# **Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability Response by the Government of Western Australia**

# **Plain Language Version**

# **Recognition of Lived Experience**

The Western Australian Government values and respects the knowledge and experiences of people with disability. We also recognise the important roles of their families, carers, and support workers.

We promise to:

- Listen to and involve people with disability in our decision-making steps
- Make sure people with disability can live their lives with freedom and choice
- Create a community where everyone feels included, safe, and valued.

# **Acknowledgement of Country**

The Western Australian Government recognises and respects the Aboriginal and Torres Strait Islander peoples who have always lived in Western Australia. We acknowledge their deep connection to the land, waters, and communities.

We pay our respects to:

- All Aboriginal and Torres Strait Islander people living in Western Australia
- Their cultures and traditions
- Their Elders, past and present.

**If you need this report in a different format, you can:**
- Visit the [Department of Communities website](https://www.wa.gov.au/organisation/department-of-communities)
- Call us on 1800 176 888
- Email us at OfficeofDisability@communities.wa.gov.au

# **Context**

The Disability Royal Commission began in April 2019 in answer to concern from the community about violence, abuse and neglect of people with disability. Over four and a half years, it had 32 public hearings and 2 official gatherings. It got a lot of feedback – 17,824 phone calls and 7,944 responses.

The Western Australian (The WA Government) worked closely with the Disability Royal Commission and supported its work by sharing ideas, evidence and feedback.

These hearings focused on real-life cases from Western Australia and gathered information from local people, groups, and government departments that provide services.

Before releasing its final report, the Disability Royal Commission shared some important findings along the way. They published:

- An Interim Report
- 14 papers that explored certain issues and helped guide public meetings
- 7 Progress Reports that pointed out the challenges that prevent people with disability from being included in society.

These reports are important because they share the experiences and ideas of:

- People with disability
- Their families and carers
- Supporters
- Workers in the disability sector
- Many others.

These reports show important feedback and information.

The Final Report came out on the 29of September 2023.

It has 222 recommendations for change across 12 volumes.

132 of the 222 recommendations apply to WA.

The WA Government has taken a close look at all 132 recommendations and is now giving its formal answer to each one.

To help create this response, the WA Government mainly talked to other government departments to:

- Understand the current situation
- Figure out what needs to be done to put the recommendations into action.

The WA Government promises to work with:

- People with disability
- Their families and carers
- Local, state, and national governments
- Disability service providers
- The whole community.

To make sure the ideas from the Disability Royal Commission are turned into real actions that improve the lives of people with disability in Western Australia.

The government is looking at ideas from the Disability Royal Commission and the review of the National Disability Insurance Scheme (NDIS) to improve disability services. They want to make sure these ideas work well together and make sense. This will help create a better system to support people with disability. The government wants to make sure everything works together smoothly and effectively.

Some ideas from the Disability Royal Commission match up with the government's overall plan to improve services for people with disability. This includes recommendations from a review of the NDIS. The WA Government will make sure all these ideas are put into action in a way that makes sense and works well together.

# **Overview**

The WA Government promises to carefully think about and act on the recommendations made by the Disability Royal Commission. The Final Report has 222 ideas for improvement that it wants the government, other organisations, and non-government organisations to consider and put into action.

Out of the 222 recommendations:

* 84 recommendations are for the Australian Government to handle on its own
* 85 recommendations need teamwork between the Australian Government and state/territory governments
* 44 recommendations are for all state/territory governments to work on
* 6 recommendations are specific to certain states/territories, including 3 that Western Australia needs to focus on
* 3 recommendations are for non-government organisations and the Australian Government to work on together.

The WA Government has considered 132 recommendations, including those that:

- Need teamwork with the Australian Government
- Apply to all states/territories
- Three that are specifically for WA.

The WA Government is addressing the 132 recommendations in the following ways

|  |  |
| --- | --- |
| **Position** | **Definition** |
| **Accept** | The WA Government agrees with this suggestion completely. |
| **Accept in principle**  | The WA Government agrees with the goal, but has a different approach in mind for achieving it. |
| **Accept in part** | The WA Government agrees with some parts of this suggestion, but disagrees with others, as shown. |
| **Further consideration** | The WA Government can't make a decision on this suggestion yet. They will come back to it and give an answer by mid-2025, unless they say otherwise. |
| **Note** | This suggestion is not within the WA Government's power to act on, as it is a matter for the federal government or another group to decide or take action on. |
| **Not accept** | The suggestion is not supported by the WA Government. |

**Figure 1:** A breakdown of the 132 recommendations that the WA Government needs to consider.



The WA Government accepts, accepts in principle or accepts in part with 100 out of 132 recommendations (76%) that apply to them. Some of these recommendations have already been acted on, and work has started on others. You can find examples of what's being done throughout this report.

Western Australia has worked together with the federal government and other states to come up with a single plan to address 85 important recommendations.

These plans were carefully thought through and talked about in important meetings, including:

- Disability Reform Council
- Attorneys-General Council
- Police Ministers Council
- Indigenous Affairs Meeting
- Women's Safety Council
- Health Ministers Meeting
- Education Ministers Meeting
- Housing and Homelessness Council.

The next parts of this document outline how the WA Government is responding to the recommendations. We are focusing on a specific set of recommendations (volumes 4-12). For each suggestion, you can find the government's detailed response in a section called **Appendix A.**

## Community Feedback

The Australian Government started the Disability Royal Commission with help from states and territories. So far, the Australian Government has been in charge of talking to people and gathering feedback. The WA Government helped spread the word about the national conversation to make sure Western Australian voices were heard.

The WA Government listened to what people said to the Australian Government and had some early conversations to figure out what is most important and what needs fixing. They talked to various groups, including:

- People who have experienced disability firsthand
- Advocacy groups who speak up for people's rights
- Organisations that represent different groups
- Other governments.

The community strongly supports the ideas from the Disability Royal Commission. People want:

- Better laws to protect them
- More accessibility and being included
- A say in policies and programs that affect them
- More support for First Nations people.

The community also said:

- Work with local communities to make changes
- Partner with Aboriginal organisations to share knowledge
- Listen to First Nations people's experiences.

Some concerns were raised:

- Unclear plans for changes
- Not enough workers
- Mainstream services not meeting needs
- Removing special schools, workplaces, and group homes might limit choices.

Despite disagreements, everyone agrees that people with disabilities deserve better outcomes in education, jobs, and housing. The community wants:

- To be involved in decision-making
- A coordinated approach that respects their rights and focuses on their needs.

# **Volumes 1 – 3: Voices of people with disability about the Disability Commission and the nature and extent of violence, abuse, neglect and exploitation**

The first three volumes of the Final Report detail and explain how violence, abuse, neglect, and exploitation of people with disability still continues, arguing for change. These volumes do not make any recommendations.

Volume 1, 'Voices of people with disability,' includes over 1,500 anonymous stories from people with disability, based on their experiences shared through private sessions and submissions.

Volume 2, 'About the Royal Commission,' gives details about the creation of the Disability Royal Commission, reference meanings, and how the inquiry was carried out, including public hearings, private sessions, community engagement, submissions, and the policy and research program.

Volume 3, 'Nature and extent of violence, abuse, neglect and exploitation,' provides information and data on the various types of violence, abuse, neglect, and exploitation faced by people with disability in Australia. It also covers the experiences of different groups, such as women and girls with disability, LGBTIQA+ people with disability, First Nations people with disability, and people with disability from different cultural and language backgrounds.

The WA Government recognises and appreciates the significant contributions, courage and costs of people with disability and their supporters who participated in the Disability Royal Commission. Their bravery is the basis of the Commission's findings and recommendations.

# **Volume 4: Realising the human rights of people with disability**

The Convention on the Rights of Persons with Disabilities (CRPD) is an important international agreement that sets out Australia's obligations to protect the human rights of people with disability. However, the Disability Royal Commission found that current laws in Australia do not fully meet these obligations and do not provide real help when rights are broken.

While there are some checks in place to make sure Australian laws meet international standards, there is no system to ensure all laws match up with the CRPD. To make this better, the Disability Royal Commission recommended creating a new law, the Australian Disability Rights Act. This law would strengthen the legal framework to promote equality, inclusion, and human rights for people with disability, including those not covered by the CRPD, such as the rights of First Nations people with disability.

Most recommendations are directed at the Commonwealth Government, but the Disability Royal Commission also suggested that state and territory governments, including the WA Government, create their own laws to align with the CRPD and fit their local legal systems.

## The WA Government accepts in principle one of the two applicable recommendations in Volume 4

This volume has two recommendations for WA. The WA Government understands that people with disability should live in safe environments free from violence, abuse, neglect, and manipulation. More needs to be done to meet Australia’s obligations under the CRPD.

Governments are considering recommendation 4.22, which suggests strengthening disability rights in state and territory laws by passing a Disability Rights Act. This will be done alongside the findings and recommendations of the Parliamentary Joint Committee on Human Rights Inquiry into Australia’s Human Rights Framework.

The WA Government agrees in principle with recommendation 4.30, which calls for laws that make abuse of people with disability a criminal offense. They recognise the need for strong legal protections to protect people with disability from such treatment.

If new Australian Government legislation is supported, it will take time to develop. The WA Government will review and consider changes to WA’s laws to support a possible national Disability Rights Act, particularly looking at anti-discrimination rules in their criminal laws.

# **Volume 5: Governing for inclusion**

The Disability Royal Commission made important recommendations to protect people with disability from hurt and abuse, and to create a more inclusive society. Despite many changes to national disability policies and leadership over the past decade, the Disability Royal Commission found that people with disability in Australia still face poor outcomes compared to those without disability.

Some areas have been hard to improve because different policy areas and service systems have not worked together well. To fix this, the WA Government needs to make changes to disability policies and make major changes to service systems, in line with stronger national disability strategy and leadership.

## The WA Government accepts or accepts in principle all of the five applicable recommendations in Volume 5

The WA Government recognises the need for stronger national government structures to achieve better outcomes for people with disability. Following commitments from all governments to make big changes in the disability sector, including improving the NDIS and developing foundational supports, governments are exploring effective ways to strengthen the disability system, including a new government to government agreement.

The WA Government has begun a review of Australia's Disability Strategy 2021-31, considering issues raised by the Disability Royal Commission and feedback from the strategy's first two years. The WA Government is committed to working with the Commonwealth and other state and territory governments to make sure national coordination lead to better outcomes for people with disability and put into place all five relevant recommendations.

The WA Government will work jointly with the Commonwealth and other governments to respond to the Disability Royal Commission, building on the National Cabinet's December 6, 2023, agreement to secure the NDIS's future, including through NDIS reforms and designing more complete support for people with disability.

# **Volume 6: Enabling autonomy and access for people with disability**

The WA Government is working to promote independence for people with disability. Volume 6 highlights the challenges they face in making their own decisions in different parts of life. The key issues looked at, include:

- Making information and communication more accessible
- Moving towards a supportive decision-making approach
- Making sure healthcare services are accessible and inclusive
- Ending practices that limit freedom.

The WA Government wants to help people with disability make their own decisions and live independently.

## The WA Government accepts or accepts in principle 19 of the 31 applicable recommendations in Volume 6

There are 31 applicable recommendations to WA in this volume. The WA Government:

* accepts one recommendation;
* accepts in principle 18 recommendations; and
* is further considering 12 recommendations.

### Supported decision making

The Disability Royal Commission suggests a new approach to help people with disability make their own decisions. The recommendation is a "supported decision making," approach. This recognises that people with disability have the right to make choices and may need help doing so. The WA Government agrees that this approach is important for people with disability to be independent.

There are 15 recommendations to change the laws in Western Australia to include this new approach. The WA Government wants to make sure people with disability are fully supported to make their own decisions.

Currently, the Guardianship and Administration Act 1990 (WA) allows others to make decisions for adults who cannot make their own decisions. The WA Government has committed to changing this law and has asked the Law Reform Commission of WA to review it. The review will consider the recommendations from the Disability Royal Commission and other reports.

The Law Reform Commission will provide a final report to the WA Government by April 1, 2025, outlining how to make the changes in WA.

### Health

The Disability Royal Commission made recommendations to improve health services for people with disability. The WA Government agrees with these recommendations and is committed to making sure people with disability have access to health services and have the best possible health outcomes.

People with disability often experience poor health, including higher chance of diseases and mental illness. The WA Government is working to make health services for people with disability better.

Some plans already happening include:

- The WA Disability Health Framework (2021), which looks at making workforce skills better, to support people with disability
- The WA Hospital Stay Guidelines (2023), which gives direction on helping people with disability in hospitals
- A Disability Health Profile form, which helps healthcare providers understand individual needs, such as communication support, necessary equipment, and needs like lighting and noise.

Across Australia, these plans match with work already happening under the National Roadmap for Improving the Health of People with Intellectual Disability (Roadmap). The WA Government will continue to work with the Commonwealth Government Department of Health and Aged Care and other states to create plans that address the recommendations.

### Restrictive practices

The WA Government is working to stop restrictive practices that hurt people with disability. These practices include being locked away, physically controlled, or given medication to control behaviour. They can cause pain that lasts for a long time. They are often not used as a last resort or to protect the person or other people.

The WA Government has agreed to follow national guidelines to reduce and make sure these practices are stopped. They are creating laws to control the use of restrictive practices in disability services and will make sure they are only used as a last resort.

To address this, the WA Government has supported two important frameworks:

1. The National Framework for Reducing and Eliminating the Use of Restrictive Practices in the Disability Services Sector.

2. The National Disability Insurance Scheme (NDIS) Quality and Safeguarding Framework.

The government will also collect data on restrictive practices to track progress and make sure people's human rights are protected.

The WA Government is committed to:

- Reducing and stopping restrictive practices
- Making laws to control their use
- Collecting data to track progress
- Protecting human rights
- Preventing non-therapeutic sterilisation.

They will work to make sure people with disability are safe and respected.

State funded advocacy

The WA Government is committed to building inclusive communities that help people with disability. They recognise the importance of disability advocacy services in making sure the rights of people with disability are respected and that they can fully participate in society.

To do this, the WA Government:

- Gives money for disability advocacy through the State Disability Advocacy Program, which helps individual and systemic advocacy
- Co-chairs the WA Network of Disability Advocacy, leading teamwork between advocacy groups and stakeholders to improve outcomes for people with disability.

In 2023, the WA Government, along with the Commonwealth, created Disability Legal WA, a dedicated service providing:

- Connections for people with disability to legal and advocacy services
- Advice on family, criminal, and civil matters
- Legal health checks to identify areas of need
- Case management and advocacy on legal matters
- Advocacy and help regarding the National Disability Insurance Scheme (NDIS).

Disability Legal WA supports other legal assistance providers, including community legal centres and Aboriginal Community Controlled Organisations, which also serve people with disability.

The WA Governments efforts match with the WA Legal Assistance Strategy, which focuses on people with disability for legal assistance services. The state also provides:

- Advice and representation for people with psycho-social disability accused in the criminal justice system through Criminal Law (Mental Impairment) Funding
- DARDY, a legal service for young people with disability involved in the criminal justice system.

Ensuring people with disability have access to the right information to enable choice and control

The WA Government is taking on reforms across the public service to make sure people with disability have access to the right information to make informed choices.

WA’s public authorities must make sure information and communications are accessible through different ways, including:

* The WA Accessibility and Inclusivity Standard requires digital content to meet the latest version of global accessibility standards called the Web Content Accessibility Guidelines (WCAG).
* The WA Language Service Policy 2020 requires WA Government agencies and service providers to provide access to interpreter and translated material to people who might not understand English.
* Disability Access and Inclusion Plans (DAIPs) requires public authorities to develop plans to ensure their information is accessible.

Supporting digital inclusion for people with disability

Digital inclusion is more than being able to physically connect to the internet. It is also about understanding how to connect, being able to afford these connections, and having access to digital tools and devices designed to meet people's needs. Many people with a disability struggle to access digital technologies and are missing an increasingly important way to learn, work, connect with community and access government information and services.

In 2021, the WA Government launched the Digital Inclusion in WA Blueprint to ensure all Western Australians can easily access and use digital technologies. The Blueprint shows the Government’s wants and planned approach to look at digital needs, and focuses on four main areas: connectivity, affordability, skills and design.

A lot of attention has been given to improving the design of WA Government service delivery, making it more accessible to people with disability. As of January 2024, the Department of the Premier and Cabinet (Office of Digital Government) has moved 98 websites from 31 separate government agencies into one platform – WA.gov.au. This platform, along with the ServiceWA app and the PeopleWA e-research platform, is regularly assessed by Centre for Accessibility Australia. The West Australian Government was named as a finalist in the 2023 Australian Access Awards for doing this.

For more information see: [Digital Inclusion in WA Blueprint](https://www.wa.gov.au/government/publications/digital-inclusion-wa-blueprint-the-blueprint).

Reducing barriers to accessing information and services online

The WA Government, through the Office of Digital Government, is devoted to reducing barriers faced by people with developmental disabilities and low literacy when accessing information and services online and is working on:

* Making Easy Read documents available on the WA.gov.au platform;
* Including the Easy Read logo on web pages where these documents can be found;
* Encouraging staff and stakeholders to go to Easy Read workshops, run by Developmental Disability WA, and
* Looking into the use of artificial intelligence to help make it easier to access information across all WA government websites.

As well as this, the WA Government is working to help cyber safety plans, including:

* [Cyber Resilience Outreach Clinics](https://www.idcare.org/croc/home) – mobile pop-up clinics across remote and regional Australia to support awareness of cybercrime in at risk communities.
* [WA Digital Inclusion Project](https://digitalinclusionwa.org.au/) – funded by Lotterywest and planned by the WA Council of Social Service to provide [Easy English Guides](https://digitalinclusionwa.org.au/easy-english-guides/) on how to be safe online.
* [WA Scam Net](https://www.scamnet.wa.gov.au/scamnet/Home.htm) – Led by the Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) to give community education, information and help to at risk members of the community regarding online scams. DEMIRS are also working to supply all related agency information in Easy Read format.

# **Volume 7: Achieving inclusive education, employment and housing**

Volume 7 of the Disability Royal Commission Final Report looks at education, employment, and housing. These areas play an important part in highlighting the wellbeing of all areas in life.

The Commissioners had different opinions on separate education, employment, and housing for people with disability. Some thought that separate options for people with disability should stop. Others believed that personal choice and individual needs might make separate settings suitable for some people with disability.

Despite these different opinions, the WA Government agrees on the importance of creating a society that includes everyone. Key steps to making this happen include:

- Mainstream education should be more inclusive, allowing more children and young people with disability to learn alongside each other.

- Making it easier for people with disability to get jobs and be part of the community.
- Providing more choices for housing, so people can live where and how they want
- Making it easier for people to use their NDIS funding to pay for housing that suits their needs.

The goal is to make life better for people with disability by improving their access to education, jobs, and housing

## The WA Government accepts and accepts in part or in principle 25 of the 32 applicable recommendations in Volume 7

There are 32 applicable recommendations to WA in this volume. The WA Government:

* accepts one recommendation;
* accepts in principle 23 recommendations;
* accepts in part one recommendation; and
* is looking into considering seven more recommendations.

### Education

The Disability Royal Commission found that Australian schools do not always include students with disability. These students face many barriers, including:

- Less support to help them learn and be a part of classes
- Not being involved in decisions about their education
- Not getting help to move to more learning or work.

The Commission said big changes are needed.

The WA Government wants to make schools inclusive and welcoming for all students. They know students with disability do well when they have the same opportunities as others.

Since 2007, the WA Government has put support programs in mainstream schools, not separate schools.

The WA Government agrees with most of the Commission's education recommendations, except for 7.14 and 7.15. These need more planning and discussion to work.

Disability and inclusion in education

In December 2023, the WA Government started a review of the *School Education Act 1999* (WA) to better protect students with disability. It also strengthened access, inclusion and services across the public education system. This review will make sure the Act is meeting the needs of people with disability, their families and carers, and WA’s public schools.

Since the School Education Act started in 1999, there have been big changes in law and disability services that have impacted the education of students with disability and learning difficulties. The WA Government has led many talks that have shown there is a need to make improvements towards young people with disability.

Telethon Kids Institute autism researcher Professor Andrew Whitehouse will give expert advice through this. A test of 16 Complex Behaviour Support Coordinators will help school leaders make approaches for each student.

Many changes have already been made to increase inclusion in WA’s schools. The Department of Education’s Enrolment in Public Schools policy was updated and started in July 2022. The policy says that principals will enrol students with disability the same as students without disability at their local public school. The new Enrolment Framework for Students with Disability in Public Schools is required and sets out the information for specialist disability programs.

Principles of inclusive education

In October 2022, the Department of Education started [Teaching for Impact](https://newtonmooreesc.wa.edu.au/wp-content/uploads/sites/105/2023/08/TeachingforImpactdocument.pdf).

This is their guide for good teaching.

Here is what it includes:

* Tools to help teachers support students who learn differently
* Training for teachers to learn skills to help students with disability.

Good teachers:

* Believe everyone should be included
* Value differences among students
* Respect and help differences
* Know this helps students' happiness, mental health, and ability to cope.

Learning environments that are welcoming and based on proven methods.

Support services:

* Extra help for students with bigger needs
* Targeted support for certain student groups
* Training for entire schools, offered in different ways to meet the needs of all students in public schools.

### Employment

The Disability Royal Commission found that people with disability face barriers to getting and keeping jobs. Having a job and earning a living is important in supporting oneself and family, meeting life goals, saving money, and human rights. More inclusive workplaces can also lead to better access to services and protection from abuse and harm.

The WA Government is committed to making sure people with disability have access to meaningful and inclusive jobs. They understand that the public sector needs improvement in employing people with disability and will develop actions to lessen employment barriers.

All employment-related recommendations relevant to WA have been accepted in principle, except for Recommendation 7.32, which proposes ending segregated employment by 2034. The WA Government is further considering this recommendation to understand its impact on employment access, especially for those with high support needs. This will require more talks and a different date.

The WA Government understands the importance of jobs for all working-age people and the different views on Australian Disability Enterprises and sub-minimum wages. They are reviewing their definitions of people with disability, moving towards self-identifying. However, breaking down job targets may raise privacy problems, especially in smaller agencies.

According to the equity index, employees with disability are represented evenly across all workforce levels.

Initiatives to employ people with disability

The WA Public Sector Commission is taking steps to help people with disability in the public sector workforce. Here are some plans they have put in place:

- Easier job rules: The WA Government has changed the rules to make it easier for people with disability to get jobs in the public sector. Now, agencies can hire someone with a disability directly, without going through the usual complex recruitment process.

- Workplace adjustments: The WA Government has created resources to help agencies make their workplaces more accessible and welcoming to people with disability. This includes guidance on how to create a safe and inclusive work environment.

- Inclusive recruitment: The WA Government has developed a toolkit for hiring managers to help them recruit more people with disability. This includes tips on how to promote a psychologically safe workplace and avoid assumptions.

- Disability inclusive practices: The WA Government is working on a tool to help agencies assess their disability inclusive practices, including recruitment.

Additionally, the Department of Training and Workforce Development is offering scholarships of up to $5,000 to people with disability who want to study IT, programming, cybersecurity, or software development at Certificate IV or diploma level. This will help cover course fees and support people with disability to pursue careers in technology.

Career development for secondary students

The Department of Education’s “Career Conversations” events for schools and families includes information about career pathways for young people with disability, to support their transition from education to further training and/or employment. From January 2022, of public schools with qualified career helpers there are:

* Four schools with Department supported Education Programs for high needs students; and
* Three schools with Department supported Education Support Programs for low to medium needs students.

Students needing education support and enrolled in schools with a career helper have access to services to encourage successful movement from education to further training and work.

Accessible training

The [Participation Equity Program](https://www.jobsandskills.wa.gov.au/training/learning-support-and-assistance) helps people with a disability who qualify to access training in 37 qualifications. Courses range from Certificate I-IV level in Business, Logistics, Community Services, Education, Agriculture, Manufacturing and Retail.

Through this program, registered training organisations are given a loading in addition to normal funding rates to give wrap-around services made to improve the experiences of students with disability in their training program.

### Housing

The WA Government wants to make sure everyone has access to safe, accessible, and affordable housing. However, people with disability face many barriers to finding suitable housing, and those with higher support needs have even fewer options.

The WA Government has reviewed and considered all eleven housing recommendations under Volume 7. Seven recommendations have been accepted fully, in part, or in principle, while four require further consideration: recommendations 7.37, 7.40, 7.43, and 7.44.

The WA Government understands that prioritising people with disability in national housing and homelessness approaches is a joint responsibility shared by the Commonwealth and states and territories. They accept in principle the need to prioritise people with disability and will work with the Commonwealth and other states and territories to progress this.

Addressing homelessness in the National Housing and Homelessness Plan requires more consideration, and the WA Government will work with other governments to reach a final decision on this recommendation.

Recommendation 7.37 will be considered when a second round of reforms to the Residential Tenancies Act 1987 is recommended. The WA Rent Reforms will allow tenants to make minor changes to a house, including changes that support people with disability, such as ramps.

The WA Government is working with the disability sector to support the Specialist Disability Accommodation (SDA) market, recognising big barriers to development, particularly for Robust standard builds.

The WA Government recognises that recommendations to lessen group homes are viewed differently across the community. Recommendations 7.43 and 7.44 need lots of discussion. All governments will consider these recommendations further alongside recommendations of the NDIS Review, including NDIS Review Recommendations 8 and 9 and their associated actions.

The WA Government is committed to improving accessible social and affordable housing and other housing options for people with disability. However, some proposed reforms need careful consideration to avoid making current housing shortages worse.

The WA Government will work across governments to agree on common definitions, define roles and responsibilities, and determine how these would best apply in the State.

Housing and homelessness supports

The WA Government is investing in different housing and homelessness plans, including:

- Delivering almost 5,000 new social homes
- Undertaking upkeep on thousands more existing homes.

The WA Government builds all new social housing properties to the Silver Liveable Housing Design standard, where practical, in line with the WA Housing Strategy 2020-2030. This standard requires:

- A safe, and free of steps path of travel to the entrance of the house
- Doorways and hallways wide enough and easy to move around, making it comfortable to move from room to room- Accessible toilets and bathrooms
- Stairways designed to reduce the chance of being hurt.

The WA Government is committed to delivering the Liveable Housing Design standard in the East Perth and Mandurah Common Grounds construction projects. This will improve accessibility and support the changing needs of people living in the houses.

Common ground accessibility

Common Ground is a special kind of housing that helps adults who have been homeless for a long time or who do not earn much money. It gives a permanent place to live with support from staff. This idea started in New York and has worked well in other Australian cities.

In Western Australia, there are two Common Ground buildings being built:

In East Perth:
- 6% of the apartments will be fully accessible (Platinum)
- 80% will be easily accessible (Gold)
- 14% will be somewhat accessible (Silver)
- Building started in mid-2023 and will be ready for people who need houses in mid-2025

In Mandurah:
- 86% of the apartments will be easily accessible (Gold)
- 14% will be somewhat accessible (Silver)
- Building will start in 2024 and will be ready for people who need houses in 2026.

# **Volume 8: Criminal Justice System and people with disability**

The Disability Royal Commission found that people with disability are treated unfairly in the criminal justice system. This includes:

- Being more likely to be arrested and put in jail
- Having a harder time in prison due to their disability
- Experiencing more mental and physical health problems than prisoners without disability
- Being more likely to go back to jail after being released.

This is especially true for:

- First Nations people
- Those with cognitive disability
- Those with psychosocial disability.

The Commission also found that people with disability who are victims of crimes:

- Don't trust the police and are less likely to report crimes
- Need other ways to report crimes that make them feel safe and supported.

The Disability Royal Commission recommends:

- Better screening to identify people with disability in the criminal justice system
- Improved support for people with disability in prison
- Other ways to report for victims of crimes with disability.

The WA Government has started plans to help people with disability report crimes more easily.

## The WA Government accepts or accepts in principle 16 of the 20 applicable recommendations in Volume 8

The WA Government has responded to 20 recommendations to improve the justice system for people with disability. They:

- Accept 2 recommendations
- Accept 14 recommendations in principle
- Are still considering 4 recommendations.

The WA Government is committed to making things better for people with disability in the justice system. They have already:

- Improved information in courts
- Put the Criminal Law (Mental Impairment) Act 2023 in place

- Provided disability supports and adjustments.

In youth detention, the WA Government is introducing a new model of care that:

- Includes a team of mentors, Aboriginal support officers, and health professionals
- Focuses on helping young people with neurodevelopmental and other disability.

Work has started on recommendation 8.20 to make police services more accessible. The WA Police Force recognises that people with disability face unique challenges and has taken steps to make sure they can access services, buildings, and services.

The WA Government is working to address barriers people with disability face when reporting crimes to police. These include:

- SMS Assist Initiative for communication support
- Interpreter services, including Auslan for people with hearing and speech disability.

The WA Government is also working with other governments to develop an action plan to address violence against women and children with disability under the National Plan to End Violence Against Women and Children 2022-2032. This will involve teamwork with:

- Disability community
- Family and domestic violence sector
- Legal sectors
- Civil society.

Reforming WA’s mentally impaired accused laws

The WA Government is introducing the Criminal Law (Mental Impairment) Act 2023, which will begin in late 2024.

This new law updates the outdated mentally impaired accused laws in Western Australia, matching with other states and territories.

Key Changes:

1. More Options for People with Mental Impairment:

The court will have more choices for dealing with people who have done something wrong but have a mental illness or disability. This includes supervising them in the community instead of keeping them in custody.

2. Fairer Time Limits:

If someone with a mental impairment is kept in custody, the time they spend there will be limited to what they would have gotten if they were found guilty in a normal court case.

 3. A Fairer Process:

People with mental impairment will have more rights to:

- Be present in court

- Appeal decisions

- Ask for a review of decisions.

Who Decides About Release:

4. A new group called the Mental Impairment Review Tribunal will decide:

- When someone with mental impairment can be released from custody

- What conditions they need to follow when they are released .

The WA Government is committed to protecting the human rights of individuals with mental impairment in the justice system.

Improving WA Police responses to people with disability

**Autism alert cards**

The WA Police have worked with the Autism Association of Western Australia to help individuals with Autism when they face situations with police and other emergency workers.

The Autism Alert Card alerts emergency services that the person carrying the card has Autism and may need more support. It lets workers know that the cardholder may have difficulties in communicating and may show signs of unusual behaviour. It also includes two named contacts who can offer their support to help emergency and public services to understand the individual with Autism’s needs.

**SMSAssist**

SMSAssist© is a text messaging service for people who are deaf, hard of hearing or speech impaired, which can be used for contacting the WA Police Force and asking for help. People who are deaf, hard of hearing or unable to speak clearly can use SMSAssist© to contact the police and a police operator then sends a reply. This applies even if the disability is temporary or only occurs at certain times, for example, when someone becomes stressed.

# **Volume 9: Improving the experiences of First Nations people with disability**

The WA Government acknowledges the unique challenges faced by First Nations people with disability in Australia. The Disability Royal Commission has shown that:

- First Nations people are more likely to have a disability
- First Nations people with disability often face barriers to accessing services that are culturally safe.

To address these issues, the WA Government supports the Disability Royal Commission's recommendations, including:

- Improving the Closing the Gap Disability Sector Strengthening Plan
- Increasing investment in the First Nations community-controlled sector and disability workforce
- Establishing a First Nations Disability Fund.

Sectors involved:

- Disability sector
- First Nations community-controlled sector
- Health sector
- Education sector
- Employment sector
- Housing sector
- Justice sector.

Outcomes:

- Improved early years development
- Better education outcomes
- Increased jobs
- Improved housing
- Fairer justice

## The WA Government accepts in principle all of the six applicable recommendations in Volume 9

The WA Government is committed to addressing the discrimination of First Nations people with disability and removing barriers to safe services.

The WA Government signed the National Agreement on Closing the Gap in July 2020, aiming to achieve life outcomes equal to all Australians for First Nations people.

The WA Government is working with Aboriginal Community Controlled Organisations to better meet the needs of First Nations people with disability.

The WA Government will work with other governments to create a First Nations Disability Forum, leading the development of the Closing the Gap Disability Sector Strengthening Plan.

Strategies are in place to make sure there is cultural safety for First Nations people with disability in criminal justice settings.

The WA Government has invested in:

1. Disability Advocacy: Provided by Wunan Foundation (East Kimberley) and Mawarnkarra Health Service (Roebourne and surrounding areas).

2. Aboriginal Health Council of WA (AHCWA) Project: Supporting WA Aboriginal Community Controlled Health Services to become NDIS providers.

3. [Mappa Project](https://mappa.com.au/): An online platform upgraded to include disability service providers.

4. Accredited VET Course: Developed by AHCWA to assist disability service providers with culturally secure education and advocacy skills.

5. [Think Support Campaign](https://thinksupport.org.au/): A social media and advertising campaign to attract diverse workers to the disability services sector.

6. Regional Capacity Building Project: Building capacity for disability service providers in regional and remote areas.

7. NDIS Integrated Care and Commissioning Kimberley Trial: Working together with the Australian Government and local stakeholders to join-up service systems.

# **Volume 10: Disability Services**

This volume looks at the services available to support people with disability and shows opportunities to improve access and inclusion. It also considers how to achieve greater safety and protections.

The Disability Royal Commission found that the market approach to disability services has not worked for everyone. It calls for urgent work to address service delivery gaps in all areas of government. The Disability Royal Commission’s recommendations in this area include actions to improve the ability of the disability support workforce to meet the needs of people with disability.

The Disability Royal Commission found the NDIS Quality and Safeguards Commission has a key role in preventing and responding to bad things in disability services.

## The WA Government accepts in principle all of the 14 applicable recommendations in Volume 10

The WA Government's accepts 14 recommendations from the Disability Royal Commission and commits to working with other governments to improve disability services.

The WA Government recognises the importance of:
- Safe and supported disability services
- Access to specialised services, especially in remote areas
- Partnerships with service providers, peak bodies, and people with disability.

Challenges in WA:
- Remote areas make it hard for people to access certain services
- Travel requirements are a lot of money for service providers and users
- Gaps in NDIS supports require the WA Government to step in as a provider of last resort.

WA Government's Actions:
- Maintains role as provider of last resort in emergency situations through:
- Regional Intensive Support Coordination program
- Emergency respite
- Intervention Support Services
- Invests in projects to support disability providers meet NDIS requirements.
-The WA Government is committed to making sure there are safe and high-quality services, but also considers potential unintended consequences on service delivery.

Key Points:

- Teamwork across governments and with service providers is important
- Making sure safe and high-quality services for people with disability is a priority
- Addressing gaps in NDIS supports and improving access to certain services, especially in remote areas, is the most important.

Behaviour Suppport Practitioner Uplift

The WA Government knows that Behaviour Support Practitioners play an important role in protecting the rights of people with disability and ensuring they receive safe and suitable services.

This includes helping to reduce and stop practices that restrict people's freedom.

To address a shortage of Practitioners during the transition to the NDIS, and to tackle the challenges of thin markets in WA, the Government put money in a project to increase and keep the number of skilled Positive Behaviour Support Practitioners.

The project gives training to 220 Practitioners from 86 different organisations across WA.

To make sure this continues, National Disability Services started a Community of Practice, where Practitioners can connect and receive regular support.

# **Volume 11: Improving independent oversight and complaint mechanisms**

The Disability Royal Commission found that state and territory and NDIS Commission oversight functions for people with disability should be better connected to deliver joined up and efficient responses for individuals. These functions should be independent, sufficiently empowered and properly resourced to enable them to be effective. A person-centred approach is critical to encouraging reporting of violence, abuse, neglect and exploitation.

Recommendations from the Final Report look at the value of introducing adult safeguarding laws, state and territory specific one-stop shops (providing information and advice about reporting violence or abuse towards a person with disability), community visitor schemes, and nationally consistent reportable conduct schemes.

## The WA Government accepts in principle seven of the 15 applicable recommendations in Volume 11

The Disability Royal Commission found that governments and the NDIS Commission need to work together better to protect people with disability.

Oversight mechanisms need to be independent, have enough power, and get the resources they need to do their job properly.

To keep people safe, it is important to focus on their individual needs.

This helps people feel comfortable reporting when they have been hurt, abused, or taken advantage of.

The Commission suggests some new ideas to make this happen:

- Laws to protect adults with disability from harm

- Easy-to-use services in each state and territory where people can get help and advice if they have been hurt or abused

- Volunteer visitors who check in on people with disability to make sure they are safe

- A similar system across Australia for reporting when someone has done something wrong.

These ideas aim to make sure people with disability are safe and supported.

WA Government's Response:
- Accepts 7 recommendations in principle
- Considering 8 recommendations further.

The WA Government commits to:
- Uphold rights of people with disability
- Make sure safety of people with disability who have limited or no access to natural supports
- Work with Commonwealth, states, and territories for a nationally similar approach.

National Preventative Mechanisms:
- Recommendations 8.2, 11.7, 11.8, and 11.11 are about setting up bodies to prevent harm
- The WA Government is working on this as part of a global agreement to prevent torture and cruelty (OPCAT).

Adult Safeguarding:
- Recommendations 11.1 and 11.2 are about creating a reliable system to keep adults with disability safe
- The WA Government needs more time to think about this
- They are reviewing current safety measures and talking to people with disability and government officials.

Disability Death Review:
- Recommendations 11.14, 11.15, and 11.16 are about setting up a system to review deaths of people with disability
- The WA Government needs more time to think about this
- They want to understand why people with disability are dying at a higher rate and how to prevent it.

WA’s reportable conduct scheme

The WA Government started the Reportable Conduct Scheme in January 2023. This scheme makes sure organisations are held accountable for preventing and responding to accusations of:

- Abuse of a child
- Sexual misconduct regarding a child
- Sexual offending by workers.

The WA Government developed the scheme after talking to many people and groups. They also followed key recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse. Since January 2024, the scheme has also included providers of disability services, making sure they meet the same standards.

# **Volume 12: Beyond the Royal Commission**

Volume 12 outlines the main steps for putting the Disability Royal Commission's recommendations into action and tracking progress. The key measures include:

- The Commonwealth Government and state and territory governments, including the WA Government, should publicly respond to the Final Report in writing.
- The Disability Reform Ministerial Council (DRMC) should lead putting the recommendations in place.
- A new independent National Disability Commission should be created to:
- Provide an annual report on how well the recommendations are being put in place
- Measure how good the recommendations are in making a positive difference

## The WA Government accepts in principle all of the seven applicable recommendations in Volume 12

The WA Government agrees in principle with all seven applicable recommendations in this volume.

The WA Government knows that good data and research are the most important for checking if policies and services are working and holding governments and organisations accountable.

The WA Government is committed to working with the Australian Government and other state and territory governments to:

- Improve data collection

- Strengthen research and evidence.

This aims to achieve better outcomes for people with disability.

On 5 March 2024, Disability Ministers made a statement together about the Disability Royal Commission. The statement acknowledges recommendation 12.1 and notes that, due to the many changes and challenges of the recommended fixes, all governments will give a formal response to the Final Report by the middle of 2024.

National Disability Data Asset

The WA Government has teamed up with the Australian Government and all other states and territories to create and manage the National Disability Data Asset (NDDA). This permanent database will link important information and give new insights into the lives of people with disability. It will show their contributions, how they use government services, and how these services can work together to support them better.

The NDDA will also help track progress towards the goals set out in Australia's Disability Strategy 2021-2031. The WA Government has agreed to permanently fund the NDDA and use it to identify the key factors that put people with disability at highest risk of violence, abuse, neglect, or exploitation, as recommended by the Disability Royal Commission.

# **Next Steps**

The WA Government is taking the recommendations from the Disability Royal Commission very seriously and will be working hard to make big changes. Some of these changes are challenging and personal, so we will be taking our time to get it right. We promise to:

- Work together with government departments to make sure everything runs smoothly
- Plan carefully with people with disability, their families and friends, and the community
- Keep everyone updated on our progress in a clear and open way.

The WA Government will be talking to the community to make sure they get it right, especially when making big changes.

Some recommendations need to be worked on with the Commonwealth and other states and territories. The WA Government is teaming up with these groups to move forward on these recommendations across Australia. The WA Government will work with other governments to respond to recommendations.

In line with Recommendation 12.2, the WA Government will report to the Disability Reform Ministerial Council on progress. This will match up with the State Disability Strategy and Australia's Disability Strategy 2021-2031.

##

## Finding Help and Support

The response by the WA Government to the report of the Disability Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability may bring up some strong feelings and questions.

There are services here to help. Some options for advice and help are listed below:

#### Beyond Blue Support Service

Free counselling is available at any time, day or night, every day of the week.

Website: [Beyond Blue Support Service](https://aus01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.beyondblue.org.au%2Fget-support%2Fget-immediate-support&data=05%7C02%7CElvira.Edwards%40communities.wa.gov.au%7C21616d13e2ec4d980a0708dc79478573%7C99036377c0d44ddebe9e1bac0c850429%7C0%7C0%7C638518595288845663%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=pMubB6W%2By9ynGCcx%2BdOyMKRy8xhm2dX090Mo4ScI08U%3D&reserved=0)

Personal and private help.

We can talk with you for a short time to help you feel better, and then connect you with others who can give you more help if you need it.

Telephone 1300 224 636, or chat online.

#### Lifeline Crisis Support

Free counselling is available at any time, day or night, every day of the week. Website: [Lifeline Crisis Support](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.lifeline.org.au%2F131114%2F&data=05%7C02%7CElvira.Edwards%40communities.wa.gov.au%7C21616d13e2ec4d980a0708dc79478573%7C99036377c0d44ddebe9e1bac0c850429%7C0%7C0%7C638518595288861619%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=9%2BkLvkbozQA8PTIzoEsIEdaE0Yftqzsg7JNLMUu6lpY%3D&reserved=0)

This personal and private service provides help if you are feeling anxious, depressed or thinking about suicide.

Telephone 13 11 14 to speak to an emergency support worker, or chat online.

#### 1800RESPECT

Counselling any time. 24 hours a day, 7 days a week. Website: [1800RESPECT](https://aus01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.1800respect.org.au%2F&data=05%7C02%7CElvira.Edwards%40communities.wa.gov.au%7C21616d13e2ec4d980a0708dc79478573%7C99036377c0d44ddebe9e1bac0c850429%7C0%7C0%7C638518595288865517%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=u4jVBTU2eBZpulXSE0Zo9bUmBIuff3ZNS6Kqz6OdFi8%3D&reserved=0)

If somebody has hurt you, or you are being hurt at home, there is help.

Telephone 1800 737 732, or chat online.

#### 13YARN

Free counselling is available at any time, day or night, every day of the week: [13 YARN](https://aus01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.13yarn.org.au%2F&data=05%7C02%7CElvira.Edwards%40communities.wa.gov.au%7C21616d13e2ec4d980a0708dc79478573%7C99036377c0d44ddebe9e1bac0c850429%7C0%7C0%7C638518595288869353%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C0%7C%7C%7C&sdata=EdFq5ZXhOePvWhA2KrYOFL4keOTPO80lCfDKfoAFbPM%3D&reserved=0)

Personal and private emergency counselling service, offering a culturally safe space for Aboriginal and Torres Strait Islander people to yarn.

Telephone 13YARN (13 92 76) to get help from First Nations emergency counsellors.