
37. The *Inquiry into indefinite detention of people with cognitive and psychiatric impairment in Australia Report* made 32 recommendations that include state legislative reform, national data collection, screening people when they first make contact with the criminal justice system and those already in prison, early intervention services and addressing hearing problems. The Inquiry Report also called for more supported accommodation and therapeutic care options. The Australian Government is yet to provide its response to this report.⁶⁰

Issues for consideration in the LOIPR

- **Information on the Australian Government response to the Senate Community Affairs References Committee *Inquiry into indefinite detention of people with cognitive and psychiatric impairment in Australia*.**

3.8 Freedom from torture and cruel, inhuman or degrading treatment or punishment

Concluding observations paras 35 & 36; CRPD Article 15

38. On 9 February 2017, the Australian Government announced it intends to ratify the *Optional Protocol to the Convention against Torture* (OPCAT) by December 2017, working closely with states and territories to do this.⁶¹
39. Although the Australian Government has outlined some of the key features of how it intends OPCAT to operate in Australia, many details are still to be determined. The Australian Government has explicitly provided for a period of consultation with key stakeholders. It has asked the Australian Human Rights Commission to lead some elements of this consultation, focussing on soliciting the views of civil society.⁶²

Issues for consideration in the LOIPR:

- **Information on how the Australian Government will implement OPCAT in a way that will protect people with disability from cruel, inhuman or degrading treatment or punishment on an equal basis with others.**

3.9 Freedom from exploitation, violence and abuse

Concluding observations paras 37 & 38; CRPD Article 16

40. The Commission draws the Committee's attention to the Senate Community Affairs References Committee *Inquiry into Violence, abuse and neglect against people with disability in institutional and residential settings*⁶³ and the Australian Government response.⁶⁴
41. The *Inquiry into Violence, abuse and neglect against people with disability in institutional and residential settings* report made 30 recommendations, including changes to the regulation of disability workers, changes to the way abuse is reported, increased funding for advocacy and better data collection.⁶⁵
42. The Australian Government response to the *Inquiry into Violence, abuse and neglect against people with disability in institutional and residential settings* noted the recommendations and the Australian Government commitment to establishing the NDIS Quality and Safeguards Commission to oversee the NDIS Quality and Safeguards Framework.⁶⁶
43. The Commission is concerned that the NDIS Quality and Safeguards framework will not be sufficient to protect all people with disability from exploitation, violence and abuse as it only applies to NDIS participants (approximately 10% of the Australian disability population). Further, it may not address the scale of exploitation, violence and abuse against people with disability, its many different forms and the range of service and other settings where it occurs.

Issues for consideration in the LOIPR:

- **Information on measures to implement the recommendations of the Inquiry into Violence, abuse and neglect against people with disability in institutional and residential settings.**
- **Information on measures to ensure freedom from exploitation, violence and abuse for all people with disability in all settings, not just those covered by the NDIS Quality and Safeguards Framework.**

3.10 Integrity of the person

Concluding observations paras 37 & 38; CRPD Article 16

44. The Commission draws the Committee's attention to the 2014 CAT Submission,⁶⁷ and the UPR Submission.⁶⁸
45. The Commission notes the Australian Government delegation to the UPR stated that a sterilisation procedure requires a person's consent or, if unable to give consent, the authorisation of a court or guardianship tribunal. Accordingly, the

Delegation advised that UPR recommendations concerning sterilisation would not be considered further at this time.⁶⁹

46. The Commission is concerned that sterilisation of people with disabilities, including children, continues to take place in Australia without consent.
47. The Commission is also concerned that people born with intersex variations can still be subject to medically unnecessary medical interventions before they are able to provide full and informed consent.⁷⁰ Such interventions can have significant and ongoing physical and psychological consequences.⁷¹
48. The Commission is currently undertaking a project on the human rights of intersex people in the context of medical treatment. The focus is on developing a nationally consistent human-rights based approach to decision-making about medical interventions with the aim of ending medically unnecessary non-consensual medical treatment of people with intersex variations.

Issues for consideration in the LOIPR:

- **Information on plans to introduce protections and measures to prohibit sterilisation of people with disability without consent.**
- **Information on plans to introduce measures to protect the human rights of people with variations in intersex characteristics in the context of medical treatment.**

3.11 Living independently and being included in the community

Concluding observations paras 41 & 42; CRPD Article 19

49. The lack of appropriate and accessible housing in Australia severely limits the capacity of people to live independently and participate in the community.
50. The Commission is concerned that the lack of appropriate and accessible housing is used to justify specialist, segregated and congregate living arrangements that give people with disability no choice over where they live and with whom they live. The Commission remains concerned about the high rates of violence, abuse and neglect of people with disability in these settings, reported in the *Inquiry into Violence, abuse and neglect against people with disability in institutional and residential settings* report.⁷²
51. The NDIS is increasing the demand for housing models that maximise independence and participation in the community. The Commission is concerned that demand will continue to outstrip supply unless there is a commitment to funding measures to increase the supply of appropriate and accessible housing.
52. Support to make decisions about preferred housing arrangements, and to search, apply for and maintain housing is also critical to maximising independence and inclusion. The Commission is concerned that this support may not be available unless individual advocacy is appropriately resourced for all people with disability, both NDIS and non-NDIS participants.⁷³

Issues for consideration in the LOIPR:

- **Information on measures to increase the supply of appropriate and accessible housing that maximises independence and inclusion in the community.**
- **Information on how the Australian Government will adequately resource support, including individual advocacy support, for people with disability to secure preferred housing arrangements that maximise independence and community inclusion.**

3.12 Freedom of expression and opinion and access to information

Concluding observations paras 43 & 44; CRPD Article 21

53. The Commission is concerned that people with disability remain unable to access communication and information systems, including media, on an equal basis with others.
54. In particular, the Commission is concerned about:
- the lack of legislative and regulatory requirements for audio description of television content
 - the limitations on the current requirements for captioning of television content, which are well below the proportions required in other countries including the United Kingdom and Canada
 - the lack of availability of information in alternate accessible formats, including easy read
 - the lack of mandatory compliance based standards on digital accessibility, given the growing prevalence and social reliance on apps and touch-screen devices
55. The Commission notes that the Australian Communications and Media Authority is due to report on the outcomes of its statutory review of the television captioning requirements in the *Broadcasting Services Act 1992* by 30 June 2017 and looks forward to the recommendations for change following this review. The Commission also welcomes the recently announced audio description working group that will look at ways to facilitate greater access to information and new for people who are blind and people with low vision.⁷⁴

Issues for consideration in the LOIPR:

- **Information on measures to facilitate greater access to information for people who are Deaf or people who are hard of hearing.**
- **Information on plans and timeframes for the introduction of legislative and regulatory requirements for audio description of television content.**

- **Information on efforts to ensure accessibility of websites, apps, touch-screen devices and other digital products and services.**
- **Information on efforts to provide information about changes to laws, policies, systems and obligations in alternate accessible formats, including easy read.**

3.13 Education

Concluding observations paras 45 & 46; CRPD Article 24

56. The Commission remains concerned that there are significant disparities between education experiences and attainments of children with disability and children without disability.
57. The Commission is particularly concerned about the prevalence of bullying and the use of seclusion and restraint against children with disability.⁷⁵ The Commission's recent national consultations heard that there are increasing reports of the use seclusion and restraint to manage behaviour in education settings
58. The Commission is also concerned about the inconsistent and inadequate provision of reasonable adjustments to enable students with disability to attend the school or educational institution of their choice, to participate in the classroom in the same way as their peers and to engage in extra-curricular social and recreational activities.⁷⁶
59. The Commission draws the Committee's attention to the 2015 Senate Education and Employment References Committee *Inquiry into current levels of access and attainment for students with disability in the school system, and the impact on students and families associated with inadequate levels of support*⁷⁷ and the Australian Government response.⁷⁸ The final Inquiry report *Access to real learning: the impact of policy, funding and culture on students with disability* made 10 recommendations focused on funding arrangements, data collection, changes to teacher education and the curriculum and a national strategy to improve education of students with disability.⁷⁹

Issues for consideration in the LOIPR:

- **Information on measures to protect students with disability from bullying and the use of seclusion and restraint in education settings.**
- **Information on measures to ensure consistent and adequate provision of reasonable adjustments to facilitate inclusive education for students with disability.**
- **Information on efforts to implement the recommendations of the Senate Education and Employment References Committee *Inquiry into current levels of access and attainment for students with disability in the school system, and the impact on students and families associated with inadequate levels of support.***

3.14 Right to Work

Concluding observations paras 49 & 50; CRPD Article 27

60. People with disability in Australia continue to have lower rates of labour force participation and employment, and higher rates of unemployment, than people without disability. In 2015, 53% of working-age people with disability, and 25% of those with severe or profound limitation, were participating in the labour force, compared with 83% of those without disability.⁸⁰ Australians with disability are more likely to be unemployed (10.0% compared with 5.3% for those without disability)⁸¹ and face longer periods of unemployment than people without disability.⁸²
61. In 2015-16, the Australian Human Rights Commission conducted a National Inquiry into employment discrimination against older Australians and Australians with disability.⁸³
62. The *Willing to Work* inquiry found that people with disability face a number of systemic barriers to employment. These include the lack of practical assistance for employers to support employment of people with disability, negative employer and community attitudes, poor transition to work initiatives for school leavers; negative outcomes from disability employment services, segregation of people with disability in supported employment and financial disincentives of entering the workforce such as increased transport costs. It also found that the operation of some government policies are creating disincentives to workforce participation, and that programs and subsidies to encourage businesses to employ workers with disability have only limited impact.⁸⁴
63. The *Willing to Work* report was tabled in Parliament in late 2016. To date, there has been no government-led action to implement its recommendations.
64. The Commission is also concerned about the low rates of employment of people with disability in the public service. The rate of employment of people with disability in the Australian public services has steadily declined over the past 20 years and is currently only 3.7%.⁸⁵
65. The Commission notes that the Australian Government has consulted with people with disability, their representative organisations and employers about a new Disability Employment Framework for implementation from 2017.⁸⁶ The Commission also notes the recent commitment of the Australian Government to fund and implement a new Disability Employment Services program model from 2018.⁸⁷

Issues for consideration in the LOIPR:

- **Information on steps taken to implement the *Willing to Work* report recommendations and reduce employment discrimination against people with disability.**
- **Information on reforms to improve employment outcomes for people with disability and increase employment of people with disability in the Australian public service.**

4 Specific obligations

4.1 Statistics and data collection

Concluding observations paras 53-56; CRPD Article 31

66. The Commission remains concerned about the low level of disaggregated data collected on people with disability across the full range of obligations in the CRPD.
67. Without this data, it is not possible to develop a complete baseline of the specific situation of women with disability, children with disability, Aboriginal and Torres Strait Islander people with disability and people with disability from culturally and linguistically diverse backgrounds to enable measurement of CRPD implementation progress.
68. The Commission is particularly concerned about the lack of available data on violence, abuse and neglect of people with disability.

Issues for consideration in the LOIPR:

- **Information on efforts to increase collection of and reporting on disaggregated data against the full range of CRPD obligations.**

4.2 National implementation and monitoring

Concluding observations paras 57-58; CRPD Article 32

69. The Commission raised concerns in both its 2008 submission to the National Disability Strategy Discussion Paper and its 2017 submission to the *Inquiry into the Delivery of outcomes under the National Disability Strategy to build inclusive and accessible communities* about the adequacy of the National Disability Strategy as a mechanism for implementing and monitoring progress of the CRPD.
70. The *National Disability Strategy* does not provide for a co-ordination mechanism to facilitate whole of Government action to implement the CRPD and to co-ordinate monitoring and reporting.
71. The Commission is of the view that a performance framework that reflects Australia's obligations under the CRPD must be applied to the *National Disability Strategy*. This should include the assignment of responsibility for each action, performance indicators, clear and measurable performance targets for each outcome, timeframes for completion of actions, accountability and reporting requirements and a clear evaluation mechanism.

Issues for consideration in the LOIPR:

- **Information on efforts to improve the evaluation and monitoring of progress under the National Disability Strategy and, more broadly, the CRPD.**

5 Other issues

5.1 National Disability Insurance Scheme

72. The NDIS roll-out commenced in July 2013 and will be complete by July 2018. It provides individualised support packages to people with disability.⁸⁸
73. It is too early to assess or draw conclusions on any progress, given the size and breadth of the reform. However, the Commission is concerned that some groups of people with disability will be disadvantaged and may not receive equal access to or outcomes from the NDIS unless specific action is taken to assist them to access and interact with the scheme. These groups include Aboriginal and Torres Strait Islander people with disability, people with disability from culturally and linguistically diverse backgrounds and people with disability who are, or have been, in contact with the criminal justice system.
74. The Commission is also concerned that people with disability who are ineligible for individual support packages under the NDIS may be disadvantaged and unable to enjoy full and equal participation in the community and their rights under the CRPD.
75. The NDIS demands careful evaluation and monitoring both by the government agencies responsible for its implementation and by independent agencies working constructively with the implementing bodies. It is also imperative that people with disability and their representative organisations are actively involved in the ongoing evaluation, monitoring and improvement of the NDIS.

Issues for consideration in the LOIPR:

- **Information on the monitoring and evaluation incorporated into the national rollout of the NDIS and opportunities for people with disability and their representative organisations to inform ongoing NDIS improvement.**
- **Information on measures to ensure that people with disability who are ineligible for individual support packages under the NDIS will not be disadvantaged nor unable to enjoy full and equal participation in the community.**
- **Information on measures to ensure equal access to and outcomes from the NDIS for all people that are eligible for the scheme.**

Attachment 1: Compilation of issues for consideration in the LOIPR

- **General Principles and Obligations**

Information on how the Australian government is co-ordinating and facilitating whole of government action under the National Disability Strategy and developing further measures for implementing the CRPD.

Information on the outcomes achieved through the National Disability Strategy and on the process for evaluation and monitoring of impact.

Information on how the Australian Government will adequately resource people with disability and their representative organisations to meaningfully participate in the ongoing development and monitoring of actions to implement the CRPD.

- **Specific Rights**

Women with disabilities

Information on how the *National Plan to Reduce Violence against Women and their Children 2010-2022* recognises and addresses all of the various forms of violence perpetrated against women and girls with disability.

Information on funding and steps taken to improve support to women with disability who experience or at risk of violence and sexual abuse.

Children with disabilities

Information on steps taken to incorporate the rights of children with disability into legislation, policies, programs, service standards and frameworks that apply to children generally.

Information on data collection relating to child protection and out-of-home care and disaggregation of data by disability.

Aboriginal and Torres Strait Islander people with disability

Information on the *Australian Government Plan to Improve Outcomes for Aboriginal and Torres Strait Islander People with Disability* and resources devoted to its implementation and monitoring of progress.

Accessibility

Information on monitoring, compliance and implementation of the *Disability (Access to Premises – Buildings) Standards 2010* and *Disability Standards for Accessible Public Transport 2002*.

Information on efforts to address the barriers that people with disability continue to face in accessing commercial premises, public spaces and amenities and transport.

Information on efforts to ensure an adequate supply of accessible housing, and that 2020 targets for universal housing design are met.

Equal recognition before the law

Information on steps to implement the consistent supported decision-making model recommended by the Australian Law Reform Commission inquiry into *Equality, Capacity and Disability in Commonwealth Laws*.

Access to justice

Information on culturally and contextually appropriate support provided to people with disability, particularly people with mental health issues and/or cognitive disability, to enable effective access to justice.

Information about Government responses to issues affecting prisoners with disability or mental health issues.

Information on strategies to make the criminal justice system more accessible and responsive to the needs of people with disability and address the rate of people with a disability in the criminal justice system.

Liberty and security of the person

Information on the Australian Government response to the Senate Community Affairs References Committee *Inquiry into indefinite detention of people with cognitive and psychiatric impairment in Australia*.

Freedom from torture and cruel, inhuman or degrading treatment or punishment

Information on how the Australian Government will implement OPCAT in a way that will protect people with disability from cruel, inhuman or degrading treatment or punishment on an equal basis with others.

Freedom from exploitation, violence and abuse

Information on measures to implement the recommendations of the Inquiry into Violence, abuse and neglect against people with disability in institutional and residential settings.

Information on measures to ensure freedom from exploitation, violence and abuse for all people with disability in all settings, not just those covered by the NDIS Quality and Safeguards Framework.

Integrity of the person

Information on plans to introduce protections and measures to prohibit sterilisation of people with disability without consent.

Information on plans to introduce measures to protect the human rights of people with variations in intersex characteristics in the context of medical treatment.

Living independently and being included in the community

Information on measures to increase the supply of appropriate and accessible housing that maximises independence and inclusion in the community.

Information on how the Australian Government will adequately resource support, including individual advocacy support, for people with disability to secure preferred housing arrangements that maximise independence and community inclusion.

Freedom of expression and opinion and access to information

Information on measures to facilitate greater access to information for people who are Deaf or people who are hard of hearing.

Information on plans and timeframes for the introduction of legislative and regulatory requirements for audio description of television content.

Information on efforts to ensure accessibility of websites, apps, touch-screen devices and other digital products and services.

Information on efforts to provide information about changes to laws, policies, systems and obligations in alternate accessible formats, including easy read.

Education

Information on measures to protect students with disability from bullying and the use of seclusion and restraint in education settings.

Information on measures to ensure consistent and adequate provision of reasonable adjustments to facilitate inclusive education for students with disability.

Information on efforts to implement the recommendations of the Senate Education and Employment References Committee *Inquiry into current levels of access and attainment for students with disability in the school system, and the impact on students and families associated with inadequate levels of support.*

Right to work

Information on steps taken to implement the *Willing to Work* report recommendations and reduce employment discrimination against people with disability.

Information on reforms to improve employment outcomes for people with disability and increase employment of people with disability in the Australian public service.

- **Specific obligations**

- Statistics and data collection**

Information on efforts to increase collection of and reporting on disaggregated data against the full range of CRPD obligations.

National implementation and monitoring

Information on efforts to improve the evaluation and monitoring of progress under the National Disability Strategy and, more broadly, the CRPD.

- **Other issues**

National Disability Insurance Scheme

Information on the monitoring and evaluation incorporated into the national rollout of the NDIS and opportunities for people with disability and their representative organisations to inform ongoing NDIS improvement.

Information on measures to ensure that people with disability who are ineligible for individual support packages under the NDIS will not be disadvantaged nor unable to enjoy full and equal participation in the community.

Information on measures to ensure equal access to and outcomes from the NDIS for all people that are eligible for the scheme.

Endnotes

- ¹ *Convention on the Rights of Persons with Disabilities (Disability Convention)*, opened for signature 13 December 2006, 2515 UNTS 3 (entered into force 3 May 2008)
- ² Australian Human Rights Commission, *Willing to Work: National Inquiry into Employment Discrimination Against Older Australians and Australians with disability* (2016). At <https://www.humanrights.gov.au/our-work/disability-rights/projects/willing-work-national-inquiry-employment-discrimination-against> (viewed 16 March 2017).
- ³ Australian Human Rights Commission, *Submission to the Senate Community Affairs Reference Committee inquiry into the Delivery of outcomes under the National Disability Strategy 2010-2020 to build inclusive and accessible communities* (2017). At http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/AccessibleCommunities (viewed 7 June 2017).
- ⁴ Australian Human Rights Commission, Submission to the UN Committee on Economic Social and Cultural Rights prior to its consideration of Australia's 5th periodic report under the *International Covenant on Economic, Social and Cultural Rights* (2017). At <http://www.humanrights.gov.au/our-work/legal/submissions/submissions-united-nations> (viewed 7 June 2017).
- ⁵ Australian Human Rights Commission, 'Submission to the UN Committee Against Torture under the *Convention Against Torture*, 17 October 2014, [223-226]. At http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCAT%2fNGO%2fAUS%2f18690&Lang=en (viewed 8 June 2017).
- ⁶ Australian Human Rights Commission, Submission by the Australian Human Rights Commission under the *Universal Periodic Review Process*, April 2015. At <https://www.humanrights.gov.au/submissions/australia-s-second-universal-periodic-review> (viewed 31 May 2017).
- ⁷ Australian Human Rights Commission, *Equal before the Law: Towards Disability Justice Strategies* (2014). At <https://www.humanrights.gov.au/our-work/disability-rights/publications/equal-law>.
- ⁸ Australian Government Department of Social Services, *National Disability Strategy* (2016). At <https://www.dss.gov.au/our-responsibilities/disability-and-carers/program-services/Government-international/national-disability-strategy> (viewed 28 March 2017)
- ⁹ Australian Government Department of Social Services, *National Disability Strategy* (2016). At <https://www.dss.gov.au/our-responsibilities/disability-and-carers/program-services/Government-international/national-disability-strategy> (viewed 28 March 2017)
- ¹⁰ Australian Human Rights Commission, *Submission to the Senate Community Affairs Reference Committee inquiry into the Delivery of outcomes under the National Disability Strategy 2010-2020 to build inclusive and accessible communities* (2017). At http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/AccessibleCommunities (viewed 7 June 2017).
- ¹¹ Australian Government Department of Social Services, *National Disability Strategy* (2016). At <https://www.dss.gov.au/our-responsibilities/disability-and-carers/program-services/Government-international/national-disability-strategy> (viewed 28 March 2017).
- ¹² See e.g. Commonwealth of Australia and the State of New South Wales, *Bilateral agreement between the Commonwealth and New South Wales for transition to an NDIS* (2015). At <http://ndis.nsw.gov.au/wp-content/uploads/2015/07/Bilateral-Agreement-between-the-Commonwealth-and-New-South-Wales-2.pdf> (viewed 5 June 2017).
- ¹³ Australian Government Department of Social Services, *National Disability Advocacy Program* (2017). At <https://www.dss.gov.au/our-responsibilities/disability-and-carers/program-services/for-people-with-disability/national-disability-advocacy-program-ndap> (viewed 5 June 2017).
- ¹⁴ Australian Human Rights Commission, *Shaping our future: discussions on disability rights* (2017). At <http://www.humanrights.gov.au/our-work/disability-rights/projects/shaping-our-future-discussions-disability-rights> (viewed 5 June 2017).
- ¹⁵ Australian Human Rights Commission, *A Conversation in Gender Equality* (2017). At <http://www.humanrights.gov.au/our-work/sex-discrimination/publications/conversation-gender-equality-2017> (viewed 5 June 2017).
- ¹⁶ Carolyn Frohmader, *Violence Against Women with Disabilities* (2014). At https://www.pwd.org.au/documents/temp/FS_Violence_WWD's.pdf.
- ¹⁷ Carolyn Frohmader, *Violence Against Women with Disabilities* (2014). At https://www.pwd.org.au/documents/temp/FS_Violence_WWD's.pdf.

-
- ¹⁸ Australian Government Department of Social Services, *Third Action Plan 2016-19 of the National Plan to Reduce Violence Against Women and their Children 2010-2022* (2016). At <https://www.dss.gov.au/women/programs-services/reducing-violence/third-action-plan> (viewed 5 June 2017).
- ¹⁹ *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990) art 2.
- ²⁰ *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990) art 24.
- ²¹ *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990) art 24.
- ²² Australian Government Department of Social Services, *Protecting Australia's Children* (2017). At <https://www.dss.gov.au/our-responsibilities/families-and-children/programs-services/protecting-australias-children> (viewed 6 June 2017).
- ²³ Royal Commission into the Protection and Detention of Children in the Northern Territory, *Home* (2017). At <https://childdetentionnt.royalcommission.gov.au/Pages/default.aspx> (viewed 6 June 2017).
- ²⁴ Royal Commission into the Protection and Detention of Children in the Northern Territory, *Protecting Vulnerable Witnesses* (2017). At <https://childdetentionnt.royalcommission.gov.au/providing-information/Pages/Protecting-vulnerable-witnesses.aspx> (viewed 6 June 2017).
- ²⁵ Gwynnyth Llewelyn, Sarah Wyland and Gabrielle Hindmarsh, *Disability and child sexual abuse in institutional contexts*, Royal Commission into Institutional Responses to Child Sexual Abuse (2016). At <http://www.childabuseroyalcommission.gov.au/policy-and-research/our-research/published-research/disability-and-child-sexual-abuse-in-institutional>.
- ²⁶ Australian Human Rights Commission, *Children's Rights Report 2014* (2014). At <https://www.humanrights.gov.au/our-work/childrens-rights/publications/childrens-rights-report-2014> (viewed 27 June 2017).
- ²⁷ Australian Human Rights Commission, *Children's Rights Report 2015* (2015). At <https://www.humanrights.gov.au/our-work/childrens-rights/publications/childrens-rights-report-2015> (viewed 27 June 2017).
- ²⁸ Australian Human Rights Commission, *Children's Rights Report 2015* (2015). At <https://www.humanrights.gov.au/our-work/childrens-rights/publications/childrens-rights-report-2016> (viewed 27 June 2017).
- ²⁹ Australian Government Department of Social Services, *Third three year action plan 2015-2018-Driving Change: Intervening Early* (2015). At <https://www.dss.gov.au/families-and-children/programmes-services/children/protecting-children-is-everyones-business-national-framework-for-protecting-australias-children-2009-2020-third-action-plan-2015-2018> (viewed 6 June 2017).
- ³⁰ Australian Government Department of Social Services, *An outline of National Standards for out-of-home care* (2011). At <https://www.dss.gov.au/our-responsibilities/families-and-children/publications-articles/an-outline-of-national-standards-for-out-of-home-care-2011> (viewed 6 June 2017).
- ³¹ Australian Institute of Health and Welfare, *Child Protection Australia 2015-16* (2017). At <http://www.aihw.gov.au/publication-detail?id=60129558626> (viewed 7 June 2017).
- ³² Australian Bureau of Statistics, *Social and Economic Wellbeing of Aboriginal and Torres Strait Islander People with Disability* [http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4714.0~2014-15~Feature%20Article~Social%20and%20economic%20wellbeing%20of%20Aboriginal%20and%20Torres%20Strait%20Islander%20people%20with%20disability%20\(Feature%20Article\)~10000](http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4714.0~2014-15~Feature%20Article~Social%20and%20economic%20wellbeing%20of%20Aboriginal%20and%20Torres%20Strait%20Islander%20people%20with%20disability%20(Feature%20Article)~10000)
- ³³ Australian Government Department of Social Services, *National Disability Strategy* (2016). At <https://www.dss.gov.au/our-responsibilities/disability-and-carers/program-services/Government-international/national-disability-strategy> (viewed 28 March 2017).
- ³⁴ Australian Human Rights Commission, *Shaping our future: discussions on disability rights* (2017). At <http://www.humanrights.gov.au/our-work/disability-rights/projects/shaping-our-future-discussions-disability-rights> (viewed 5 June 2017).
- ³⁵ First Peoples Disability Network, *Submission to the Senate Standing Committee on Community Affairs inquiry into Delivery of Outcomes under the National Disability Strategy 2010-2020 to build inclusive and accessible communities* (2017). At <http://fpdn.org.au/wp-content/uploads/2017/05/Senate-Standing-Committee-on-Community-Affairs-Inquiry-into-Delivery-of-Outcomes-under-the-National-Disability-Strategy-2010-2020-to-build-inclusive-and-accessible-communities.pdf> (viewed 28 June 2017).
- ³⁶ First Peoples Disability Network, *Submission to the Senate Standing Committee on Community Affairs inquiry into Delivery of Outcomes under the National Disability Strategy 2010-2020 to build inclusive and accessible communities* (2017). At <http://fpdn.org.au/wp-content/uploads/2017/05/Senate-Standing-Committee-on-Community-Affairs-Inquiry-into-Delivery-of->

[Outcomes-under-the-National-Disability-Strategy-2010-2020-to-build-inclusive-and-accessible-communities.pdf](#) (viewed 28 June 2017).

³⁷ Ben Langford, *Wollongong man in wheelchair forced to vote in the street as polling place not accessible* (2016). At <http://www.illawarramercury.com.au/story/3999846/vote-access-a-step-too-far/> (viewed 29 March 2016).

³⁸ First Peoples Disability Network, *Submission to the Senate Standing Committee on Community Affairs inquiry into Delivery of Outcomes under the National Disability Strategy 2010-2020 to build inclusive and accessible communities* (2017). At <http://fpdn.org.au/wp-content/uploads/2017/05/Senate-Standing-Committee-on-Community-Affairs-Inquiry-into-Delivery-of-Outcomes-under-the-National-Disability-Strategy-2010-2020-to-build-inclusive-and-accessible-communities.pdf> (viewed 28 June 2017).

³⁹ *Disability Standards for Accessible Public Transport* (2002) pt. 34.

⁴⁰ Australian Government Department of Infrastructure and Regional Development, *2012 Review of the Disability Standards for Accessible Public Transport* (2015). At <https://infrastructure.gov.au/transport/disabilities/review/2012.aspx> (viewed 27 March 2017).

⁴¹ First Peoples Disability Network, *Submission to the Senate Standing Committee on Community Affairs inquiry into Delivery of Outcomes under the National Disability Strategy 2010-2020 to build inclusive and accessible communities* (2017). At <http://fpdn.org.au/wp-content/uploads/2017/05/Senate-Standing-Committee-on-Community-Affairs-Inquiry-into-Delivery-of-Outcomes-under-the-National-Disability-Strategy-2010-2020-to-build-inclusive-and-accessible-communities.pdf> (viewed 28 June 2017).

⁴² National Dialogue on Universal Housing Design, *Strategic Plan* (2010). At https://www.dss.gov.au/sites/default/files/documents/05_2012/national_dialogue_strategic_plan.pdf (viewed 24 March 2017).

⁴³ Australian Network on Universal Housing Design and Rights and Inclusion Australia, *Report on the Progress of the National Dialogue on Universal Housing Design 2010–2014* (2015). At <https://anuhd.org/> (viewed 24 March 2017).

⁴⁴ Australian Law Reform Commission (2014) *Equality, Capacity and Disability in Commonwealth Laws* <https://www.alrc.gov.au/publications/equality-capacity-disability-report-124>

⁴⁵ Australian Law Reform Commission (2014) *Equality, Capacity and Disability in Commonwealth Laws* <https://www.alrc.gov.au/publications/equality-capacity-disability-report-124>

⁴⁶ Australian Law Reform Commission (2014) *Equality, Capacity and Disability in Commonwealth Laws* <https://www.alrc.gov.au/publications/equality-capacity-disability-report-124>

⁴⁷ Australian Capital Territory Law Reform Advisory Council, *Inquiry into the terms and operations of the Guardianship and Management of Property Act 1991* (2016). At <http://www.justice.act.gov.au/review/view/31/title/review-of-guardianship-and-management> (viewed 6 June 2017).

⁴⁸ New South Wales Law Reform Commission, *Review of the Guardianship Act 1987* (2017). At http://www.lawreform.justice.nsw.gov.au/Pages/lrc/lrc_current_projects/Guardianship/Guardianship.aspx (viewed 6 June 2017).

⁴⁹ Australian Law Reform Commission, *Elder abuse* (2017). At <https://www.alrc.gov.au/inquiries/elder-abuse> (viewed 6 June 2017).

⁵⁰ Australian Bureau of Statistics, *Profiles of Disability, Australia, 2009*, Comparison of Disability Prevalence between Aboriginal and Torres Strait Islander Peoples and Non-Indigenous Peoples (2013). At <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4429.0~2009~Main%20Features~Comparison%20of%20disability%20prevalence%20between%20Aboriginal%20and%20Torres%20Strait%20Islander%20peoples%20and%20non-Indigenous%20peoples~10029> (viewed 5 May 2017).

⁵¹ Australian Human Rights Commission, *Equal Before the Law: Towards disability justice strategies* (2014) p 12-13. At <https://www.humanrights.gov.au/our-work/disability-rights/publications/equal-law> (viewed 6 June 2017).

⁵² E Baldry, R McCausland, L Dowse, E McEntyre, *A predictable and preventable path: IAMHDCD Report* (UNSW, October 2015). At <https://www.mhdcd.unsw.edu.au/a-predictable-and-preventable-path-iamhdcd-report.html> (viewed 6 June 2017).

⁵³ E Baldry, R McCausland, L Dowse, E McEntyre, *A predictable and preventable path: IAMHDCD Report* (UNSW, October 2015). At <https://www.mhdcd.unsw.edu.au/a-predictable-and-preventable-path-iamhdcd-report.html> (viewed 6 June 2017).

⁵⁴ 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 5 May 2017).

- ⁵⁵ Government of South Australia Attorney General's Department, *Disability Justice Plan* (2014). At <https://www.agd.sa.gov.au/projects-and-consultations/disability-justice-plan> (viewed 7 June 2017).
- ⁵⁶ *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).
- ⁵⁷ Committee on the Rights of Persons with Disabilities, *Views adopted by the Committee under article 5 of the Optional Protocol, concerning communication No. 7/2012* (23 August 2016). At http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/16/D/7/2012&Lang=en (viewed 7 June 2017).
- ⁵⁸ Senate Community Affairs Reference Committee, *Inquiry into Indefinite detention of people with cognitive and psychiatric impairment in Australia report* (2016). At http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/IndefiniteDetention45 (viewed 7 June 2017).
- ⁵⁹ Senate Community Affairs Reference Committee, *Inquiry into Indefinite detention of people with cognitive and psychiatric impairment in Australia report* (2016). At http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/IndefiniteDetention45 (viewed 7 June 2017).
- ⁶⁰ Parliament of Australia, *Government responses to Committee reports 2017* (2017). At http://www.aph.gov.au/Parliamentary_Business/Statistics/Senate_StatsNet/documents/governmentresponses/2017 (viewed 7 June 2017).
- ⁶¹ Commonwealth Attorney-General, 'Media Release - Improving oversight and conditions in detention', 9 February 2017. At <https://www.attorneygeneral.gov.au/Mediareleases/Pages/2017/FirstQuarter/Improving-oversight-and-conditions-in-detention.aspx> (viewed 7 April 2017).
- ⁶² Australian Human Rights Commission, *OPCAT in Australia Consultation Paper* (2017). At <http://www.humanrights.gov.au/our-work/rights-and-freedoms/publications/opcat-australia-consultation-paper-2017> (viewed 7 June 2017).
- ⁶³ Senate Standing Committees on Community Affairs, Parliament of Australia, *Violence, abuse and neglect against people with disability in institutional and residential settings*, At http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Violence_abuse_neglect (viewed 6 June 2017).
- ⁶⁴ Australian Government Department of Social Services, *Australian Government response to the Senate Community Affairs References Committee report: Violence, abuse and neglect against people with disability in institutional and residential settings, including the gender and age related dimensions, and the particular situation of Aboriginal and Torres Strait Islander people with disability, and culturally and linguistically diverse people with disability* (2017). At <https://www.dss.gov.au/disability-and-carers/publications-articles/general/australian-government-response-violence-abuse-neglect-against-people-with-disability> (viewed 7 June 2017).
- ⁶⁵ Senate Community Affairs Reference Committee, Parliament of Australia, *Violence, abuse and neglect against people with disability in institutional and residential settings*, At http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Violence_abuse_neglect (viewed 6 June 2017).
- ⁶⁶ Australian Government Department of Social Services, *Australian Government response to the Senate Community Affairs References Committee report: Violence, abuse and neglect against people with disability in institutional and residential settings, including the gender and age related dimensions, and the particular situation of Aboriginal and Torres Strait Islander people with disability, and culturally and linguistically diverse people with disability* (2017). At <https://www.dss.gov.au/disability-and-carers/publications-articles/general/australian-government-response-violence-abuse-neglect-against-people-with-disability> (viewed 7 June 2017).
- ⁶⁷ Australian Human Rights Commission, 'Submission to the UN Committee Against Torture under the Convention Against Torture, 17 October 2014, [223-226]. At http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCAT%2fNGO%2fAUS%2f18690&Lang=en (viewed 8 June 2017)
- ⁶⁸ Australian Human Rights Commission, 'Submission by the Australian Human Rights Commission under the Universal Periodic Review Process, April 2015, [26]. At <https://www.humanrights.gov.au/submissions/australia-s-second-universal-periodic-review> (viewed 9 June 2016).
- ⁶⁹ *Report of the Working Group on the Universal Periodic Review Australia*, HRC, 31st sess, Agenda Item 6, Addendum 1, UN Doc A/HRC/31/14 (31 January 2016) [38-39]. At <http://www.ohchr.org/EN/HRBodies/UPR/Pages/AUSession23.aspx> (viewed 9 June 2016).

-
- ⁷⁰ Australian Human Rights Commission, *Resilient Individuals: Sexual Orientation Gender Identity & Intersex Rights 2015*, 57. At <https://www.humanrights.gov.au/our-work/sexual-orientation-sex-gender-identity/publications/resilient-individuals-sexual> (viewed 25 May 2017).
- ⁷¹ Tiffany Jones et al, *Intersex: Stories and Statistics from Australia* (OpenBook Publishers, 2016) 109-113.
- ⁷² Senate Standing Committees on Community Affairs, Parliament of Australia, *Violence, abuse and neglect against people with disability in institutional and residential settings*, At http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Violence_abuse_neglect (viewed 6 June 2017).
- ⁷³ Australian Human Rights Commission, *Shaping our future: discussions on disability rights* (2017). At <http://www.humanrights.gov.au/our-work/disability-rights/projects/shaping-our-future-discussions-disability-rights> (viewed 5 June 2017).
- ⁷⁴ Australian Government Department of Communications and the Arts, *Accessible Television* (2017). At https://www.communications.gov.au/what-we-do/television/accessible_television (viewed 26 April 2017).
- ⁷⁵ Senate Education and Employment References Committee *Inquiry into current levels of access and attainment for students with disability in the school system, and the impact on students and families associated with inadequate levels of support* (2016). At http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Education_and_Employment/students_with_disability (viewed 7 June 2017).
- ⁷⁶ Senate Education and Employment References Committee *Inquiry into current levels of access and attainment for students with disability in the school system, and the impact on students and families associated with inadequate levels of support* (2016). At http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Education_and_Employment/students_with_disability (viewed 7 June 2017).
- ⁷⁷ Senate Education and Employment References Committee *Inquiry into current levels of access and attainment for students with disability in the school system, and the impact on students and families associated with inadequate levels of support* (2016). At http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Education_and_Employment/students_with_disability (viewed 7 June 2017).
- ⁷⁸ Australian Government, *Australian Government response to the Senate Education and Employment References Committee report Access to real learning: the impact of policy, funding and culture on students with disability* (2017). At https://docs.education.gov.au/system/files/doc/other/final_australian_government_response_to_the_senate_education_and_employment_references_committee_report_on_sw_d.pdf (viewed 7 June 2017).
- ⁷⁹ Senate Education and Employment References Committee, *Access to real learning: the impact of policy, funding and culture on students with disability* (2016). At http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Education_and_Employment/students_with_disability/Report (viewed 7 June 2017).
- ⁸⁰ Australian Bureau of Statistics, *Disability, Ageing and Carers, Australia: summary of findings* (2015) ABS cat. no. 4430.0. Canberra: ABS. Available at <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4430.0> (viewed 7 June 2017).
- ⁸¹ Australian Bureau of Statistics, *Disability, Ageing and Carers, Australia: First Results, 2015* (Cat. No. 4430.0.10.001). At <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4430.0.10.001> (viewed 25 May 2017).
- ⁸² People with disability were significantly more likely to still be looking for a job 13 weeks or longer after they first started (65.5%) compared with those without disability (56.1%), Australian Bureau of Statistics, *Disability and Labour Force Participation, 2012* (2015). At <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4433.0.55.006> (viewed 25 May 2017).
- ⁸³ Australian Human Rights Commission, *Willing to Work: National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability* (2016). At <https://www.humanrights.gov.au/our-work/disability-rights/publications/willing-work-national-inquiry-employment-discrimination> (viewed 8 May 2017).
- ⁸⁴ Australian Human Rights Commission, *Willing to Work: National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability* (2016). At <https://www.humanrights.gov.au/our-work/disability-rights/publications/willing-work-national-inquiry-employment-discrimination> (viewed 8 May 2017).
- ⁸⁵ Australian Public Service Commission, *State of the Service 2015-16* (2016). At <https://stateoftheservice.apsc.gov.au/> (viewed 7 June 2017).
- ⁸⁶ Australian Government Department of Social Services, *Disability Employment Framework Consultation* (2016). At <https://www.dss.gov.au/our-responsibilities/disability-and-carers/programmes->

[services/disability-employment-services/disability-employment-framework-consultation](#) (viewed 7 June 2017).

⁸⁷ Australian Government Department of Human Services, *Improving Disability Employment Services* (2017). At <https://www.humanservices.gov.au/corporate/budget/budget-2017-18/disability-and-carers/improving-disability-employment-services> (viewed 7 June 2017).

⁸⁸ National Disability Insurance Scheme, *What is the NDIS?* (2017). At <https://www.ndis.gov.au/about-us/what-ndis.html> (viewed 7 June 2017).