



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

# About the Royal Commission



**Final Report**  
Volume 2

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September 2023

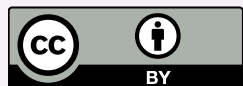
ISBN 978-0-6457939-6-3 (print)

ISBN 978-0-6457939-7-0 (online)

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# Final Report

## Volume 2

### About the Royal Commission



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# Acknowledgement of Country

The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Royal Commission) acknowledges Australia's First Nations peoples as the Traditional Custodians of the lands, seas and waters of Australia, and pays respect to all First Nations Elders past, present and emerging.

We recognise their care for people and country. In particular, we acknowledge the Traditional Custodians of the lands on which our offices are based: the Gadigal people of the Eora Nation where our Sydney office stands, the Jagera and Turrbal people as Traditional Owners and Custodians of the lands on which the city of Brisbane is located and the Ngunnawal and Ngambri peoples upon whose land the city of Canberra is located.

We pay our respects to all First Nations people with disability and recognise the distinct contributions they make to Australian life and to the outcome of this inquiry.

## Acknowledgement of people with disability

The Royal Commission acknowledges people with disability who fought and campaigned long and hard for the establishment of this Royal Commission.

We acknowledge the courage and generosity of people with lived experience of disability who shared their knowledge and experiences of violence, abuse, neglect and exploitation with the Royal Commission. Their contributions to the Royal Commission have been indispensable in framing recommendations designed to achieve a more inclusive society that supports the independence of people with disability and their right to live free from violence, abuse, neglect and exploitation.



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# Summary

Volume 2 of the *Final report* describes the background to, and nature and scope of, the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

Chapter 1, 'Establishing the Royal Commission' introduces the Chair and other Commissioners of the Royal Commission. It gives a brief account of the years of campaigning by disability and advocacy organisations and people with disability that led to the Royal Commission. The chapter looks at the announcement of the Royal Commission and consultation on the draft terms of reference. It covers the issuing of the letters patent on 4 April 2019 and the establishment of concurrent state Royal Commissions (together 'the Royal Commission').

The letters patent established the Royal Commission, appointed the Commissioners, and defined the nature and scope of the inquiry in the terms of reference. The terms of reference required us to investigate violence against, and abuse, neglect and exploitation of people with disability in all settings and contexts and be informed by a human rights approach. They emphasised the importance of ensuring the experiences of people with disability were at the centre of our work. Chapter 1 concludes by examining the Royal Commission's powers, with particular reference to the *Royal Commissions Act 1902* (Cth) (the *Royal Commissions Act*).

Chapter 2, 'The conduct of our inquiry' explains how the Royal Commission gathered information and evidence about violence against, and abuse, neglect and exploitation of, people with disability across all settings and contexts. This includes evidence provided at our public hearings; information obtained through community engagement activities, submissions and private sessions; and our research, data analysis and policy work. It examines how we supported people who engaged with us and explains our trauma-informed approach to our work.

Chapter 3, 'Our organisation' provides an overview of our people and the values that guided our work. It describes key roles and responsibilities at the Royal Commission, our staff and our offices, and provides an overview of our finances and the funding provided to organisations that supported our work.

Volume 2 ends with nine appendices that provide details about different parts of the Royal Commission's work that are referred to in this *Final report*.



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# 1. Establishing the Royal Commission

## Key points

- The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Royal Commission) was established under letters patent issued on 4 April 2019 after extensive consultation with people with disability and the disability sector. The Royal Commission's establishment marked the culmination of years of campaigning and advocacy by the disability rights movement.
- Six Commissioners with diverse backgrounds and experience were appointed at the beginning of the Royal Commission: the Honourable Ronald Sackville AO QC (Chair), and Commissioners Ms Barbara Bennett PSM, Dr Rhonda Galbally AC, Ms Andrea Mason OAM, Mr Alastair McEwin, and the Honourable John Ryan AM.
- The Royal Commission's terms of reference were extremely broad. They required us to inquire into what governments, institutions and the community should do to prevent and better protect people with disability from experiencing all forms of violence, abuse, neglect and exploitation, across all settings and contexts.
- The terms of reference also required us to inquire into what should be done to promote a more inclusive society that supports the independence of people with disability and their right to live free from violence, abuse, neglect and exploitation.
- Our inquiry was framed by the human rights of people with disability, as set out in the *Convention on the Rights of Persons with Disabilities (CRPD)*.
- The terms of reference emphasised the importance of ensuring the experiences of people with disability were at the centre of our work.
- The terms of reference committed us to consider the multi-layered experiences of people with disability associated with age, sex, gender, gender identity, sexual orientation, intersex status, ethnic origin and race. They also committed us to consider the particular situations of Aboriginal and Torres Strait Islander people, and culturally and linguistically diverse people.
- The powers of a royal commission are specified in the *Royal Commissions Act 1902* (Cth) and its state equivalents. The *Royal Commissions Act* was amended in 2019 and 2021 to authorise the Royal Commission to conduct private sessions. The amendments ensure that information provided by people engaging with the Royal Commission on a confidential basis is protected beyond the life of the Royal Commission.

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## 1.1. Introduction

On 4 April 2019, the then Governor-General, His Excellency General the Honourable Sir Peter Cosgrove AK (CVO) MC (Retd), issued letters patent under the *Royal Commissions Act 1902* (Cth) (*Royal Commissions Act*) establishing the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. The letters patent were issued to:

- the Honourable Ronald Sackville AO QC<sup>1</sup>
- Ms Barbara Bennett PSM
- Dr Rhonda Louise Galbally AC
- Ms Andrea Jane Mason OAM
- Mr Alastair James McEwin
- the Honourable John Francis Ryan AM.<sup>2</sup>

Each of the six Australian states subsequently issued letters patent or the equivalent to the nominated Commissioners in substantially the same terms as the letters patent issued by the Governor-General.<sup>3</sup> Accordingly, the Royal Commission has been conducted, in effect, as seven concurrent commissions of inquiry.<sup>4</sup>

The letters patent, in their original form, required the Royal Commission to submit an interim report to the Governor-General by 30 October 2020 and a final report by 29 April 2022. The *Interim report* was submitted, as required, by 30 October 2020.<sup>5</sup>

The letters patent were amended on 13 May 2021 to extend the date for submission of the *Final report* to 29 September 2023.<sup>6</sup>

This chapter:

- introduces the Chair and the other Commissioners of the Royal Commission
- outlines the events leading up to the establishment of the Royal Commission
- highlights the scope and requirements of the Royal Commission's terms of reference
- outlines the powers and features of a royal commission.

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## The Chair and Commissioners

### Chair, the Honourable Ronald Sackville AO KC

The Honourable Ronald Sackville AO KC was a Judge of the Federal Court of Australia from 1994 to 2008 and an acting Judge of Appeal of the Supreme Court of New South Wales from 2008 to 2019. In the Federal Court, he presided over cases arising under Commonwealth anti-discrimination legislation, including the *Disability Discrimination Act 1992* (Cth).

Before his appointment to the Federal Court, Mr Sackville practised as a barrister in New South Wales and was appointed a Queen's Counsel in 1991. Earlier in his career, Mr Sackville was Professor of Law (1972–1985) and Dean of the Faculty of Law (1979–1981) at the University of New South Wales.

He has chaired or been responsible for a number of public inquiries, serving as:

- Commissioner for Law and Poverty, Australian Government Commission of Inquiry into Poverty (1973–1975)
- Chair, South Australian Royal Commission into the Non-Medical Use of Drugs (1977–1979)
- Chair, New South Wales Law Reform Commission (1981–1984)
- Assistant Commissioner, Independent Commission Against Corruption (1992)
- Chair, Commonwealth Access to Justice Advisory Committee (1994).

Mr Sackville also chaired the Victorian Accident Compensation Commission (1985–1989) and was a member of the Schools Commission (1984–1985).

A graduate of the University of Melbourne and Yale University, Mr Sackville was awarded an LLD (honoris causa) by the University of New South Wales in 2002. He has written on a wide range of topics, including access to justice and law reform.

Mr Sackville was made an Officer of the Order of Australia in 2009 for services to the administration of the Australian judicial system, reform of federal and state law, and legal education.

### Ms Barbara Bennett PSM

Ms Barbara Bennett PSM has brought to the Royal Commission insights gained from her work in high-level social policy reform roles and her personal involvement in support and advocacy.

Ms Bennett has held senior positions in the Australian Government Department of Social Services and Department of Human Services for more than 20 years. She oversaw the development of policy and programs in the areas of families, children, family safety,

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multicultural affairs and settlement services. During this time, Ms Bennett led the development of new approaches to resettling 12,000 refugees arriving in Australia in 2015 from the war in Iraq and Syria.

Ms Bennett played a key role in delivering the Prime Minister's Women's Safety package in 2016. She oversaw the development of the Third Action Plan, which encourages governments to work together to change Australia's attitudes to, and tolerance for, violence against women and their children. She also worked with senior levels of all governments, non-government organisations and stakeholders in responding to the Royal Commission into Institutional Responses to Child Sexual Abuse recommendations.

Ms Bennett received a Public Service Medal in 2017 for outstanding public service in the area of social services. She has a deep understanding of social policy and how best to develop and deliver support for vulnerable and disadvantaged Australians.

Ms Bennett has personal experience of support and advocacy for close family members. Her mother was a quadriplegic for more than 20 years and her daughter was diagnosed with multiple sclerosis at age 12.

## Dr Rhonda Galbally AC

Dr Rhonda Galbally AC has held positions as chief executive officer (CEO), chair and board member across business, the not-for-profit sector, the public sector and philanthropy for more than 30 years. These roles, along with having lived with lifelong disability and working with people with disability, provided valuable background for Dr Galbally's role as Commissioner in this Royal Commission.

Dr Galbally began working on disability rights in the early 1980s at the Victorian Council for Social Services. She later became CEO of the Sidney Myer Fund and The Myer Foundation, serving as Chair of the Australian Association of Philanthropy.

Dr Galbally has been the founding CEO of organisations including the Australian Commission for the Future, the Australian International Health Institute, the Australian National Preventive Health Agency and Our Community Pty Ltd. She established, and was the founding CEO of, the Victorian Health Promotion Foundation (VicHealth).

She has served as Independent Chair of the Review of Drugs, Poisons and Controlled Substances Legislation, and Chair of the Royal Women's Hospital and the National People with Disabilities and Carer Council. The Council produced the *Shut out* report analysing the systemic discrimination and exclusion of people with disabilities from the Australian community.

Dr Galbally was a member of the expert four-person panel that developed the Victorian Charter of Human Rights and Responsibilities. She was also a board member of the National Disability Insurance Agency (NDIA). Dr Galbally was Principal Member of the Independent Advisory Council that advised the NDIA about the importance of self-determination, social and economic inclusion, and contemporary living models including the right to a mainstream life for people with disability.



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Dr Galbally facilitated the development of the National Disability and Carer Alliance. The Alliance developed the Every Australian Counts campaign responsible for mobilising public and political support for the National Disability Insurance Scheme (NDIS).

For many decades, Dr Galbally has worked alongside people with disability and their families to fight for the human right of being able to participate fully in the community without fear of violence, abuse, neglect or exploitation. In 2019, she was appointed as a Companion of the Order of Australia for 'eminent service to the advancement of social equity, particularly to the health and welfare of people with a disability, and to the community'. She was awarded a Degree of Doctor of Science of the Latrobe University (honoris causa) in 1998 and a Degree of Doctor of Social Science of the Royal Melbourne Institute of Technology (honoris causa) in 2005.

## Ms Andrea Mason OAM

Ms Andrea Mason OAM has brought to the Royal Commission decades of experience in Indigenous affairs roles at executive and support levels. A Ngaanyatjarra and Pitjantjatjara woman from Western Australia, she has worked hard to promote the voice and collective determination of Aboriginal and Torres Strait Islander peoples and to highlight the challenges they experience.

From 2009 to 2019, Ms Mason was the CEO of Ngaanyatjarra Pitjantjatjara Yankunytjatjara (NPY) Women's Council in Central Australia. The organisation is acknowledged as one of the first Aboriginal organisations in the country to prioritise support for Aboriginal people with disability, starting with a pilot project in 1993. Family members and people with disability used advocacy to raise issues, keep systems accountable, and navigate governments and institutions.

She has actively advocated for remote renal services in the NPY region, alcohol reform, women and family safety, and innovative governance approaches for Indigenous leaders and organisations, including through the Empowered Communities model.

Ms Mason co-chaired the Prime Minister's Indigenous Advisory Council from 2017 to 2019, where she advised on key policy areas including Closing the Gap Refresh.

She has built a reputation and career grounded in deep respect for the voices and collective determination of Australian First Nations peoples.

Ms Mason was named Telstra Australian Business Woman of the Year in 2016, and Northern Territory Australian of the Year and Alice Springs Centralian Citizen of the Year in 2017. In 2018, she received the Medal of the Order of Australia for services to the Indigenous community.

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## Dr Alastair McEwin AM

Dr Alastair McEwin AM has had a long involvement in disability and human rights policy work, encompassing roles at both domestic and international levels and across the private, government and non-government sectors. Born profoundly deaf, Dr McEwin attended a mainstream school in Adelaide before undertaking undergraduate tertiary studies in humanities and law at the University of Adelaide. Following this, he was awarded a Rotary Ambassadorial Scholarship and undertook postgraduate studies in law at the University of British Columbia in Vancouver, Canada.

Dr McEwin's roles have included Associate to the Honourable Justice John von Doussa of the Federal Court, management consultant with Accenture, Manager of the Australian Centre for Disability Law, CEO of People with Disability Australia, and Executive Director of Community Legal Centres New South Wales.

Dr McEwin also worked with Australian and international government and non-government organisations on the drafting of the *Convention on the Rights of Persons with Disabilities*. Other roles he has held include five years as President of the Deaf Society of New South Wales (now Deaf Connect), Chairperson of the Australian Theatre of the Deaf, coordinator of the World Federation of the Deaf Expert Group on Human Rights, and Chairperson of the Disability Council NSW, the official advisory body to the NSW Government on disability issues.

Immediately before his appointment to this Royal Commission, Dr McEwin was the Disability Discrimination Commissioner, based at the Australian Human Rights Commission. One of his six priority areas in that role was addressing the issue of violence against disabled people.

In the 2019 Queen's Birthday Honours list, Dr McEwin was made a Member of the Order of Australia for significant service to disabled people. In May 2022, he was awarded a Degree of Doctor of the University of Adelaide (honoris causa).

## The Honourable John Ryan AM

The Honourable John Ryan AM has had a varied career over 40 years as a teacher, public servant and member of parliament. A substantial part of his working life has involved social advocacy and reform. As a young person, Mr Ryan lived in a boy's home after experiencing violence and neglect in his homelife.

Mr Ryan was a public school teacher for almost a decade, mostly at a school in south-western Sydney that was one of the most disadvantaged in the state. He was elected to the New South Wales Parliament in 1991, serving as Shadow Minister for Community Services, Disability Services and Western Sydney from 2003 to 2007. He was elected Deputy Leader of the Liberal Party in the NSW Upper House. Mr Ryan served as Deputy Chair of the NSW Legislative Council Standing Committee on Law and Justice. He chaired and participated in many other parliamentary committees investigating a wide range of social justice issues, such as youth justice conferencing, factors behind an increase in the NSW prison population, child protection and disability services.

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After his time in Parliament, Mr Ryan became a senior executive in the New South Wales public sector. He managed many reform projects aimed at strengthening human rights for people with disability. These included providing more employment opportunities for people with disability, creating greater options for self-managed funding, and managing the project that closed most of the state's large residential centres for people with disability.

Mr Ryan was made a Member of the Order of Australia in 2018 for his significant service to the Parliament of New South Wales and to public administration, particularly the development of accommodation policy for people with disability.

## 1.2. Calls for a royal commission

This Royal Commission is the product of tireless and persistent efforts by disability advocates and many others who have long recognised that people with disability in this country are routinely subjected to violence, abuse, neglect and exploitation.<sup>7</sup>

The establishment of this Royal Commission marked the culmination of years of campaigning and advocacy by disability advocate organisations and people with disability. The campaigns reflected the struggles, values and expectations of many Australians with disability.<sup>8</sup>

In late 2012, the Victorian Advocacy League for Individuals with Disability (VALID) and other disability advocates began calling for a royal commission into institutional abuse against people with disability.<sup>9</sup>

Two years later, on 24 November 2014, a joint media investigation by the Australian Broadcasting Corporation (ABC) and Fairfax Media aired on the ABC's *Four Corners* program.<sup>10</sup> The investigation, 'In our care', detailed numerous instances of sexual assault, harassment and inappropriate behaviour at homes run by Yooralla, one of Australia's largest disability service providers. Among these was the case of Vinod Johnny Kumar, a disability support worker employed by Yooralla on a casual basis.<sup>11</sup> In March 2012, Mr Kumar was charged with multiple counts of rape and other sexual offences against four people with disability who resided in group homes operated by Yooralla. Mr Kumar pleaded guilty to 12 offences. In November 2013, he was sentenced to 18 years' imprisonment with a non-parole period of 15 years.<sup>12</sup>

Following the *Four Corners* program, in January 2015 a group of disabled persons' organisations – including Women with Disabilities Australia, People with Disability Australia, National Ethnic Disability Alliance, First Peoples Disability Network Australia, and United Voices for People with Disabilities Inc – wrote to the then Prime Minister, the Honourable Tony Abbott MP, about the violence and abuse committed against people with disability. They requested that he 'urgently establish an independent National Inquiry'.<sup>13</sup>

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On 11 February 2015, the Senate referred the following matter to the Senate Community Affairs References Committee for inquiry and 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.<sup>14</sup>

The committee reported in November 2015, finding that ‘violence, abuse and neglect of people with disability is both widespread and takes many forms’.<sup>15</sup> It recommended a royal commission into violence against, and abuse and neglect of people with disability be called, with terms of reference to be determined in consultation with people with disability, their families and supporters, and disability organisations.<sup>16</sup> The committee concluded only a royal commission could properly conduct an inquiry and give full weight to the seriousness of the issue.<sup>17</sup>

Also in 2015, the Family and Community Development Committee of the Parliament of Victoria inquired into abuse in disability services, reporting in May 2016.<sup>18</sup> The committee recommended the Victorian Government should support a national royal commission into violence against people with disability:

A federal Royal Commission would send a powerful message to the broader community about the seriousness of the abuse of people with disability, and would serve as an opportunity for governments across Australia to work cooperatively on developing strategies for prevention ...<sup>19</sup>

Disability advocates and many others around the country continued to call for a royal commission. On 5 April 2017, more than 100 academics signed an open letter to the then Prime Minister, the Honourable Malcolm Turnbull MP, calling for a Royal Commission into Violence Against People with Disability, as recommended by the Senate Community Affairs References Committee in 2015. They referred to research showing that ‘people with disability experience higher rates of violence, abuse and neglect than the rest of the community, and that women and children with disability are disproportionately impacted by this violence’.<sup>20</sup>

After his election to the Senate in 2017, Australian Greens Senator Jordon Steele-John, a person with disability and an advocate for people with disability, sought parliamentary support for a royal commission to inquire into violence against, and abuse and neglect of people with disability. On 14 February 2019, Senator Steele-John moved a motion for the Australian Government to establish this Royal Commission, which the Senate supported.<sup>21</sup> Four days later, the House of Representatives supported the motion.<sup>22</sup>

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## 1.3. Announcement of the Royal Commission

On 18 February 2019, the then Prime Minister, the Honourable Scott Morrison MP, announced the Australian Government would ask the Governor-General of the Commonwealth of Australia to issue letters patent establishing a Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. He told Parliament he would first seek further advice from all states and territories on establishing the Royal Commission and would consult 'directly and extensively' with stakeholders on the terms of reference.<sup>23</sup>

### Consultation on draft terms of reference

In March 2019, the Australian Government, through the Department of Social Services, consulted on the draft terms of reference with people with disability, their families and carers, disability peak bodies, advocates, human rights organisations, and state and territory governments.<sup>24</sup> The department sought feedback on the draft terms through an online public survey, receiving more than 3,700 responses.<sup>25</sup> It also received 65 written submissions.<sup>26</sup> All state and territory governments supported the establishment of the Royal Commission.<sup>27</sup>

The department's report on the consultations revealed overwhelming support for a wide-ranging inquiry.<sup>28</sup> Respondents said the inquiry should focus on what needed to be done to promote a more respectful and inclusive society for people with disability.<sup>29</sup> It should also examine what governments, institutions and the community should do to prevent and better protect people with disability from experiencing violence, abuse, neglect and exploitation.<sup>30</sup>

Many submissions emphasised that the experiences of people with disability needed to be integral to the Royal Commission and future decision-making.<sup>31</sup> Disabled People's Organisations Australia stated:

It is critical that the Royal Commission is centred on and grounded in the voices of those of us who have experienced violence, abuse, exploitation and neglect, including those of us who have acquired our disability as a result of violence.<sup>32</sup>

### Issue of letters patent

The letters patent issued on 4 April 2019 are the official documents that created the Royal Commission, appointed the Commissioners, and defined the nature and scope of the inquiry in the terms of reference.<sup>33</sup>

As previously noted, under the authority of the relevant state or territory legislation, each state or territory subsequently issued letters patent or the equivalent in the same or similar terms as those issued by the Governor-General.<sup>34</sup> The Royal Commission was therefore established as a truly national inquiry into violence against, and abuse, neglect and exploitation of, people with disability.

The Commonwealth letters patent (as amended on 13 September 2019, 13 May 2021 and 24 June 2021) are reproduced in Appendix A.

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## 1.4. The terms of reference

### Inquiry scope

Our terms of reference are extremely broad.<sup>35</sup> The letters patent directed us to inquire into:

- a. what governments, institutions and the community should do to prevent and better protect people with disability from experiencing violence, abuse, neglect and exploitation, having regard to the extent of violence, abuse, neglect and exploitation experienced by people with disability in all settings and contexts;
- b. what governments, institutions and the community should do to achieve best practice to encourage reporting of, and effective investigations of and responses to, violence against, and abuse, neglect and exploitation of, people with disability, including addressing failures in, and impediments to, reporting, investigating and responding to such conduct;
- c. what should be done to promote a more inclusive society that supports the independence of people with disability and their right to live free from violence, abuse, neglect and exploitation;
- d. any matter reasonably incidental to a matter referred to in paragraphs (a) to (c) or that we believe is reasonably relevant to our inquiry.<sup>36</sup>

Our remit required us to investigate violence against, and abuse, neglect and exploitation of, people with disability in all settings.<sup>37</sup> Accordingly, the Royal Commission has examined settings as diverse as health, education, accommodation (such as group homes), disability services, the justice system, employment, child protection, family and domestic violence, public places, and the NDIS. Each setting in which violence against, and abuse, neglect and exploitation of, people with disability occurs presents different, although related, factual and policy issues.

The terms of reference directed us to make any recommendations arising out of our inquiry that we considered appropriate, including recommendations about any policy, legislative, administrative or structural reforms.<sup>38</sup> Our recommendations therefore focus on addressing systemic issues that drive violence against, and abuse, neglect and exploitation of, people with disability.

### Centring the voices of people with disability

Our terms of reference recognise people with disability must be central to processes that inform best practice decision-making on what governments, institutions and the community can do to prevent and respond to violence against, and abuse, neglect and exploitation of, people with disability.<sup>39</sup> They emphasise the importance of ensuring that people with disability were front and centre of our inquiry.

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The terms of reference define ‘people with disability’ as people with any kind of impairment. It may have existed at birth or have been acquired through illness, accident or the ageing process. It included cognitive impairment and physical, sensory, intellectual and psychosocial disability.<sup>40</sup>

Throughout our *Final report*, we use the term ‘person with lived experience of disability’ to refer only to a person with disability. It does not encompass nor refer to family members, friends or supporters of people with disability.

The letters patent directed us to establish accessible and appropriate arrangements for people with disability, their families, carers and others to engage with us.<sup>41</sup> We describe the measures we took to ensure our engagements were accessible and inclusive in Chapter 2.

## Human rights informed our inquiry

Our terms of reference specifically recognise that:

people with disability are equal citizens and have the right to the full and equal enjoyment of all human rights and fundamental freedoms, including respect for their inherent dignity and individual autonomy.<sup>42</sup>

These include the right of people with disability to live and participate in safe environments free from violence, abuse, neglect and exploitation.<sup>43</sup>

Our terms of reference also recognise that Australia has:

international obligations to take appropriate legislative, administrative and other measures to promote the human rights of people with disability, including to protect people with disability from all forms of exploitation, violence and abuse under the *Convention on the Rights of Persons with Disabilities*.<sup>44</sup>

We explain our human rights approach in Volume 4, *Realising the human rights of people with disability*.

## Multi-layered experiences

The terms of reference directed us to have regard to the:

specific experiences of violence against, and abuse, neglect and exploitation of, people with disability as multi-layered and influenced by experiences associated with age, sex, gender, gender identity, sexual orientation, intersex status, ethnic origin or race.<sup>45</sup>

The expression ‘intersectionality’ is usually used to describe the multi-layered forms of discrimination and disadvantage many people with disability experience. These include First Nations people; people from culturally and linguistically diverse communities; women and girls; and lesbian, gay, bisexual, trans and gender diverse, intersex, queer and asexual (LGBTIQ+) people with disability. We outline the steps we took to engage with people with disability from these groups in ‘Community engagement’ in Chapter 2.



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## 1.5. Powers of the Royal Commission

### *Royal Commissions Act 1902*

The *Royal Commissions Act 1902* (Cth) and similar state legislation confer significant powers on royal commissions. The powers provided for under the *Royal Commissions Act* include the power to:

- hold public hearings<sup>46</sup>
- summon a person to appear at a hearing to give evidence<sup>47</sup>
- require a person appearing at a hearing to take an oath or affirmation<sup>48</sup>
- require a person to produce documents, give information or a statement in writing in the manner specified in a notice issued by the Royal Commission.<sup>49</sup>

Failure to comply with a summons or notice issued by the Royal Commission is an offence, unless the person has a reasonable excuse for the failure.<sup>50</sup>

At the first sitting of the Royal Commission on 16 September 2019, the Chair made it clear that the Royal Commission would not use its powers of compulsion to compel people with disability to give evidence, produce documents or provide information against their will.<sup>51</sup> This statement reflected a commitment that people with disability should only engage with the Royal Commission of their own free will and with appropriate support.

### Public hearings

Under the *Royal Commissions Act 1902* (Cth), public hearings provide the means by which the Royal Commission receives evidence. Generally, hearings held under the *Royal Commissions Act* are public. Royal commission hearings are formal proceedings. Witnesses give evidence under oath or affirmation about events and issues relevant to the subject matter of the particular royal commission.<sup>52</sup> Royal commissions are inquisitorial in nature, designed to investigate matters within their terms of reference. Unlike courts, royal commissions do not resolve disputes between parties at their hearings, nor do they determine if a person is guilty of a criminal offence.

The *Royal Commissions Act* does not stipulate how hearings of a royal commission are to be conducted. However, the Act provides that the Chair or a Commissioner nominated by the Chair presides at the hearing.<sup>53</sup> The Chair is required to determine the composition of the royal commission at a particular hearing.<sup>54</sup>

The Attorney-General of the Commonwealth may appoint a legal practitioner to assist a royal commission.<sup>55</sup> The primary responsibility of counsel assisting a royal commission is to present evidence at hearings. Successive Attorneys-General appointed a number of counsel to assist this Royal Commission. Ms Kate Eastman AM SC led the team of Counsel Assisting. (The full list of Counsel is shown in 'Key roles and responsibilities' in Chapter 3.)



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The *Royal Commissions Act* protects witnesses who give evidence at a hearing, produce a document or provide information to a royal commission. Section 6M of the Act provides that any person who uses, causes or inflicts any violence, punishment, loss or disadvantage to a person because they appear as a witness, give evidence, produce a document or provide information, commits an offence punishable by imprisonment for one year.

This provision is a very important protection for people with disability who wish to tell their stories but fear recrimination or being subjected to threats if they do so. In public hearings, Counsel Assisting this Royal Commission repeatedly drew attention to the protection provided by s 6M of the Act.<sup>56</sup>

‘Public hearings’ in Chapter 2 explains our approach to public hearings. Appendix B provides an overview of the Royal Commission’s public hearings.

## Private sessions

A private session provides an opportunity for individuals to share their experiences with a Commissioner in private and with appropriate support.

At the time this Royal Commission was established in April 2019, only the Royal Commission into Institutional Responses to Child Sexual Abuse had been authorised to conduct private sessions.

This Royal Commission’s terms of reference required us to establish accessible and appropriate arrangements for people with disability, their families, carers and others to engage with the inquiry and share information about their experiences.<sup>57</sup> With this in mind, on 30 May 2019 the Chairs of our Royal Commission and the Aged Care Royal Commission jointly wrote to the Prime Minister requesting the Australian Government introduce legislation amending the *Royal Commissions Act* to authorise the Royal Commissions to conduct private sessions. The Government agreed to the request and the amending legislation came into force on 14 September 2019.<sup>58</sup>

## Confidentiality

In the early stages of our inquiry, disability advocacy organisations and others expressed concern that the Royal Commission could not guarantee confidential information provided to it would be protected from disclosure after we presented our *Final report*.

The confidentiality of information conveyed in private sessions is ensured beyond the life of the Royal Commission under Part 4 of the *Royal Commissions Act*.<sup>59</sup> However, confidential information conveyed in other ways did not necessarily have the same protection.

The Chair wrote to the then Prime Minister on 14 February 2020 and again on 11 September 2020 requesting the Australian Government introduce legislation to address the gaps in protection for persons who provide certain information to the Royal Commission. The *Royal*

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*Commissions Act* was amended in September 2021 to extend confidentiality beyond the life of the Royal Commission for certain categories of confidential information given by or on behalf of a natural person.<sup>60</sup>

## Payments to witnesses

In December 2020, the Chair requested the then Attorney-General to amend the *Royal Commissions Regulations 2019* (Cth) to ensure expert and lay witnesses would be paid the same allowance.

The Australian Government agreed to increase the allowance for lay witnesses from \$123.90 to \$250 per day by an amendment to the *Royal Commissions Amendment (Witness Allowances) Regulations 2021* (Cth), which came into effect on 13 November 2021.<sup>61</sup> This amendment more than doubled the rate previously paid to lay witnesses, but it did not make it equal to the daily allowance paid to expert witnesses, being \$1,174.90.<sup>62</sup>

The amendment was backdated to 4 November 2019, the date of the first day of Public hearing 2, 'Inclusive education in Queensland – preliminary inquiry'. We contacted all witnesses affected by this change to ensure they were compensated in line with the amendment.

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## Endnotes

- 1 Upon the death of Queen Elizabeth II, all lawyers with the postnominals 'QC' (Queen's Counsel) by convention adopted the postnominals 'KC' (King's Counsel).
- 2 *Letters Patent* (Cth), 4 April 2019 amended 13 September 2019, recitals. The Honourable Roslyn Atkinson AO was appointed to the Royal Commission as its seventh Commissioner on 13 September 2019 and resigned with effect from 24 June 2021. Prior to her appointment as Commissioner, Ms Atkinson was a Justice of the Supreme Court of Queensland from 1998 to 2018, and was the lead author of the Court's *Equal Treatment Benchbook*. She served as Chair of the Queensland Indigenous Justice Committee, which included representatives from each of the state and federal courts in Queensland, and was a member of the national Indigenous Justice Committee of the National Judicial College of Australia.
- 3 The relevant legislation establishing the Royal Commission for each state is: *Royal Commissions Act 1923* (NSW), *Commissions of Inquiry Act 1950* (Qld), *Royal Commissions Act 1917* (SA), *Commissions of Inquiry Act 1995* (Tas), *Inquiries Act 2014* (Vic) and *Royal Commissions Act 1968* (WA). Original letters patent containing terms of reference were dated 17 April 2019 (NSW), 20 May 2019 (Tas), 4 June 2019 (Vic), 20 June 2019 (SA), 27 June 2019 (Qld) and 20 August 2019 (WA). South Australia issued separate letters patent to each Commissioner rather than one set to all Commissioners. Victoria's letters patent were issued by the Lieutenant-Governor rather than the Governor.
- 4 *Royal Commissions Act 1902* (Cth) s 7AA.
- 5 Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Interim report*, October 2020.
- 6 *Letters Patent* (Cth), 4 April 2019 amended 13 May 2021. The letters patent were amended on two other occasions: on 13 September 2019 (appointment of the Honourable Roslyn Atkinson AO as Commissioner) and 24 June 2021 (to cease the appointment of Commissioner Atkinson).
- 7 Transcript, Ronald Sackville (Chair), Public hearing 1, 'Ceremonial opening sitting', 16 September 2019, P-8 [10].
- 8 Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Research report: Agents of our own destiny: Activism and the road to the Royal Commission*, November 2021, p 2.
- 9 Hamish Fitzsimmons, 'Disability advocates alleged epidemic of abuse in care', *ABC Premium News*, 13 September 2012; 'DHS Victoria under fire – Calls for a Royal Commission.' *L.I.S.A Inc.* web page.
- 10 Nick McKenzie, 'In Our Care', *Four Corners*, ABC TV, 24 November 2014.
- 11 *DPP v Kumar* [2013] VCC 1931, [12].
- 12 Exhibit 3-6, DRC.9999.0005.0007, pp 24–25.
- 13 Letter from Women with Disabilities Australia to Prime Minister Tony Abbott, 20 January 2015.
- 14 Commonwealth, *Parliamentary debates*, Senate, 11 February 2015, pp 479–80 (Senator Siewert).
- 15 Senate Community Affairs References Committee, Parliament of Australia, *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*, April 2015, p xxvi.
- 16 Senate Community Affairs References Committee, Parliament of Australia, *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*, April 2015, pp xv, 268.
- 17 Senate Community Affairs References Committee, Parliament of Australia, *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*, April 2015, p 268.

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- 18 Family and Community Development Committee, Parliament of Victoria, *Inquiry into abuse in disability services: Final report*, May 2016.
- 19 Family and Community Development Committee, Parliament of Victoria, *Inquiry into abuse in disability services: Final report*, May 2016, p 42.
- 20 Open letter from academics supporting call for a Royal commission into violence against people with disability to Prime Minister Malcolm Turnbull, 5 April 2017.
- 21 Commonwealth, *Parliamentary Debates*, Senate, 14 February 2019, p 424 (Jordon Steele-John).
- 22 Commonwealth, *Parliamentary Debates*, House of Representatives, 18 February 2019, pp 730–8.
- 23 Commonwealth, *Parliamentary Debates*, House of Representatives, 18 February 2019, p 732 (Scott Morrison, Prime Minister).
- 24 Department of Social Services, *Terms of reference for a Royal Commission into violence, abuse, neglect and exploitation of people with disability*, Consultation report, 2019.
- 25 Department of Social Services, *Terms of reference for a Royal Commission into violence, abuse, neglect and exploitation of people with disability*, Consultation report, 2019. The Disability Advocacy Network Australia (DANA) also developed and ran an ‘Easy Version Survey’ for individuals and groups. Fact sheets about the terms of reference were translated into 12 languages, including Auslan, and an Easy Read version was made available.
- 26 Department of Social Services, *Terms of reference for a Royal Commission into violence, abuse, neglect and exploitation of people with disability*, Consultation report, 2019, p 4.
- 27 Department of Social Services, *Terms of reference for a Royal Commission into violence, abuse, neglect and exploitation of people with disability*, Consultation report, 2019, p 4.
- 28 Department of Social Services, *Terms of reference for a Royal Commission into violence, abuse, neglect and exploitation of people with disability*, Consultation report, 2019, p 4.
- 29 Department of Social Services, *Terms of reference for a Royal Commission into violence, abuse, neglect and exploitation of people with disability*, Consultation report, 2019, pp 4, 8.
- 30 Department of Social Services, *Terms of reference for a Royal Commission into violence, abuse, neglect and exploitation of people with disability*, Consultation report, 2019, pp 4, 8.
- 31 Department of Social Services, *Terms of reference for a Royal Commission into violence, abuse, neglect and exploitation of people with disability*, Consultation report, 2019, p 10.
- 32 Disabled People’s Organisations Australia, Submission, March 2019, p 6. The importance of hearing the voices of people with intellectual disability has been recognised by providers such as the Endeavour Foundation: see Endeavour Foundation, Submission to the Department of Social Services on the Terms of Reference for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, 27 March 2019, CTD.5000.0001.0019, p 1.
- 33 *Royal Commissions Act 1902* (Cth) s 1A.
- 34 *Royal Commissions Act 1923* (NSW); *Commissions of Inquiry Act 1950* (Qld); *Royal Commissions Act 1917* (SA); *Commissions of Inquiry Act 1995* (Tas); *Inquiries Act 2014* (Vic); and *Royal Commissions Act 1968* (WA). Original letters patent were dated 17 April 2019 (NSW), 20 May 2019 (Tas), 4 June 2019 (Vic), 20 June 2019 (SA), 27 June 2019 (Qld) and 20 August 2019 (WA). The approach taken in South Australia was to issue separate letters patent to each Commissioner. Victoria’s letters patent were issued by the Lieutenant-Governor rather than the Governor. Letters patent of each Royal Commission contain complementary terms of reference. The letters patent in each state were amended from time to time to reflect changes to the Commonwealth letters patent.
- 35 Commissioners Bennett, Galbally and McEwin do not agree with the characterisation of the terms of reference as ‘extremely broad’. The terms of reference were a necessary representation of the lived reality of people with disability experiencing violence, abuse, neglect and exploitation in their daily lives.
- 36 *Letters Patent* (Cth), 4 April 2019, as amended, (a), (b), (c), (d).
- 37 *Letters Patent* (Cth), 4 April 2019, as amended, (e).
- 38 *Letters Patent* (Cth), 4 April 2019, as amended, recitals.
- 39 *Letters Patent* (Cth), 4 April 2019, as amended, recitals.
- 40 *Letters Patent* (Cth), 4 April 2019, as amended, declarations.
- 41 *Letters Patent* (Cth), 4 April 2019, as amended, (k).
- 42 *Letters Patent* (Cth), 4 April 2019, as amended, recitals.
- 43 *Letters Patent* (Cth), 4 April 2019, as amended, recitals.

- 44 *Letters Patent* (Cth), 4 April 2019, as amended 13 September 2019, recitals. To give effect to those obligations and broader responsibilities, all Australian governments ‘provide funding and services for people with disability, and have implemented laws to protect and enhance the wellbeing of people with disability.’
- 45 *Letters Patent* (Cth), 4 April 2019 amended 13 September 2019, (g).
- 46 *Royal Commissions Act 1902* (Cth) Part 2(2). Similar provisions are contained in the following state legislation: *Royal Commissions Act 1923* (NSW) Part 2; *Evidence (Miscellaneous Provisions) Act 1958* (Vic) esp. Parts I–II; *Commissions of Inquiry Act 1950* (Qld) ss 5–8, *Royal Commissions Act 1917* (SA) esp. ss 6–12; *Commission of Inquiry Act 1995* (Tas) esp. Part 3; *Royal Commissions Act 1968* (WA) esp. ss 8A–16.
- 47 *Royal Commissions Act 1902* (Cth) ss 2(1); *Royal Commissions Act 1923* (NSW) s 8; *Commissions of Inquiry Act 1950* (Qld) s 5(1)(a); *Royal Commissions Act 1917* (SA) s 10(b); *Commissions of Inquiry Act 1995* (Tas) s 22(1)(a); *Inquiries Act 2014* (Vic) ss 17(1)(c), 17(1)(d); *Royal Commissions Act 1968* (WA) s 9.
- 48 *Royal Commissions Act 1902* (Cth) s 2(3); *Royal Commissions Act 1923* (NSW) s 9; *Commissions of Inquiry Act 1950* (Qld) s 6(1); *Royal Commissions Act 1917* (SA) s 10(e); *Commissions of Inquiry Act 1995* (Tas) s 25; *Inquiries Act 2014* (Vic) s 21; *Royal Commissions Act 1968* (WA) s 11.
- 49 *Royal Commissions Act 1902* (Cth) ss 2(3A), (3C); *Royal Commissions Act 1923* (NSW) s 8; *Commissions of Inquiry Act 1950* (Qld) ss 5(1)(b), 5(1)(d); *Royal Commissions Act 1917* (SA) s 10(c); *Commissions of Inquiry Act 1995* (Tas) ss 22(1)(b), 23; *Inquiries Act 2014* (Vic) ss 17(1)(a), 17(1)(b), 17(1)(d); *Royal Commissions Act 1968* (WA) ss 8A(2), 8B, 9.
- 50 *Royal Commissions Act 1902* (Cth) s 3; *Royal Commissions Act 1923* (NSW) s 11; *Commissions of Inquiry Act 1950* (Qld) s 5(2); *Royal Commissions Act 1917* (SA) s 11(1)(f); *Commissions of Inquiry Act 1995* (Tas) ss 27(1), 28(c); *Inquiries Act 2014* (Vic) s 46; *Royal Commissions Act 1968* (WA) ss 12A, 13.
- 51 Transcript, Ronald Sackville (Chair), Public hearing 1, 16 September 2019, P-7 [10–15].
- 52 *Royal Commissions Act 1902* (Cth) s 2(3).
- 53 *Royal Commissions Act 1902* (Cth) s 2(1B).
- 54 *Royal Commissions Act 1902* (Cth) s 2(1A).
- 55 *Royal Commissions Act 1902* (Cth) s 6FA.
- 56 See for example: Transcript, Kerri Mellifont (Senior Counsel Assisting), Public hearing 2, 7 November 2019, P-332 [27–35]; Transcript, Kate Eastman (Senior Counsel Assisting), Public hearing 3, 2 December 2019, P-15 [21–37]; Transcript, Kate Eastman SC (Senior Counsel Assisting), Public hearing 4, 18 February 2020, P-17 [15–22]; Transcript, Elizabeth Bennett (Senior Counsel Assisting), Public hearing 28, 14 October 2022, P-317 [14–24]. On the final day of Public hearing 28, Counsel Assisting noted that a witness who had given evidence earlier in the hearing appeared to have been the subject of abuse because of their appearance and drew attention to section 6M of the *Royal Commissions Act 1902* (Cth).
- 57 *Letters Patent* (Cth), 4 April 2019, as amended, (k).
- 58 The *Royal Commissions Amendment (Private Sessions) Act 2019* (Cth) amended the *Royal Commissions Act 1902* (Cth), in particular, Part 4 relating to holding private sessions. Regulation 7 of the *Royal Commissions Regulations 2019* (Cth) authorises this Royal Commission to hold private sessions.
- 59 *Royal Commissions Act 1902* (Cth) Part 4.
- 60 The *Royal Commissions Amendment (Protection of Information) Act 2021* (Cth) amended the *Royal Commissions Act 1902* (Cth) to include a new section 6OP. The new provision ensures the confidentiality of certain information provided to this Royal Commission, beyond the life of its inquiry.
- 61 *Royal Commissions Amendment (Witness Allowances) Regulations 2021* (Cth) was registered on 11 November 2021. They amended the *Royal Commission Regulations 2019* (Cth).
- 62 *Royal Commissions Regulations 2019* (Cth) r 6(1)(a)(i).





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## 2. The conduct of our inquiry

### Key points

- To build a comprehensive understanding of the violence, abuse, neglect and exploitation experienced by people with disability, the Royal Commission gathered information through public hearings, community engagement, submissions, private sessions, policy work, research, and data analysis.
- Public hearings were vital to our work. They enabled the Royal Commission to inquire into and hear evidence about matters within our terms of reference and to explore issues in detail.
- Public hearings gave people with disability the opportunity to give evidence in a public forum about their experiences of violence, abuse, neglect and exploitation.
- The Royal Commission held 34 public hearings in locations in each state and territory, including the ceremonial opening and closing hearings.
- We conducted more than 700 activities to engage with people with disability, their families, supporters and others. We put in place specific strategies to address barriers to the participation of certain groups who would otherwise not have an opportunity to contribute their views and experiences.
- We received 7,944 submissions from individuals, groups and organisations. Making submissions was one of the key ways individuals, groups and organisations shared experiences, insights and proposed recommendations.
- We held 1,552 private sessions as at 31 December 2022. A private session is a confidential meeting between an individual and a Commissioner, held at the individual's request.
- We adopted a trauma-informed approach to our work to support people who engaged with us. We assisted people at all stages of our inquiry process, from first contact through to support after their engagement with us.
- We referred people who engaged with us, or who were impacted by our inquiry, to free, external service providers for independent advocacy, counselling and legal support funded by the Australian Government.
- We ran a national advertising campaign in print, online, on radio, and via social channels and on-demand TV to raise awareness of our work, and to promote the closing dates for registering for private sessions and making submissions.

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- We undertook a comprehensive policy, research and data program to inform our inquiry and to provide an evidence base to support our work. We released 28 research reports; published 14 issues papers to seek information and advice; and conducted three policy roundtables and nine workshops.
  - Two advisory groups helped guide the work of the Royal Commission: the Disability Strategic Engagement Group and the First Nations Peoples Strategic Advisory Group.

## 2.1. Introduction

To inform our inquiry, Commissioners gathered evidence and information about violence against, and abuse, neglect and exploitation of, people with disability through a variety of means. This chapter sets out how the Royal Commission built a comprehensive understanding of the issues and problems experienced by people with disability through:

- public hearings
- community engagement
- submissions
- private sessions
- research, data analysis and policy work.

The chapter explains how we supported people who engaged with us, including the trauma-informed approach we brought to our work.

It also outlines the membership and work of our two advisory groups that helped guide our work:

- the Disability Strategic Engagement Group (DSEG)
- the First Nations Peoples Strategic Advisory Group (FNPSAG).

Finally, we note the delivery of the *Interim report* on 30 October 2020, as required by our terms of reference.

## 2.2. Supporting people who engaged with us

### Our trauma-informed approach

From the beginning of the Royal Commission, we committed to adopting a trauma-informed approach to our work. We aimed to safeguard and promote the physical, social, emotional and cultural safety of everyone who engaged with us. In particular, we endeavoured to ensure that people with disability, their families and supporters felt comfortable in sharing their experiences with us.



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We did this by seeking to ensure that everyone within the organisation, including Commissioners and Counsel Assisting:

- understood the impacts of violence against, and abuse, neglect and exploitation of, people with disability
- integrated that understanding into all aspects of their work, including in public hearings and all forms of engagement
- developed and implemented processes and practices that minimised the risks of re-traumatisation.

Trauma-informed approaches acknowledge the impacts of traumatic events on a person's life. People who have experienced violence or abuse may have physical or emotional responses, known as trauma, triggered by reminders of the violence and its aftermath. This can result in similar feelings to those caused by the events themselves.<sup>1</sup>

Trauma-informed approaches are grounded in an understanding of the dynamics of traumatic stress, the life and needs of the victim/survivor, and the function of coping strategies. They emphasise safety from harm and re-traumatisation.<sup>2</sup>

## Our Intake, Counselling and Support team

To help us apply a trauma-informed approach to our work, we engaged qualified social workers and counsellors for our Intake, Counselling and Support team. Team members had extensive experience in working with people with disability and with people who have experienced complex trauma. Their role included:

- assisting people contacting our enquiries phone line who needed additional support to share their experiences or who may have been distressed
- helping people to make submissions, including by taking submissions over the phone or via videoconference
- discussing support, safety concerns and options for engaging with us
- assisting people at all points of our inquiry, including before, during and following community engagements, public hearings and private sessions.

The team was gender and age diverse, and included people with disability, First Nations people, and people from culturally and linguistically diverse backgrounds. This enabled us, where possible, to link people engaging with the Royal Commission with a staff member of their preference – for example, a First Nations counsellor, or a counsellor of a particular gender.

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## How we supported people

A priority for the Royal Commission was that anyone, especially people with disability, could readily access information about our work and could easily engage with us.

We aimed to have the same counsellor support a person throughout their contact with us, to minimise the need for people having to repeat their experiences or their accessibility requirements.

We trained all our frontline staff in how to adopt a trauma-informed approach in communicating with Deaf, hard of hearing and non-verbal people who contacted us. We facilitated access to the [Translation and Interpreting Service](#)<sup>3</sup> to help people communicate in their preferred language. The [National Relay Service](#)<sup>4</sup> was available for people who are Deaf, hard of hearing and/or have a speech impairment. We also set up an accessible public mobile number as another way that people could contact us.

## First points of contact

Our first points of contact were our email inbox, our enquiries phone line and our four social media accounts.

The Royal Commission received 16,940 enquiries via phone and email by 31 December 2022.

We aimed to ensure that everyone received a first response within 48 hours. Our intake officers answered queries and explained how people could share their experiences with the Royal Commission.

In some instances, counsellors referred people requiring ongoing support to government-funded external service providers, supports or assistance, such as Blue Knot Foundation.

## Support at community forums

Counsellors were present at all Royal Commission community forums to offer support to anyone who attended, including people sharing their experiences and community members who may have been affected by the information shared.

During a forum, counsellors:

- provided information about the work of the Royal Commission
- provided referrals for external services to anyone needing them
- offered a quiet space away from the forum
- offered support to people who were distressed.

Anyone who engaged with a counsellor at a community forum and wanted follow-up support was contacted afterwards and, if required, offered referrals to external services.

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Occasionally, people attending a community forum made disclosures about abuse, violence, neglect or exploitation they were experiencing. The Royal Commission had procedures in place to manage such disclosures.

Safety planning involved offering support or referrals to someone making disclosures to us who was concerned for their own safety. This could include a referral to a domestic and family violence service, to advocacy or legal support, or for an emergency mental health response or assessment.

Counsellors helped people connect with emergency services, and facilitated referrals to local services for ongoing support.

## Support for private sessions

At private sessions, the Royal Commission could put personal adjustments in place and ensure our approach was supportive from beginning to end. This recognised that participants may have been traumatised by their experience of violence, abuse, neglect and/or exploitation.

Before a private session, a counsellor contacted the person who registered to attend a session. The same counsellor could provide support leading up to, during and following the private session.

We worked to ensure we could accommodate individual preferences as far as possible, including by:

- checking in with the participant before their private session to understand their needs on the day
- giving participants the opportunity to nominate a support person to accompany them
- scheduling the private session in the most convenient location at the most convenient time for participants
- arranging assistance animals for support.

We also gave people the opportunity to indicate a preference for which Commissioner would conduct the private session. People could also indicate a preference regarding, for example, the disability, gender, or ethnic status of any Commissioner or Commission staff member who would sit in on the private session.

Counsellors also offered debriefings immediately following each private session. They followed up with participants for further debriefing and to give them an opportunity to provide feedback about their experience of the private session. Counsellors connected people with ongoing support if this was needed.

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## Support for public hearings

We undertook a number of measures to support people through the public hearing process, which we outline in this chapter in section 2.4, 'Public hearings'.

## Support available from independent, external services

In addition to support the Royal Commission provided to people who engaged with us, people could access free support from other services.

The Australian Government funded free and independent advocacy, counselling and legal support services for people engaging with or affected by the work of the Royal Commission. These services were funded and managed separately to and independent of the Royal Commission. Details of funding are in 'Our finances' in Chapter 3.

## State and territory support service providers

The Australian Government Department of Social Services funded services in all states and territories<sup>5</sup> to provide free counselling support<sup>6</sup> to people engaging with us or who were impacted by the Royal Commission. Support included face-to-face, online and telephone counselling; access to an interpreting and translation service; and supported referrals to appropriate specialised services.

## Advocacy support services

The Australian Government Department of Social Services extended the National Disability Advocacy Program (NDAP)<sup>7</sup> to include individual advocacy for people engaging with the Royal Commission. Advocacy support was available to people with disability (or family members or support people acting on their behalf) who had difficulty communicating or understanding how to engage with us. Externally funded advocacy services were available to help people to make a submission, prepare for a private session or appear at a public hearing.

## Legal advice

The Australian Government, through the Attorney-General's Department, funded National Legal Aid and the National Aboriginal and Torres Strait Islander Legal Service to establish Your Story Disability Legal Support (Your Story). Your Story provided free legal advice to anyone engaging with the Royal Commission.

## Legal financial assistance

The Australian Government, through the Attorney-General's Department, provided funding to help people called to engage with the Royal Commission with the costs of legal representation. The legal financial assistance scheme was administered independently of the Royal Commission.

More information about external support services is provided in Appendix C.

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## Ongoing impact of the COVID-19 pandemic

All Australians have been affected physically, socially, economically or psychologically by the COVID-19 pandemic. However, the pandemic particularly affected people with disability, especially those living in closed environments, those who rely on service providers or support workers for their essentials of life, and those who live with compromised immune systems.

The pandemic also presented unique challenges for the Royal Commission. Our schedule of activities was interrupted in ways that could not have been foreseen when the Royal Commission was established in April 2019. On 16 March 2020, the Royal Commission suspended all public, face-to-face activities. This was necessary because of the risks to the health of Commissioners and Royal Commission staff, and especially for people with disability.

The Royal Commission continued its work during this time, relying on technology to allow Commissioners and staff to work with each other and with our stakeholders.

Although we resumed most public activities in August 2020, we used technology to enable people to participate in Royal Commission activities and engagements virtually while COVID-19 restrictions were in place. We conducted public hearings by videoconference with Commissioners, witnesses, Counsel Assisting, staff and parties with leave to appear often participating from multiple locations.

Even as restrictions eased, we decided to restrict private sessions to videoconference or teleconference due to the ongoing impacts and risks of COVID-19. We continued to hold a small number of face-to-face private sessions for people who had significant accessibility needs.

While we conducted many community engagements in person during our inquiry, many were undertaken online and via teleconference and videoconference.

## Accessible communication with the Royal Commission

We used various methods and formats to ensure we provided information that was accessible and easy to understand and helped people to engage with us.<sup>8</sup>

These measures included:

- ensuring our video, audio and other multimedia included an accessible transcript and captions
- providing Auslan/English interpreters to assist people who are deaf or hard of hearing, or funding the use of a preferred interpreter
- making our documents, reports and other information available in alternative formats, including Portable Document Format (PDF), Word documents (DOCX), Easy Read, Auslan-English videos and Easy English
- remediating the accessibility of publications in Word and PDF formats

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- maintaining high accessibility standards for ICT solutions, including for videoconferencing solutions, soft-phones and the e-Court system
  - providing braille facilities, including a braille printer at our offices and, when requested, braille options for information resources
  - providing a 'print on demand' service for our communication and report materials via the online resources portal on our website
  - engaging specialists with skills in alternative and augmented communication (for example, to provide Easy Read documents).<sup>9</sup>

## Accessibility of our public engagements

We maintained infrastructure to run a hearing loop for our public hearings and other public engagements and to sustain the internet connections required for broadcasting and hosting hybrid (in person and virtual) hearings.

The Royal Commission's public hearings were recorded and livestreamed on the homepage of our [website](#). All hearings had live captioning.

All forums, including public hearings, were accessible to the Deaf community through Auslan-led presentations and/or interpreters for members of the public, participants, staff and Commissioners. We also had interpreters on the live stream for those following the hearing remotely.

Many community forums were led by Deaf staff and Commissioners in Auslan. We provided video summaries of our reports, issues papers and other publications in Auslan. We also made Auslan available for our inquiry line, and at information sessions, private sessions and roundtables.

We helped witnesses give evidence in the way that most suited them. Some witnesses provided evidence via pre-recorded video; some in languages other than English, including in Auslan, working with interpreters. Other witnesses gave evidence in the form of artworks and poems. Witnesses could decide to have their own lawyer to advise them.

We also supplied transport, accommodation and communication support for witnesses with lived experience of disability if required.

## Royal Commission website

Our website, [www.disability.royalcommission.gov.au](http://www.disability.royalcommission.gov.au), helped us engage with the community and keep everyone informed about our work, including our public hearings, public activities and research publications.

Our website incorporated universal design features and adhered to the Web Content Accessibility Guidelines 2.1. This meant content could be accessed using assistive technologies such as screen readers, voice recognition technology or interfaces that suited individual needs.

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## 2.3. Advisory groups and Senior Advisors

Two advisory groups helped guide the work of the Royal Commission: the Disability Strategic Engagement Group (DSEG) and the First Nations Peoples Strategic Advisory Group (FNPSAG). We also received advice from a number of eminent persons appointed as Senior Advisors.

### Disability Strategic Engagement Group

We established the DSEG to advise us on ways to enhance our engagement with the disability community. The DSEG helped us connect with people with disability, and advocacy and representative organisations, and to facilitate and strengthen their engagement with us. Underpinning this was the importance of trust in engaging successfully with people disability.

The DSEG raised the need for our inquiry to reach cohorts of people with disability who experienced barriers to engaging with us because of different types of gatekeeping. These groups included people with disability living in closed institutions such as prisons, youth detention facilities, and forensic mental health and forensic disability facilities. It advised us about engaging with people with psychosocial disability in supported residential facilities, boarding homes, and other accommodation where services were more likely to be from a private provider. It also advised about family settings where someone may be acting as a gatekeeper for a person with disability in their family, including children and young people, women and girls, and people experiencing ‘captive care’.

The group provided strategic advice on issues such as the impact of and responses to the Omicron wave of the COVID-19 pandemic for people with disability. It drew attention to the pandemic’s impact on people with disability living in closed institutions such as prisons and forensic mental health units. It shared its insights on the human rights of people with disability and making the *Convention on the Rights of Persons with Disabilities (CRPD)* a reality in Australian law, policies and practices.

The DSEG met seven times: on 27 August 2020, 18 November 2020, 29 March 2021, 28 September 2021, 14 April 2022, 25 August 2022 and 10 November 2022.

The group was co-chaired by Commissioners Galbally and McEwin. It comprised community experts and senior Royal Commission staff. Counsel Assisting Kate Eastman AM SC and Dr Kerri Mellifont QC (as she then was) were adjunct members.

Its External Community Expert Members are listed below.

#### Ms Judy Huett

Ms Judy Huett lives with intellectual disability and works with the Speak Out Association of Tasmania, her home state. She is a leader in self-advocacy and has represented Australia on boards and committees, including as part of an expert group presenting to the UN Committee on the Convention on the Rights of Persons with Disabilities.

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Her past and present roles include membership of the Intellectual Disability Reference Group (from its inception); membership of the National Disability Insurance Agency's Independent Advisory Council; past Chair of the Inclusion Australia Our Voice Committee; and two terms with the Tasmanian Premier's Disability Advisory Council.

In 2012, Ms Huett received the Individual Award for Human Rights for her longstanding commitment to promoting the human rights of people with intellectual disability and her contribution at the local, national and international levels to developing self-advocacy. This followed her 2010 Tasmanian Disability Achievement Award.

## Ms Rosemary Kayess

Ms Kayess is a woman with a physical disability and is currently one of three Vice-Chairpersons of the United Nations Committee on the Rights of Persons with Disabilities. She is an accomplished human rights lawyer and academic, advising on issues affecting people with disability and on the translation of the equality provisions in international instruments into domestic law and policy. She contributed to drafting the *CRPD* and successfully lobbied for its ratification in Australia.

Among many high-profile roles, Ms Kayess has served as Chair of the Australian Centre for Disability Law, the World Bank Expert Focus Group on Non-Discrimination and Disability, and the Disability Council of New South Wales. She has taught international human rights law and anti-discrimination law for more than 15 years at the University of New South Wales (UNSW) and has served as Director of Engagement at the Disability Innovation Institute UNSW and a Visiting Professor at the Centre for Disability Law and Policy at the National University of Ireland (Galway).

Ms Kayess received the Australian Human Rights Medal in 2019 in recognition of her contribution to human rights in Australia and overseas.

## Ms Janet Meagher AM

Ms Meagher has lived experience of mental health issues, which has provided valuable background for her work in advocacy for people with psychosocial disability. She has spent decades educating about, and advocating for, reform of policies that affect the lives of vulnerable people. Ms Meagher has served as National Mental Health Commissioner and on many committees, including the New South Wales Consumer Advisory Group and World Federation for Mental Health. She was the inaugural co-chair of the National Mental Health Consumer Carer Forum.

Ms Meagher was awarded a Churchill Fellowship in 1994. She was honoured as a Member of the Order of Australia (AM) 'for service as an advocate for people with mental illness and psychiatric disability' in 1996, and awarded the Australian Mental Health Prize in 2017.



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## First Nations Peoples Strategic Advisory Group

The FNPSAG supported the Royal Commission by providing leadership and guidance on matters specific to First Nations people with disability. This included advice on how the *CRPD* and United Nations *Declaration on the Rights of Indigenous People (UNDRIP)*<sup>10</sup> should be implemented for the benefit of First Nations people with disability.

The Royal Commission included First Nations content and witnesses wherever it was possible in all public hearings, not just those focused on First Nations issues. The FNPSAG advised the Royal Commission on First Nations approaches to and priority areas for public hearings, including:

- Public hearing 8, ‘The experiences of First Nations people with disability and their families in contact with child protection systems’
- Public hearing 11, ‘The experiences of people with cognitive disability in the criminal justice system’
- Public hearing 16, ‘First Nations children with disability in out-of-home care’
- Public hearing 25, ‘The operation of the NDIS for First Nations people with disability in remote and very remote communities’
- Public Hearing 27, ‘Conditions in detention in the criminal justice system’.

The FNPSAG identified geographical, thematic and stakeholder priority areas for First Nations community engagement. Through this process it identified the difficulty of accessing the stories of First Nations people with disability who lived in closed settings. It looked at ways of reaching First Nations people with disability in places such as prisons, youth detention facilities, forensic mental health and forensic disability facilities. It also looked at how to reach First Nations children in out-of-home care.

The FNPSAG provided advice about the *Overview of responses to the experiences of First Nations people with disability issues paper*.<sup>11</sup> It recommended translating selected First Nations research material into First Nations languages. The translation of a research report commissioned by the Royal Commission, *Something stronger: Truth-telling on hurt and loss, strength and healing, from First Nations people with disability*, by Dr Scott Avery, into First Nations languages enabled First Nations people with disability and their carers access to the Royal Commission’s work.<sup>12</sup>

The FNPSAG met 10 times during our inquiry: on 2 March 2020, 19 June 2020, 21 July 2020, 21 October 2020, 4 December 2020, 26 March 2021, 16 July 2021, 1 October 2021, 14 February 2022 and 20 June 2022. Updates from meetings were published in the Royal Commission’s *Connect* newsletter.

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The FNPSAG was co-chaired by Commissioners Mason and Galbally. Commissioner McEwin and Official Secretary Paul Cronan were also members. It was supported by Counsel Assisting Lincoln Crowley QC (as he then was) and Avelina Tarrago, and Royal Commission staff, including First Nations staff who were led by Kirsten Gray, Director, First Nations Policy and Engagement.

The FNPSAG comprised seven community members who are First Nations people with specialist experience in the disability sector, three of whom have lived experience of disability. In appointing external First Nations members, we honoured the disability sector's call of 'nothing about us without us' to enable the Royal Commission to connect with and directly listen to First Nations people with lived experience of disability.

### Ms Joanna Agius OAM

Ms Agius is a proud Narungga woman from South Australia who is profoundly Deaf. She also has connections to Kaurna, Ngarrindjeri and Wirangu nations in South Australia. She is a strong advocate for Deaf or hard of hearing Indigenous people. Ms Agius has taught Auslan since 2005 and is a lecturer at TAFE SA, delivering Auslan courses. She was awarded the Medal of the Order of Australia (OAM) in 2020 for service to people who are Deaf or hard of hearing, and to Indigenous communities.

### Ms Jody Barney

Ms Barney is a proud Deaf Birri Gubba / Urangan Aboriginal and South Sea Islander woman from Queensland who has lived many years in regional Victoria. She is the founder of the Deaf Indigenous Community Consultancy Pty Ltd, having worked in this field for more than 35 years. Ms Barney has worked as an expert communications consultant for Deaf Mob with Disabilities at the local, state and national levels, and can understand and communicate in over 20 First Nations sign languages. Ms Barney mentors, cultivates and supports a network of First Nations women with disability and their allies. She supports them to hone their skills and create belonging in their communities.

Ms Barney stepped down from the FNPSAG in early 2022. However, she continued to support the work of the Royal Commission, including as a witness at Public hearing 26 and Public hearing 27.

### Mr Jake Briggs

Mr Briggs is a proud Wonnarua/Kamilaroi man from New South Wales, who is a C5/C6 Quadriplegic and a strong advocate for people with disability. Mr Briggs is managing director of Culture Connex, an NDIS service provider operating throughout Australia. Previously, he worked as a project and business development manager within the disability sector for the First Peoples Disability Network and has held various senior management roles. He currently holds advisory roles on disability topics for government and private sectors. Mr Briggs has produced a podcast 'Keep Rolling', giving people a platform to tell their story.

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## Mr Damian Griffis

Mr Griffis is a descendant of the Worimi people from New South Wales. He is a leading advocate for the human rights of Aboriginal and Torres Strait Islander people with disability. Mr Griffis is CEO of, and was a key figure in establishing, the First Peoples Disability Network Australia representing First Nations people with disability and their families at regional, national and international forums. He also helped to establish the Aboriginal Disability Network NSW. Mr Griffis won the Tony Fitzgerald (Community Individual) Memorial Award at the Australian Human Rights Awards in 2004.

## Dr Jackie Huggins AM FAHA

Dr Huggins is a Bidjara / Birri Guba Juru woman from Queensland. She is also an author and historian who has held many important positions including co-chair, Reconciliation Australia, Council for Aboriginal Reconciliation and co-chair of the National Congress of Australia's First Peoples (where she represented First Nations people at the United Nations). She was Commissioner for Queensland of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families (The Stolen Generation). Dr Huggins is an Adjunct Professor at the Australian Centre for Indigenous History at the Australian National University in Canberra, and honorary Vice-Chancellor Fellow in Indigenous Leadership at Swinburne University. She serves as co-chair of the National Apology Foundation, the First Nations Advisory Committee Australian War Memorial, and the First Nations Messaging Project 'Passing the Message Stick' with Australian Progress.

Dr Huggins participated in the 2017 Uluru Statement from the Heart constitutional convention and was appointed co-chair of the Treaty Advancement Committee, which will lead Queenslanders on a Treaty process.

## Dr Hannah McGlade

Dr McGlade is a Noongar woman from Western Australia. Her career has focused on justice issues for Aboriginal people, race discrimination law and practice, Aboriginal women and children, family violence and sexual assault. She has been a writer, researcher and conference speaker and has held a range of professional positions concerning issues affecting Aboriginal women and children. Dr McGlade is a member of the United Nations Permanent Forum for Indigenous Issues, the Western Australia Mental Health Tribunal and the Medical Board of Australia.

## Aunty Louisa Uta

Aunty Louisa is an Elder in her Torres Strait Islander community in Queensland and has been a full-time carer for her mother, who uses a wheelchair, and her son, who lives with cerebral palsy. Aunty Louisa is a member of the First Peoples Disability Network Australia and Elders Living with Disability Australia (ELDA), and a panel member of Every Australian Counts. She was a member of Carers Queensland's Reconciliation Action Plan Steering Committee in 2015.

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## Senior advisors

The Royal Commission appointed a number of eminent persons as Senior Advisors. They provided expert advice across the Royal Commission, including to the Chair, and contributed to key parts of our work.

### Mr Maurice Corcoran AM

Mr Corcoran has quadriplegia and has used a wheelchair since his involvement in a car accident as a teenager. He has worked for more than three decades as an advocate for people with disability and in 2006 was made a Member of the Order of Australia for services to people with disability and his campaigns for accessible public transport.

Mr Corcoran worked with the Australian Government to help establish the former National Disability Strategy. He managed the Disability Inclusion Unit for the South Australian Government, where he coordinated South Australia's 'whole of Government' disability strategy. This strategy was recognised nationally as a leading example of disability inclusion.

During his four years as a senior advisor to the Royal Commission Mr Corcoran provided advice to the Policy branch during the preparation of draft papers and reports. He also worked with the Engagement branch on specific engagement strategies and with the Office of Solicitor Assisting in preparing for public hearings. He was a member of the DSEG, of Royal Commission working groups and of our Disability Support Network.

### Associate Professor Lorna Hallahan

Associate Professor Hallahan is a social worker and long-term contributor to disability policy in Australia. She is a peer-acknowledged leader in the disability movement and has held numerous advisory positions with state and federal governments. She was involved in the development and evaluation of the trial of the National Disability Insurance Scheme (NDIS). In 2015, Associate Professor Hallahan was appointed the Independent Reviewer of the *SA Adoptions Act (1988)*.

Associate Professor Hallahan was instrumental in developing the Royal Commission's research agenda, *A Flourishing Future: The Disability Royal Commission Research Agenda 2020–2022*. The agenda takes a broad, systematic approach to exploring violence, abuse, neglect and exploitation experienced by a diverse range of people with disability across their lives. She also played a key role in drafting the research report, *Disability in Australia: Shadows, struggles and successes*.

Associate Professor Hallahan's secondment to the Royal Commission finished in January 2021 when she returned to her position at Flinders University.

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## Professor Ron McCallum AO

Professor McCallum is the first person who is blind to be appointed to a full professorship in any field at any university in Australia. He was the foundation Blake Dawson Waldron Professor in Industrial Law at the University of Sydney, where he later became Dean of Sydney Law School. Professor McCallum was made an Officer of the Order of Australia (AO) in 2006 for services to tertiary education, industrial relations and people who are visually impaired.

In 2009, Professor McCallum was General Rapporteur for the United Nations Committee on the Rights of Persons with Disabilities, which unanimously elected him as Chair for the following year.

During his two years as Senior Advisor to the Royal Commission, from 2019 to 2021, Professor McCallum completed the report, *The United Nations Convention on the Rights of Persons with disabilities: An assessment of Australia's level of compliance*. He also completed an assessment of the *Disability Discrimination Act 1992* (Cth) for the Royal Commission. Professor McCallum retired from the Royal Commission in August 2021.

## Dr Dinesh Palipana OAM

Staff received support and guidance from Dr Dinesh Palipana OAM, the Culturally and Linguistically Diverse Senior Advisor to the Royal Commission. Dr Palipana was the first quadriplegic medical graduate and medical intern in Queensland. As co-founder of Doctors with Disabilities Australia, he helped develop national policies for inclusivity in medical education and employment. He provided a focus on health and education issues for people with disability from culturally and linguistically diverse backgrounds. His appointment also meant we were able to reach more people with disability from culturally and linguistically diverse communities.

## 2.4. Public hearings

### Introduction

At the first sitting of the Royal Commission, the Chair, the Honourable Ronald Sackville AO KC, explained the vital role of public hearings in the work of the Royal Commission. Public hearings would:<sup>13</sup>

- allow people with disability who wish to tell their stories to do so with full support and assistance
- expose, as our terms of reference required, incidents of violence, abuse, neglect and exploitation
- identify systemic failures that allow violence, abuse, neglect and exploitation to occur in different contexts
- permit findings to be made about the conduct of individuals, institutions or organisations, where appropriate and subject to proper procedural safeguards

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- examine policy questions raised by case studies or by other evidence gathered by the Royal Commission
  - promote measures that governments, institutions and the community should introduce to protect people with disability and promote a more inclusive society.

This chapter looks at our person-centred approach, which ensured people with disability led the public hearings. It looks at the steps we took to support witnesses at every stage of the public hearing process. People with disability were never compelled to give evidence if they chose not to.

## Purpose of public hearings

We obtained evidence under the *Royal Commissions Act* through public hearings.<sup>14</sup> Public hearings provided the Commissioners and the broader public with an opportunity to listen to people with disability who have experienced violence, abuse, neglect and exploitation.

Conducting our hearings in public raised awareness of the violence, abuse, neglect and exploitation experienced by people with disability in many aspects of their lives. Live streaming public hearings on our website and having them open to the public, when COVID-19 restrictions permitted, allowed the general community to hear first-hand accounts from people with disability, their families and supporters.

The themes examined in our public hearings enabled us to build a deeper understanding of the experiences of people with disability, and the systems, laws and policies that prevent their inclusion. Further details are provided in ‘Overview of public hearings’ in Appendix B.

## Our approach to public hearings

Public hearings supported the overall work of the Royal Commission, particularly the preparation of Commissioners’ reports on the hearings, development of this *Final report* and our recommendations.

## Our schedule

Counsel Assisting and the Office of the Solicitor Assisting (OSA) the Royal Commission were responsible for delivering our public hearings. They developed a hearing schedule, approved by the Chair and Commissioners, that integrated the work of all branches of the Royal Commission. They based it on our terms of reference, submissions we received, what we were told at private sessions and at engagement activities, responses to issues papers, and commissioned research.

We examined many themes during our inquiry, with each hearing intended to build on earlier hearings. In developing the hearing schedule, Counsel Assisting and OSA started by considering the experiences raised by people with disability in submissions, issues raised by disability advocacy groups and experts, and past inquiries.

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The aim was to ensure we could address as many areas as possible arising from our terms of reference. Counsel Assisting and OSA drafted notices to be issued by the Chair to obtain documents, information and statements, including from experts, organisations and government agencies. Counsel Assisting ensured the schedule was flexible so the Royal Commission could respond to immediate concerns, particularly the impact of COVID-19 on people with disability in 2020 and 2021.

Counsel Assisting and OSA designed the hearing schedule to ensure some hearings could delve deeper into specific issues, such as those relating to education and health settings, and issues affecting First Nations people with disability.

Counsel Assisting and OSA considered a range of factors when setting and refining the hearing schedule, including:

- the importance of the life course approach taken by the Royal Commission, acknowledging how experience of neglect in one context, such as education, may affect other aspects of a person's life, such as employment
- whether a proposed hearing provided an opportunity to examine widespread or systemic issues based on witnesses' lived experiences
- the significance of specific issues to people with disability, arising from the Royal Commission's own and commissioned research work, and in information we received through private sessions, submissions, community engagement and responses to issues papers
- the need for further examination of issues or themes raised by disability advocates, such as those relating to people living in closed environments or segregated settings
- whether Commissioners had identified subject matter as a priority area
- past reports and inquiries, and instances where recommendations made by other inquiries were not implemented, such as *Willing to Work*<sup>15</sup> (concerning the economic participation of people with disability)
- ensuring the public hearings were procedurally fair, and that any person, organisation or government who may be subject to an adverse finding had the opportunity to be heard.

Some hearings focused on the life experiences of First Nations people, women and girls, and culturally and linguistically diverse people. Others examined systems such as health care, education, housing, open employment and criminal justice, and the barriers people with disability experienced when accessing services and supports in these settings. The hearings considered how the *CRPD* has been implemented in Australia.

## Selection of witnesses

In planning and preparing public hearings, OSA staff used information obtained from such sources as submissions, private sessions and engagement activities to contact a range of people with disability to be witnesses.



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At public hearings we heard evidence from:

- people with disability, their family members and supporters
- researchers or people with special knowledge or experience
- representatives from advocacy organisations
- representatives from disability service providers
- representatives from government departments and agencies.

Public hearings often took many months to prepare and involved the cooperation of all branches of the Royal Commission. They required extensive planning, including organising the attendance of witnesses from all over the country. We needed to ensure witnesses with disability had the physical and psychological supports necessary for giving their evidence.

To ensure the safety and readiness of people to participate, Counsel Assisting and OSA only discussed the possibility of being witnesses with those people with disability who had agreed to engage with the Royal Commission of their own free will and with appropriate support. Some witnesses did not want their identity revealed to the public. Often these witnesses were referred to by a pseudonym. Occasionally, a part of the hearing was closed to the public and their evidence was taken in private.

Counsel Assisting decided the schedule for each hearing, the order of witnesses, and identified documents and statements to be tendered into evidence and treated as exhibits. All exhibits, subject to confidentiality requirements, were published on the Royal Commission website.

## Public hearings held

The Royal Commission held 32 public hearings and two ceremonial sittings over the course of the inquiry. There were 154 public hearing days in total. During the public hearings we heard from 837 witnesses of which 209 were people with disability. We held hearings in every state and territory of Australia, including in each capital city, apart from Darwin. Some hearings were conducted as virtual hearings due to the impact of the COVID-19 pandemic.<sup>16</sup>

The Chair presided at 31 of the 32 public hearings.<sup>17</sup> Most public hearings were held before three Commissioners: the Chair and two other Commissioners. A Commissioner with disability participated in all hearings. Commissioner Mason participated in all hearings with a particular focus on First Nations issues.

Each public hearing has a dedicated page on the Royal Commission website providing an overview of the hearing and its scope and purpose. It has links to Commissioners' reports on public hearings, opening statements by the Chair and Counsel Assisting, hearing transcripts, witness lists, exhibit lists, Counsel Assisting submissions and submissions in response. For an overview of each public hearing see Appendix B.



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## Our person-centred approach

Our person-centred approach ensured people with disability led the public hearings. We prioritised accessibility, wellbeing, inclusion and a trauma-informed approach. (For more, see ‘Supporting people who engaged with us’, later in Chapter 2.)

We focused on supporting witnesses with disability before, during and after they appeared at a public hearing.

### Before a hearing

Before a public hearing, counsellors were available to help witnesses and potential witnesses feel physically and emotionally safe to share their experiences with us. Counsellors were guided by the needs and wishes of the individuals they were supporting. For some witnesses this involved informing them about the hearing process, supporting them while they prepared a witness statement or, if requested, referring them to external support services such as the Blue Knot Foundation (for more information see Appendix C).

The Royal Commission arranged specialist supports for witnesses who did not have, or preferred not to use, their own supports. For example, where necessary, we arranged transport, Auslan/English interpreters, spoken language interpreters and specialist disability supports for people with disability asked to appear before the Royal Commission.<sup>18</sup> First Nations counsellors were available to provide appropriate cultural and emotional support to First Nations witnesses.

Counsel Assisting, OSA and counselling staff often travelled to meet witnesses in their home towns or places of residence to build rapport and inform them about the hearing process. Witnesses were offered practice sessions to help them feel comfortable in the hearing room environment. These sessions included explaining the arrangements in the hearing room and the roles of various people including commissioners, counsel, interpreters, technical support, media and the legal representatives of other parties. The practice sessions provided an opportunity to explain what was likely to happen while a person was giving their evidence. While many witnesses worked with their own lawyers, others preferred to be assisted by members of the OSA team to prepare their written statements and to identify relevant documents to be provided to the Royal Commission before a hearing.

### At hearings

After consulting with people with disability and their supporters early in the life of the Royal Commission we sought to make in-person hearing venues around the country safe and comfortable environments for giving evidence.

We established practices to inform the accessibility of the venues. These practices included:

- ensuring physical access onsite and to the building
- consulting each lived-experience witness about their individual needs

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- having in-person Auslan/English interpreters
  - using live-caption displays around the hearing room and on portable devices for vision-impaired attendees
  - using hearing loops
  - using adjustable lighting
  - using privacy screens
  - ensuring close proximity to accessible bathrooms and accommodation
  - being flexible with the placement of equipment to assist the comfort of a witness.

Our Brisbane office had a purpose-built public hearing room designed and fitted out using universal design principles. The features of the hearing room included:

- the ability to move chairs in the public gallery to allow any person to sit in any place they chose
- an adjustable table for the ‘witness box’, which could be lowered and raised to accommodate wheelchairs and other mobility aids, and had space for witnesses to have a person sit beside them
- fully adjustable bar tables to provide Counsel Assisting with greater accessibility
- a dedicated and carefully configured space for Auslan/English interpreters to work during hearings
- wheelchair access via the Commissioners’ entry door.

All in-person hearing venues included quiet breakout spaces for lived-experience witnesses and others to take a break if needed. These spaces had virtual access to the hearing room. Witnesses could watch proceedings to prepare for their appearance.

We had protocols for assistance animals to ensure they had access to water and appropriate rest areas, and that their hygiene needs were met.<sup>19</sup> At some of our hearings, we arranged for therapy dogs to provide support to people giving evidence. Image 2.1 shows witness Chloe with facility dog Ziggy at Public hearing 17 Part 2 in Hobart.



**Image 2.1. Chloe, a witness at Public hearing 17, with Ziggy the facility dog**

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The media expressed an interest in many of our public hearings. We worked with witnesses to determine what level of media contact they were comfortable with, and what conditions needed to be in place to ensure safe interactions.

At our public hearings we endeavoured to support witnesses with disability to share their experiences in their own way. Many witnesses had their own lawyers, or lawyers from Your Story Disability Legal Support (Your Story). They worked with the OSA team and Royal Commission counsellors to record or prepare their written statements, and provide documents before hearings.

At public hearings, Counsel Assisting asked the witnesses with disability questions about their experiences, in a conversational style. Counsel Assisting also considered different ways witnesses with disability could give their evidence. For example, evidence was given:

- by video or audio link
- using communication devices and assistive technology
- through videos (including pre-recorded and de-identified video recorded at a place in which the witness felt safe, so they did not feel the pressure of speaking in public)
- using photographs, images and artwork made by witnesses
- through art and music, including visual and audio works as examples of how a person with disability wished to express their thoughts or share their experiences
- with Easy Read formatting of witness statements
- through Auslan/English interpreters
- through Australian Indigenous language interpreters for First Nations people
- by Counsel Assisting reading parts or all of the witness' written statement
- reconfiguring the arrangements in the hearing room to assist the witnesses to have a clearer view of the Commissioners.

The work of interpreters was extremely important during our inquiry. They translated statements provided in foreign languages into English.

We employed strategies to minimise the risk that people may be re-traumatised by speaking about personal experiences of violence, abuse, neglect or exploitation in their lives. In some cases, to accommodate the wishes and suggestions of witnesses with disability:

- Counsel Assisting and the OSA team met with witnesses to acquaint them with the hearing room, explain what would happen at a public hearing and do a practice run in advance of appearing at a hearing
- we had advocates known to individual witnesses provide support to those witnesses when presenting their evidence

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- we made privacy screens available so that a witness could only be visible to the Commissioners and Counsel Assisting. In those instances, entry and exit arrangements were implemented to ensure that the witness felt comfortable with their engagement.

## Supporting witnesses after public hearings

Our Counselling and Support team provided follow-up support after hearings.

The support included an opportunity for witnesses with disability to debrief and receive support to minimise any impacts they may have experienced as a result of participating in a hearing. Counsellors ensured witnesses had supports in place or knew where to find help.

The Royal Commission was pleased to receive feedback that, because of the support offered, people felt empowered to share their experiences.

## After hearings

Following a public hearing, Counsel Assisting made written submissions to summarise and analyse the evidence, and propose findings and recommendations for the Commissioners to consider. People, parties and entities whose interests were or may be affected by the issues addressed in the submissions were given an opportunity to respond. This ensured that any person, organisation or government with leave to appear at the hearing had the opportunity to respond and comment on how the evidence should be assessed and whether the Commissioners should accept the proposed findings and recommendations. This was an important way of ensuring the hearings were procedurally fair and that parties with leave to appear at a hearing had the opportunity to respond in writing.

For some hearings, an additional hearing day was convened by Commissioners to hear oral submissions from Counsel Assisting and affected parties about the key themes arising at the hearing, the proposed findings and recommendations. Commissioners considered all the post-hearing submissions and responses when preparing their reports of hearings and developing recommendations for this *Final report*. All submissions were published on the Royal Commission website.

## Public hearing reports

The Royal Commission published reports on 15 of the public hearings. Each Commissioners' report took account of Counsel Assisting's submissions following the hearing and any submissions in response from parties granted leave to appear at the relevant hearing.

A number of Commissioners' reports contained factual findings and recommendations. Two reports addressing the impact of COVID-19 on people with disability and the responses of the Australian Government to the pandemic were presented to the Governor-General and tabled in the Australian Parliament.<sup>20</sup>



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Instances of our public hearing reports having impact on government policy and action include *Report of Public hearing 5: Experiences of people with disability during the ongoing COVID-19 pandemic*.<sup>21</sup> The Australian Government supported or supported in principle twenty-one of the recommendations and noted one.<sup>22</sup> The supported recommendations included a recommendation that the Advisory Committee on Coronavirus for People with Disability be retained throughout the pandemic and into the recovery period.<sup>23</sup>

The *Report of Public hearing 12: The experiences of people with disability, in the context of the Australian Government's approach to the COVID-19 vaccine rollout*, was published as a draft report on 27 September 2021.<sup>24</sup> It included a draft finding that the COVID-19 vaccine rollout was 'seriously deficient' for people with disability.<sup>25</sup> It proposed a recommendation that the Australian Government use its best efforts to ensure people with disability have the opportunity to be fully vaccinated, and all active disability support workers were fully vaccinated, before restrictions eased.<sup>26</sup> This recommendation was made at a time when many people with disability had not yet had the chance to be vaccinated but some states and territories were planning to ease restrictions. The recommendation was one of seven recommendations included in the Commissioners' report presented to the Governor-General. The Australian Government accepted six of the seven recommendations and noted one recommendation.<sup>27</sup>

In the 2021–22 Budget, the former Australian Government allocated \$12.7 million to improve the health care of people with intellectual disability. It was directed at implementing priority actions under the National Roadmap for Improving the Health of People with Intellectual Disability (the Roadmap), a government initiative setting out a comprehensive range of actions to improve their health outcomes.<sup>28</sup> The actions follow decades of advocacy by stakeholders and appear to mirror proposals in *Report of Public hearing 4: Health care and services for people with cognitive disability*.<sup>29</sup> The Roadmap focuses on improving primary health care. Amendments to the Roadmap will take into consideration the findings and recommendations of our *Final report*. The Roadmap plan notes that the Australian Government was very conscious of the issues about the health system that have been raised in the Royal Commission.<sup>30</sup>

The October 2022–23 Budget allocated \$15.9 million to establish a National Centre of Excellence in Intellectual Disability Health.<sup>31</sup> The centre was proposed in *Report of Public hearing 10: Education and training of health professionals in relation to people with cognitive disability*.<sup>32</sup> The Australian Government Department of Health said there was a total commitment of \$23.9 million over four years from 2022–23, and funding will continue beyond those four years.

In March 2022, the Australian Commission on Safety and Quality in Health Care, the Aged Care Quality and Safety Commission and the NDIS Commission issued a *Joint statement on the inappropriate use of psychotropic medicines to manage the behaviours of people with disability and older people*.<sup>33</sup> The statement responded to the key issue of overuse and misuse of psychotropic medication identified in *Report of Public hearing 6: Psychotropic medication, behaviour support and behaviours of concern*.<sup>34</sup>

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## 2.5. Community engagement

### Introduction

Successful community engagement relies on developing positive relationships and goodwill with a range of stakeholders. We sought early and frequent engagement with a diverse range of stakeholders in the disability sector, including advocacy groups and other organisations that support people with disability. This allowed us to:

- raise awareness and understanding about our purpose, terms of reference and functions
- inform disability representative organisations about how they and the people they represent could share their experiences and participate in the work of the Royal Commission
- update the disability sector on our progress including key pieces of work completed and information on planned events
- provide information about our policy and research work and explain our legal processes
- facilitate private sessions and submissions for people residing in group homes, prisons and other segregated or closed environments
- use the concerns, questions and suggestions from stakeholders to improve our approach across the Royal Commission, including how we centred people with disability in our work
- identify potential witnesses for public hearings
- build relationships with key organisations and individuals to create opportunities for future consultation and collaboration.

We were aware certain groups in the community would not have an opportunity to contribute their views and experiences without specific strategies to address barriers to their participation. This may be due to their cultural background, where they live, or their particular disability. The Royal Commission designed strategies to help these groups engage with us. These included partnering with disability advocacy organisations and co-designing engagements with people with disability, and advocacy and support organisations where possible.

Our community engagement activities included a range of large forums attended by Commissioners and Royal Commission staff, and smaller, targeted engagements facilitated by our Community Engagement team. We conducted more than 700 community engagements. Appendix D contains examples of engagements we held nationwide and with different groups.

### Engagement with key groups

Our terms of reference directed us to consider the multilayered and intersectional experiences of people with disability.<sup>35</sup> Those people included First Nations and culturally and linguistically diverse people with disability. We also looked at the experiences of other groups, such as women and girls, and lesbian, gay, bisexual, trans and gender diverse, intersex, queer and

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asexual (LGBTIQA+) people with disability. This enabled us to build an understanding of the issues and problems these groups and their families and supporters experienced.

## First Nations people with disability

Our engagement with First Nations people with disability was guided by the Royal Commission's First Nations Engagement Principles. These principles were available on the Royal Commission website. The Principles recognised that First Nations peoples are the experts in their own experiences and have particular ways of working based on cultural protocols and governance systems.

Our approach placed First Nations people with disability at the centre of our work and was committed to ensuring cultural safety for everybody. The images from a Disability Royal Commission story depicted by Wiradjuri artist and disability advocate Uncle Paul Constable Calcott in a work of art entitled 'Respectful Listening' was used in material promoting the work of the Royal Commission. Presentation of the artwork in material encouraged First Nations people, including First Nations people with disability, to engage with us and to feel culturally safe.

The expertise of our First Nations staff was key to this. The First Nations Engagement team had a gender balance and had members:

- from different First Nations communities across Australia
- who have lived experience of disability and trauma
- who represent the LGBTIQA+ community
- with vital experience in and established relationships with First Nations communities.

This meant we had a diverse array of cultural knowledge to draw from in undertaking our work.

Commissioner Mason, a Ngaanyatjarra and Pitjantjatjara woman, often joined the First Nations Community Engagement team as they undertook many face-to-face engagements. The team visited urban, rural, remote and very remote locations in the Northern Territory, Victoria, South Australia, New South Wales, Western Australia, Tasmania and Queensland, including the Torres Strait and Northern Peninsula Area. The team usually spent two weeks in each region and was helped by local connectors to directly contact community members.

All engagements were conducted in a way and in settings that participants found comfortable and accessible. We held meetings in homes and community places, as well on front lawns, under trees, in town camps, and on park benches. In the Torres Strait, we held some meetings while walking along the beach. Where possible, the team also made themselves available to the community after work hours and on weekends to provide as much flexibility and opportunity for people to share their stories and information.

For some community engagements, the Royal Commission used the services of First Nations language and sign language interpreters. This was to ensure that our meetings were accessible and to maximise community participation.



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On some occasions, the team engaged the assistance of the Aboriginal Interpreter Service and local community members. Local community members in Utopia in the Northern Territory came along to sessions and took us to an outstation camp – Camel Camp – to translate for us. Members of the Deaf First Nations community also supported our processes when we held engagements with the deaf First Nations community.

The role of our staff who can speak and understand local languages – such as speaking Yuplatok, a local Torres Straits language – was also critical.

The Royal Commission thanks the many First Nations community organisations, peak bodies and stakeholders who provided ongoing advice and support for our work. This was critical to ensuring that we met with as many First Nations people with disability as possible.

Key insights from our engagements with First Nations people with disability are discussed in Volume 9 of this *Final report*.

## **Cleansing ceremony**

Many First Nations people use traditional ceremonies to cleanse a space through their authority and to promote a safer environment and protection for those entering it.

The Royal Commission held a traditional cleansing ceremony at its Brisbane (Meeanjin) hearing room on 20 November 2020, ahead of Public hearing 8, ‘The experiences of First Nations people with disability and their families in contact with child protection systems’. This was the first public hearing to examine the experiences of First Nations people with disability. Traditional Custodian Mr Shannon Ruska and the Tribal Experiences dancers were invited to cleanse the hearing room to ensure that First Nations people giving evidence would feel safe and welcomed.

When all six commissioners sat for Public hearing 31, ‘Vision for an inclusive Australia’, we commenced the hearing with a traditional cleansing ceremony.

## **Smoking ceremony**

A smoking ceremony is held to invite people to Country, to welcome babies into the world, and to mark the passing of a loved one.<sup>36</sup> Such ceremonies are a cultural practice that has been passed down from First Nations Elders and their Elders before them.

The first day of Public hearing 25, ‘The operation of the NDIS for First Nations people with disability in remote and very remote communities’, held in Alice Springs (Mparntwe), was marked on the opening day by a smoking ceremony to welcome the Royal Commission to Country. It was performed by a Traditional Owner and those attending the hearing were invited to join in.

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## People with disability from culturally and linguistically diverse backgrounds

The Royal Commission developed the Culturally and Linguistically Diverse Engagement Principles following consultation with culturally and linguistically diverse representatives and service provider organisations<sup>37</sup> and drawing on research. The principles were made available on the Royal Commission website. The principles helped us to build trust and guided meaningful engagement with culturally and linguistically diverse people with disability.

The principles meant we:

- applied a disability-led approach
- ensured engagements were culturally appropriate, safe and trauma-informed
- applied a rights-based framework
- supported cultural diversity and inclusiveness
- focused on providing participatory, accessible and responsive engagement.

Our Culturally and Linguistically Diverse Community Engagement team had members with a range of experience vital for supporting and delivering our work. The team had:

- members from different nationalities
- a gender balance
- community and stakeholder connections in culturally and linguistically diverse communities across Australia
- over a decade of experience working closely with culturally and linguistically diverse people with disability.

Our team engaged with people with disability from culturally and linguistically diverse backgrounds, their advocates and supporters, and community leaders and stakeholder organisations. We regularly travelled to capital cities, regional centres and remote areas to do this.

The team worked closely with trusted community leaders, organisations and advocates to access communities we were having difficulty engaging with. This resulted in a sharp rise in submissions and private session requests from people with disability from culturally and linguistically diverse backgrounds who had experienced violence, abuse, neglect or exploitation, or from others with knowledge of it.

We held meetings, forums, presentations, focus groups and other engagements with:

- culturally and linguistically diverse health stakeholders
- peak organisations and culturally and linguistically diverse representative organisations

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- support and advocacy services and grassroots multicultural organisations
  - representatives from the domestic and family violence sector
  - people with disability from culturally and linguistically diverse backgrounds, their families, community leaders and other key stakeholders from new and emerging communities, such as refugees and asylum seekers
  - community leaders
  - national settlement service providers.

Other initiatives that the Royal Commission undertook to engage with people with disability from culturally and linguistically diverse backgrounds included:

- translating our communications and publications into a range of different languages
- accepting and encouraging submissions in any language
- publishing and seeking feedback on and responses to *The experiences of culturally and linguistically diverse people with disability issues paper*, released on 9 March 2021<sup>38</sup>
- making the experiences for people with disability from culturally and linguistically diverse backgrounds, including people from the d/Deaf, Deafblind and hard of hearing community, the focus of Public hearing 29 in Melbourne in October 2022.

The Royal Commission appointed Andrew Jakubowicz, Emeritus Professor of Sociology at the University of Technology Sydney (UTS), to assist with research relating to the experiences of people with disability from culturally and linguistically diverse backgrounds. Professor Jakubowicz was the founding director of the Centre for Multicultural Studies at the University of Wollongong, and later founding chair of the inter-university Disability Studies and Research Institute. At UTS he has directed the Transforming Cultures and the Cosmopolitan Civil Societies research centres. He is a consultant to federal, state and local governments on cultural diversity and social policy.

## Young people with disability

Our Community Engagement Strategy identified young people with disability as among the groups requiring a multi-layered approach to engagement. We undertook a range of engagement activities to amplify the voices of young people with disability and to encourage their participation in this inquiry. This included:

- taking part in a national youth forum focusing on gaps in and barriers to services for young people with disability from a culturally and linguistically diverse or refugee background
- co-designing a series of national focus group sessions with graduates from the Children and Young People with Disability Australia's (CYDA) Young Leaders Program to discuss issues relevant to young people with disability. Topics included education, employment, community attitudes towards people with disability, access to safe and quality support, and young people's proposals for change

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- at the invitation of CYDA, participating in the first National Youth Disability Summit, held from 29 September to 1 October 2020.

Our engagement staff also facilitated focus groups, presentations, online information sessions, and question and answer panels with young people with disability.

From these engagements we heard that young people with disability experienced online bullying related to their disability, that they experienced difficulty obtaining or maintaining casual employment, and that some universities had failed to acknowledge or provide reasonable adjustments for disability. Young people with disability told us schools and teachers lacked resources to support students with disability. Teachers needed to be educated to recognise students with an impairment that was not visible, and educated in how to respond appropriately.

## People with cognitive and intellectual disability

The *Report of Public hearing 4: Health care and services for people with cognitive disability*, found that people with cognitive disability have been and continue to be subject to systemic neglect in the Australian health system.<sup>39</sup> The public hearing, held from 18 to 28 February 2020, provided the basis for further hearings about people with cognitive and intellectual disability. It also demonstrated the importance of finding accessible and trauma-informed ways to engage with this group.

We co-designed and ran focus groups and meetings with people with cognitive and intellectual disability, their families and supporters and others over the life of the Royal Commission. The engagements included a meeting with Merger of Minds, a peer group of adults with complex communication needs from Perth. We heard how members have learned to use augmentative and alternative communication to understand language, express ideas, and make plans and decisions. We also heard about their experiences of health care and voting.

We also participated in a co-designed focus group with members of the South Australian Council of Intellectual Disability in Adelaide in 2021. Participants discussed their experiences of health care, housing and the role of support workers in providing care. They told us about problems with community attitudes and bullying. Attendees also shared their negative experiences accessing public transport and health care, and their dissatisfaction with the public trustee arrangement.

## Women and girls

We held virtual focus groups with women with disability in New South Wales representing 11 ethnic groups: Sudanese, Hazara, Pashtu, Bosnian, Mandaean, Pakistani, Ahmadiyya, Bangladeshi, Armenian, Persian and Rohingya. Over two facilitated sessions, participants discussed how disability was often not acknowledged within their own family settings or their cultures. Many women shared their difficulties in accessing the appropriate services for themselves and their children, and suggested ways to overcome these problems.

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Royal Commission staff met with culturally and linguistically diverse women with disability at a virtual national forum to discuss domestic and family violence. Participants shared their personal experiences and told us about their proposals for change.

Our Community Engagement team worked with culturally and linguistically diverse women who live with disability or who have children with disability to facilitate an art project focused on sharing lived experiences through artwork. The art workshop was planned and co-designed by the Royal Commission, Immigrant Women's Support Services and Mercy Community Services. A tapestry created by the group (see Image 2.2) displayed flying birds, flowers, cloud shapes and messages of hope. The women's art project was displayed in the hearing room at two public hearings and was tendered into evidence as an exhibit at Public hearing 17, 'The experiences of women and girls with disability with a particular focus on family, domestic and sexual violence'.<sup>40</sup>





**Image 2.2: A tapestry created by a group of culturally and linguistically diverse women who live with disability or who have children with disability, depicting flying birds, flowers, cloud shapes and messages of hope**

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## People who identify as LGBTIQ+

Our engagement staff conducted events around Australia with lesbian, gay, bisexual, trans and gender diverse, intersex, queer and asexual (LGBTIQ+) people with disability. These included face-to-face and virtual engagements in South Australia, New South Wales and the Australian Capital Territory.

Our targeted engagements with refugee LGBTIQ+ people with disability in new and emerging culturally and linguistically diverse communities focused on their experiences of intersectional and cultural safety issues. We heard about people's experiences of violence and abuse based on the intersection of disability with sexuality or gender. People from some cultures told us this was aggravated by negative perceptions of their disability and sexuality within their communities.

We held targeted engagement events with young LGBTIQ+ people with disability and met with groups such as youth services to discuss our work and hear how people wanted to share their experiences with us.

We engaged with First Nations people with disability who identify as LGBTIQ+ who told us about the challenges they experienced, including those involving cultural safety, violence, and discrimination based on race, gender and sexual preference. They also told us about the importance of inclusion across disability services and education settings.

## People with disability living in closed environments

Closed environments are facilities or places that restrict the ability of people to leave and limit those who can enter and access them. They include prisons, youth detention centres, forensic mental health, forensic disability facilities and other segregated environments such as group homes. People with disability living in these environments were a priority group for the Royal Commission because of the barriers they experienced in being able to engage with us.

We implemented a two-phase approach to connecting with people with disability in correctional facilities. Phase one involved raising awareness of the Royal Commission. We did this by distributing information at correctional facilities in each state and territory, and providing a safe and accessible means of contacting us and our support services via secure phone lines and mail systems. In phase two, our staff visited four correctional facilities in Queensland, meeting with prisoners with disability to hear their experiences of violence, abuse, neglect and exploitation and taking 132 submissions. These were the Brisbane Youth Detention Centre, the men's and women's prisons at the Townsville Correctional Centre, and the forensic mental health facility 'The Park' in Wacol.

Direct engagement in correctional facilities was limited by COVID-19 restrictions. However, we still heard from more than 500 people in closed institutions through submissions and private sessions.

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Lack of access to mental health support, and inadequate First Nations cultural support, medical care and transitional support services were some of the primary themes we identified from submissions from people with disability in closed settings.

We also implemented an approach for engaging with people with disability in group homes and day programs to ensure their experiences were captured in our submissions and private sessions. We worked with advocacy organisations to develop safe and accessible pathways for people residing in group homes to engage with us and in a supported and safe manner. Direct engagement with people in group homes was also a challenge due to COVID-19 restrictions. However, working with advocates, we conducted private sessions virtually where possible. We heard from 204 people in group homes who shared their experiences with us through submissions and private sessions.

## Disability representative organisations

The Royal Commission held regular formal and informal meetings with disability representative organisations (DROs). The formal meetings were to discuss specific topics, provide up-to-date information about our work, listen to feedback and answer questions. We invited attendees to nominate agenda items they wished to discuss.

Attendees included DRO chief executive officers and representatives from:

- Children and Young People with Disability Australia
- National Ethnic Disability Alliance
- Women with Disabilities Australia
- People with Disability Australia
- First Peoples Disability Network Australia
- Australian Federation of Disability Organisations
- Deafblind Australia
- Autism Aspergers Advocacy Australia
- Brain Injury Australia
- Disability Advocacy Network Australia
- Deaf Australia
- Physical Disability Australia
- Blind Citizens Australia
- Deafness Forum of Australia
- Down Syndrome Australia



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- Carers Australia
  - Inclusion Australia.

Our Commissioners, Counsel Assisting, OSA, branch heads and executive directors also attended.

Topics discussed were:

- the impact of COVID-19 including the rollout of vaccines to people with a disability in priority cohorts and the disability workforce – 19 April 2021
- segregated accommodation settings for people identifying with disability – 26 July 2021
- the National Prevention framework – 6 October 2021
- the prevention of violence against, and abuse, neglect and exploitation of, people with disability – 6 October 2021
- Australian Disability Enterprises – 6 December 2021
- issues faced by people with disability from culturally and linguistically diverse backgrounds – 24 March 2022
- the impact of and responses to the Omicron wave of the COVID-19 pandemic – 21 April 2022
- day programs for people with disability, the impact of the pandemic on day programs, the known breadth of violence against, and abuse, neglect and exploitation of people with disability in day programs, and recommendations for future change – 2 June 2022
- preparations for Public hearing 31, 'Vision for an inclusive Australia' – 21 July 2022
- the important role of disability advocacy – 20 October 2022.

## National hotline

The Royal Commission enquiries phone line had received 16,940 calls as of 31 December 2022.

People contacted the hotline for many reasons, including to:

- request information about hearings, community engagements, submissions and private sessions
- make a submission by phone
- book a call from a closed institution
- provide feedback
- seek a referral to another agency
- access a funded support service.

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The Royal Commission took 973 submissions from people over the phone, including 108 from people in closed institutions such as prisons or youth detention centres. We also took 78 submissions in Auslan.

Over the life of the inquiry, we referred 1,869 callers to our hotline to an external support or advocacy service. We made 1,062 referrals to Blue Knot Foundation, 196 referrals for face-to-face support, 20 referrals to Beyond Blue, and 21 referrals to Lifeline.

Our hotline also made 570 referrals to Your Story Disability Legal Support and 1,171 disability advocacy referrals.

## 2.6. Submissions

### An overview of submissions received

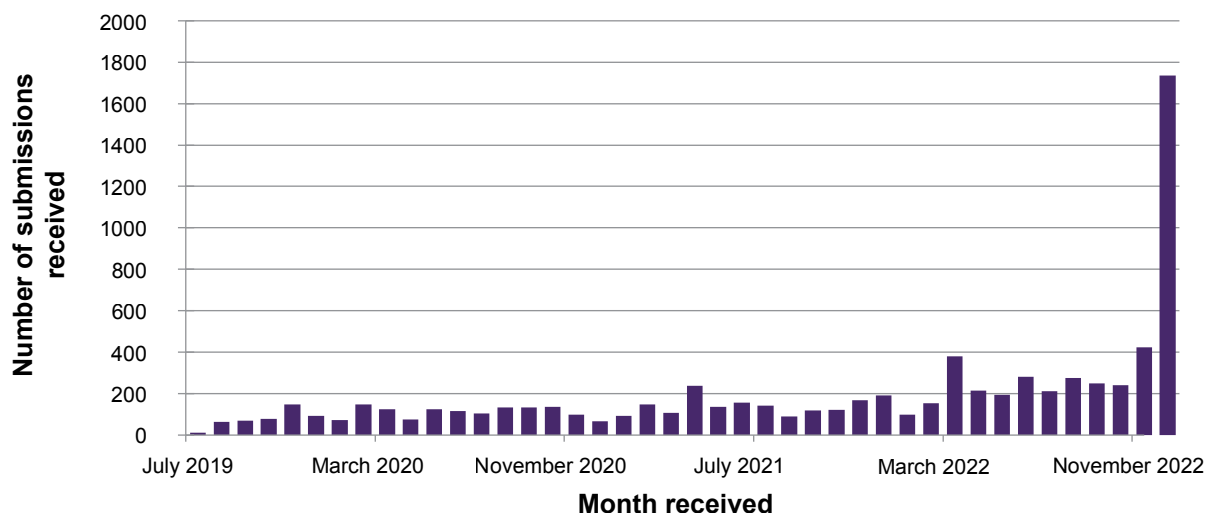
Providing submissions was one of the key ways individuals, groups and organisations shared experiences, insights and proposed recommendations with us. Material provided in submissions is very valuable, particularly insofar as they identify policy issues and propose changes to laws, policies and practices. However, submissions are not evidence and cannot be used as such.

The Royal Commission received 7,944 submissions. The data is current as at 17 February 2023 unless specified otherwise. Many submissions dealt with violence against, and abuse, neglect or exploitation of, people or a person with disability. However, they often identified other issues, such as the quality and safety of services; the role of families, support people and support staff; and best practice examples. Some proposed recommendations for supporting people with disability in a particular context or setting (see 'Snapshot of submissions' for details).

In addition to submissions from individuals sharing their experiences, the Royal Commission received submissions from research organisations, disability advocacy organisations, peak bodies, government departments and agencies, and professional organisations.

The closing date for electronic and hard-copy submissions to the Royal Commission was 31 December 2022. Phone submissions closed on 23 December 2022 and submissions in Auslan had to be booked by 12 December 2022. A final closing date was set to ensure there was time to consider people's submissions for inclusion in this *Final report*. We widely publicised this date in advance on our website, on social media, in our newsletters and via direct contact with stakeholders and disability representative organisations. Our media campaign to communicate the submissions closing date ran from 21 February to 17 April 2022. We published reminders in our fortnightly newsletter and across all our social media channels until the closing date.

The number of submissions we received each month increased over the life of our inquiry, as shown in Figure 2.1.



**Figure 2.1: Number of submissions received during our inquiry, by month**

Between 1 January 2021 and 31 December 2021, we received 1,707 submissions, or an average of 33 a week. Between 1 January 2022 and 31 December 2022, we received 4,449 submissions, or an average of 86 a week – a 160 per cent increase from 2021. This means that over the course of our inquiry we received an average of 44 submissions a week.

There were three notable peaks for receiving submissions.

The first, in April 2021, followed our targeted community engagement activities in closed institutions. Between February and July 2021, the Community Engagement team attended four closed institutions in Queensland and took 132 submissions (see ‘People with disability living in closed environments’ for more detail).

The second, in March 2022, followed the amendment to the *Royal Commissions Act 1902* to protect the ongoing confidentiality of submissions; the announcement of the closing date for submissions; and the national advertising campaign *Share your Story*.

Finally, leading up to the close of submissions on 31 December 2022, we received 1,735 submissions in that month alone, which is 22 per cent of all those received over the life of the Royal Commission. We received 7,944 submissions as of 31 December 2022, of which 3,131 were received over the previous six months.

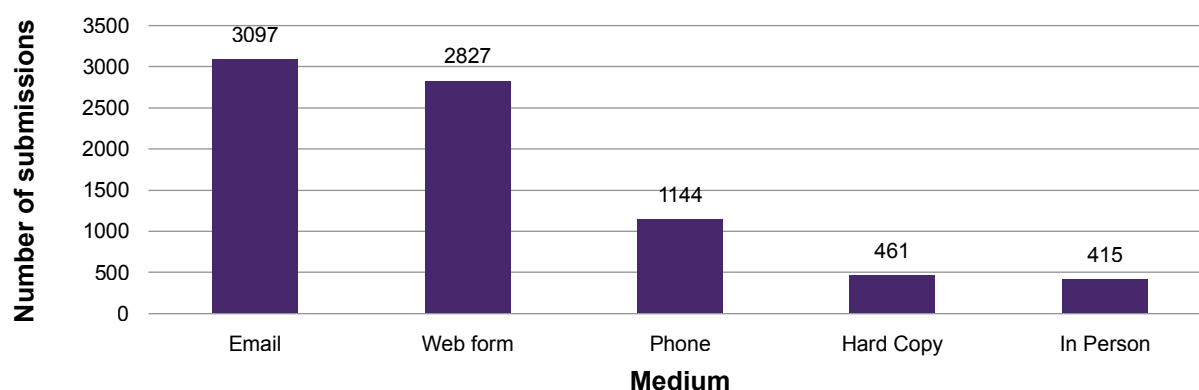
## How submissions were made

The submissions process was flexible. People could make submissions by email, post or telephone and in any language, including Auslan and Australian Indigenous languages. They could be made in any format the person felt comfortable with, including video and audio.

Submissions could also be made using the webform on the ‘Submissions’ section of our website. This feature was launched on 14 February 2020 and was the second most popular method of making a submission after email.

Figure 2.2 shows the number of submissions made by the method of delivery. In summary:

- 39 per cent of submissions were made by email
- 36 per cent of submissions were made by web form
- 14 per cent of submissions were made by telephone
- 6 per cent of submissions were made by post (hard copy)
- 5 per cent of submissions were made in person.



**Figure 2.2: How submissions were made**

Some people provided submissions in formats including poetry, a song or artwork. We also received submissions that were prepared with the assistance of an advocacy organisation funded by the Australian Government Department of Social Services. Submissions made in those alternative formats were assessed and analysed in the same way as written submissions.

To help people prepare their submissions, we provided guiding questions on the webform and on the 'Share your story' section of our website.<sup>41</sup> We also asked some questions about the person making the submission. We asked whether they were a person with disability or a First Nations person, whether they identified as LGBTIQ+, and whether they were a culturally and linguistically diverse person. We also asked for their gender, age and location. Answering these questions was optional, meaning that the data we collected about the authors of submissions was indicative only.

Information about making a submission was translated into various languages<sup>42</sup> and was available on our website.<sup>43</sup> People who wanted information in their own language about making a submission could also access the Translating and Interpreting Service.

When we received a submission in a language other than English, it was translated into English by an accredited translation service. Most audio or video submissions were transcribed or captioned. This was to ensure that all the Commissioners and relevant staff could read and consider the experiences set out in the submission.

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## How we used submissions

Information in submissions guided our work in many ways.

We collated and analysed the experiences and views of individuals and organisations detailed in the 7,944 submissions that we received. From this, we developed a snapshot of the violence, abuse, neglect and exploitation experienced by people with disability. Analysing these statistics enabled us to identify areas with lower levels of community engagement to better focus our engagement work. It also increased our understanding of the recurring issues being reported to us that needed further investigation.

Submissions were important for identifying issues for our policy work and helped to inform our public hearing plan and individual hearings.

Submissions were also crucial to ensuring that we centred the voices of people with disability, and their families and supporters, in our work. We also obtained consent to use information from submissions to prepare de-identified narratives of the experiences of people with disability.

## Public use of submissions and consent to publish

The Royal Commission published information it received from a person if they consented to publication and where we considered it appropriate to do so. We reserved the right to redact information or not publish submissions, particularly to comply with our legal obligation to afford procedural fairness to those named in submissions.

Anyone who shared their personal experiences and views with us via a submission could decide whether or not the information they provided to us could be published. The Royal Commission did not publish or expressly refer to information from a submission in any public document, without the consent of the person or organisation who made the submission.

Individual submissions were not published on the Royal Commission website during our inquiry, but a small selection of those from governments or other organisations will be published on the website afterwards.

The submission form and the online web form included a prompt for organisations and individuals to tell us if and how they wanted their information used. They could opt for 'public', 'anonymous' or 'restricted' use of their information.

If a person or organisation chose the 'public' option, their submission could be quoted or referenced in our public documents, such as our interim, progress and final reports.

If the 'anonymous' option was selected, the person's or organisation's submission could be used in a de-identified form in public reports or materials. It might have also been developed as a short narrative with all identifying details removed.

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If a person or organisation chose the 'restricted' option, or did not make a selection, their submission was treated as 'restricted' and not published.

The Royal Commission encouraged individuals to use the independent legal advisory service, Your Story Disability Legal Support, for help in understanding their options for sharing their experiences. Your Story offered legal advice about the protections available under the *Royal Commissions Act* for people wishing to share information with the Royal Commission.

A total of 2,160 people and organisations asked for their submissions to be treated as 'restricted', 988 asked for them to be treated as 'anonymous' and not be published on the website, 2,242 asked for them to be treated as 'anonymous' and consented to us publishing them on the website, and 2,554 gave us consent to publish in full.

People can also be assured that confidential submissions made to us about violence, abuse, neglect or exploitation continue to be protected beyond the life of the Royal Commission. This was due to an amendment to the *Royal Commissions Act* in September 2021 following correspondence from the Chair to the then Australian Government.<sup>44</sup>

## Snapshot of submissions

Of the 7,944 submissions received by the Royal Commission:<sup>45</sup>

- 4,368 (55 per cent) were from people with disability
- around 29 per cent were made by family members of people with disability
- around 18 per cent came from paid support workers or funded advocates.

Consistent with the distribution of people with disability across Australia, most submissions came from people living in the more populous eastern states:<sup>46</sup>

- 24 per cent from New South Wales
- 21 per cent from Victoria
- 19 per cent from Queensland
- 8 per cent from South Australia
- 8 per cent from Western Australia
- 4 per cent from Tasmania
- 2 per cent from the Australian Capital Territory
- 2 per cent from the Northern Territory.

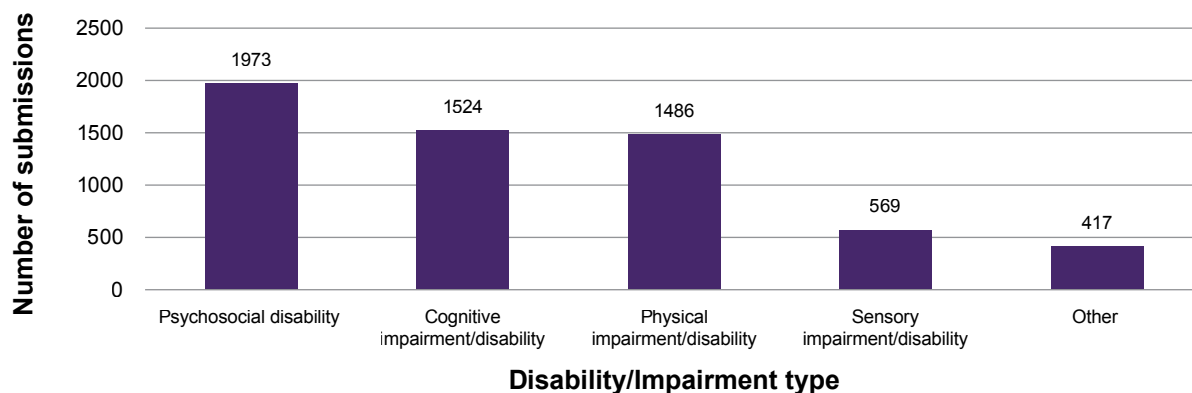
Around 8 per cent of submissions were from First Nations people; 5 per cent were from people who identify as LGBTIQ+; and around 11 per cent were from people with a culturally and linguistically diverse background. We received submissions in different languages, including:

- 2 in Vietnamese
- 1 in Mandarin
- 1 in Burmese.

We collected information about the type of disability or impairment of the submitter, where they provided that information. They were able to identify as having a cognitive impairment or disability, physical impairment or disability, psychosocial disability, or a sensory impairment or disability. There was also a fifth option 'other'. This information is shown in Figure 2.3 for the period from 29 July 2019, when we first started to receive submissions, to 31 December 2022. In summary, of the people who made submissions during this period:

- 25 per cent live with psychosocial disability
- 19 per cent live with cognitive impairment/disability
- 19 per cent live with physical disability
- 7 per cent live with sensory disability.

People may identify as living with more than one disability type.



**Figure 2.3: The disability or impairment type of the person making the submission for the period 29 July 2019 to 31 December 2022**

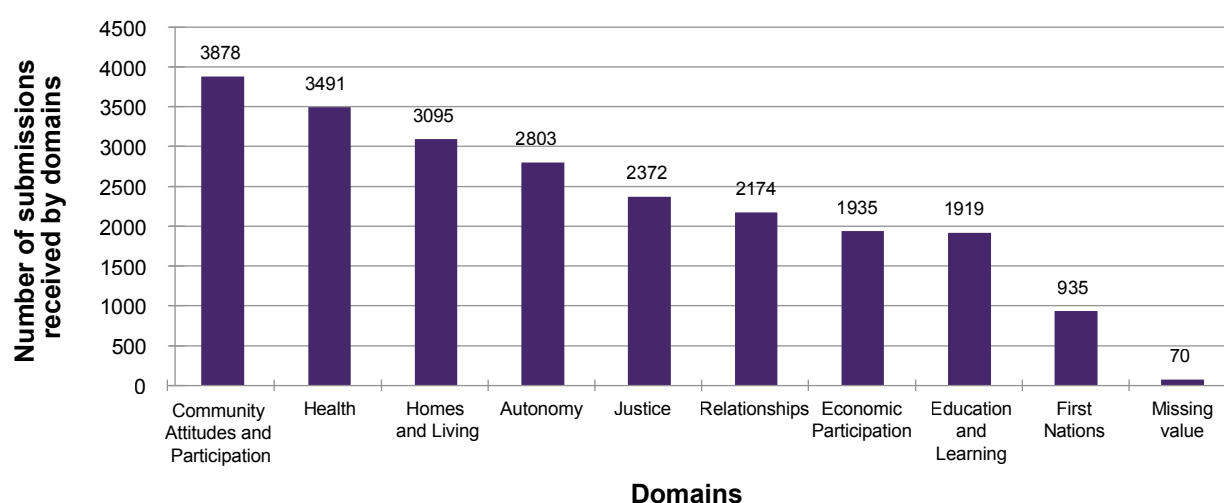
We received an increased number of submissions from people with psychosocial disability in April 2021. This was a result of targeted engagement activities, particularly those at closed institutions. Of the 518 submissions we received from people living in closed settings, 58 per cent identified as having psychosocial disability.

From 1 January 2022, we received an increased number of submissions from people with sensory impairment or disability, particularly people from the Deaf community and Auslan users. Between 1 January and 30 June 2022 we received 33 submissions from people using Auslan, which was our highest ever in a reporting period.

## Issues raised

When we received submissions, we noted what sort of issue, setting or domain they related to. A submission may contain information that related to more than one domain.

Figure 2.4 shows the main domains covered by submissions. In summary, most related to either Community attitudes and participation (3,878) or Health (3,491), followed by Homes and living (3,095). Other domains included Autonomy (2,803), Justice (2,372), Relationships (2,174), Economic Participation (1,935), Education and learning (1,919), and First Nations (935).



**Figure 2.4: Number of submissions received by domain**

Every submission was coded and analysed to draw out key themes from what people told us. The themes set out below broadly represent those most frequently mentioned in submissions during the inquiry. The list of themes raised in submissions is not exhaustive and the views expressed in submissions about the themes were not necessarily uniform.

We use ‘account’ in this section to refer to an individual’s experience of violence, abuse, neglect or exploitation in a particular context. For example, an account of family violence may encompass multiple incidents of family violence over a lifetime. In some cases, we received more than one account from one person. For example, a person may give an account of family violence and an account of abuse at their place of employment.

In the submissions:

- 61 per cent of accounts described systemic abuse or neglect
- 56 per cent of accounts involved incidents of violence and abuse
- 41 per cent of accounts involved incidents of neglect
- 11 per cent of accounts included exploitation.

These numbers exceed 100 per cent because many people told us they experienced multiple forms of violence, abuse, neglect and/or exploitation.



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## Reporting violence, abuse, neglect and exploitation

People with disability told us that it can be difficult to report violence, abuse, neglect or exploitation because they felt their complaints often went unheard. We were also told that people with disability believed their reports of violence, abuse, neglect and exploitation did not receive appropriate action or sufficient investigation. People also told us that there were no independent complaint mechanisms in some systems, such as the education system. Almost one-third of all accounts (31 per cent) discussed making a complaint, but most people said they did not receive a satisfactory outcome. Of these accounts, around 60 per cent mentioned that the person with disability did not receive a satisfactory outcome or that their concerns were minimised.

## Participating in the NDIS

Systemic issues with the NDIS and related bodies were an ongoing theme in more than one-third (37 per cent) of submissions we received. We were told that some people with disability have difficulties accessing, or are unable to access, the NDIS. Some NDIS participants told us their funding was inadequate for their needs and others that the appeal process was difficult to navigate.

Auslan users and the Deaf community spoke of the importance of having access to interpreters when seeking to engage with the NDIS.

Some participants, especially First Nations people and people living in remote communities, spoke of barriers in using their NDIS packages and said that place-based disability services and advocacy services were underfunded and scarce.

## Education

We also heard that people with disability experience discrimination in the education system, including when schools employ gatekeeping practices to exclude children with disability from enrolling or attending. We heard about students with disability facing restrictive practices, inadequate support, failure to make reasonable adjustments, and neglect.

## Accommodation

Some submissions told us about people with disability being restricted by having to live in group homes and go to day programs, and that choice and control was minimal or nonexistent. We also heard that long wait lists for public housing and rising rental prices are causing financial hardship. Submissions told us that some people with disability experience discrimination in the housing rental market, including from real estate agents. We were told how these housing issues are also increasing the risk of people with disability experiencing homelessness or continuing to reside in inappropriate and often unsafe accommodation.

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## Impact of the COVID-19 pandemic

The impact of the COVID-19 pandemic also featured prominently in the submissions we received. Many submissions focused on the disproportionate impact that public health restrictions had on people with disability. Among the impacts experienced, many people with disability experienced reduced support particularly when service provider staff became ill or were restricted from visiting people to provide support. We also heard of difficulties people experienced when trying to access COVID-19 vaccines.

## First Nations people with disability

Many First Nations people with disability told us about their experiences of racism, discrimination and a lack of support within education, justice – including interactions with police, forensic facilities and legal settings – and closed institutional settings.

## Financial exploitation

We were also told that people with disability had been financially exploited in a variety of settings. We were told this exploitation was perpetrated by staff at group homes and other support workers, by guardians who controlled people's assets, and during estate administration processes. We were also told people with disability had been financially exploited through misuse of NDIS funds.

## 2.7. Private sessions

### Purpose and nature

A private session is a confidential meeting between an individual and a Commissioner, held at the individual's request. By its very nature, a private session must be held in private and only persons who are authorised by the Commissioner holding the session may attend.<sup>47</sup>

The *Royal Commissions Act 1902* (Cth) provides that a person who appears at a private session is not a witness before the Royal Commission and does not give evidence to the Commission. It also provides that a private session is not a hearing.

Private sessions are conducted in less formal settings that allow people to share very personal experiences in a manner that minimises the risk of retraumatisation and accommodates people's support needs. Individuals who attend private sessions are not witnesses and the information they provide in a private session is not evidence.<sup>48</sup> People participating in private sessions are not required to take an oath or affirmation and are not subject to cross-examination. Counsel Assisting is not present.

We acknowledge that it took courage for people to come forward to share their experiences with the Royal Commission in a private session. Everyone who did so contributed to our work.

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Each private session was important as it allowed us to understand the impacts of violence, abuse, neglect and exploitation on people with disability and their families and support people in all settings and at all stages of life. Private sessions also provided people with an opportunity to propose recommendations to us about how to better prevent violence against, and abuse, neglect and exploitation of, people with disability.

Like submissions, private sessions were crucial to ensuring that we centred the voices of people with disability, and their families and supporters, in our work.

## The private sessions process

People could request a private session by calling the Royal Commission hotline, emailing our public enquiries mailbox, or registering using an online form. We aimed to offer a private session to everyone who requested one, provided the subject matter was within our terms of reference. We prioritised private sessions for people with disability and those people who were unable to share their experience in any other way because of confidentiality concerns.

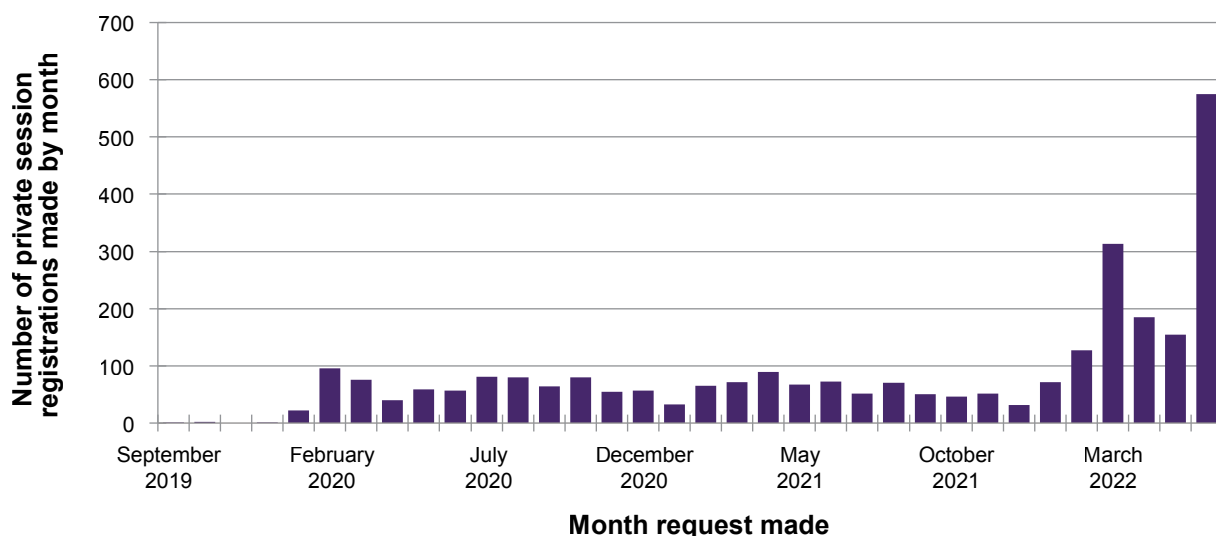
Registrations for private sessions closed on 30 June 2022 to allow enough time for us to hold the sessions before the Royal Commission ended. We received a significant increase in registrations in the six months leading up to the closing date. This made it difficult to offer a private session to everyone who requested one by 31 December 2022, which had been the original end date for holding them.

We decided to continue holding private sessions into 2023 to ensure that we could offer one to everyone who had registered, provided the subject matter was within our terms of reference. We did this even though the information we received from private sessions held in 2023 could not be used in the *Final report*. We explained this to each person who had registered and offered them the opportunity to also make a submission before 31 December 2022. Information received from private sessions we held in 2023 was captured in a standalone report published on the Royal Commission website.

We widely publicised the private session registration closing date on our website and through the *Share Your Story* media campaign that ran for nine weeks from 21 February to 17 April 2022. We published reminders in our weekly newsletter and across all our social media channels until the closing date. Comparing March 2021, when there was no active campaign, and March 2022, there was around a 435 per cent increase in registrations for private sessions.

All private sessions data in this report is current as at 17 February 2023 unless specified otherwise.

In the two months leading up to closing registrations we received an average of 84 private session registration requests a week. During the final week alone, we received 339 requests. Figure 2.5 shows the surge in registrations for a private session in June 2022, which was the final month to register.



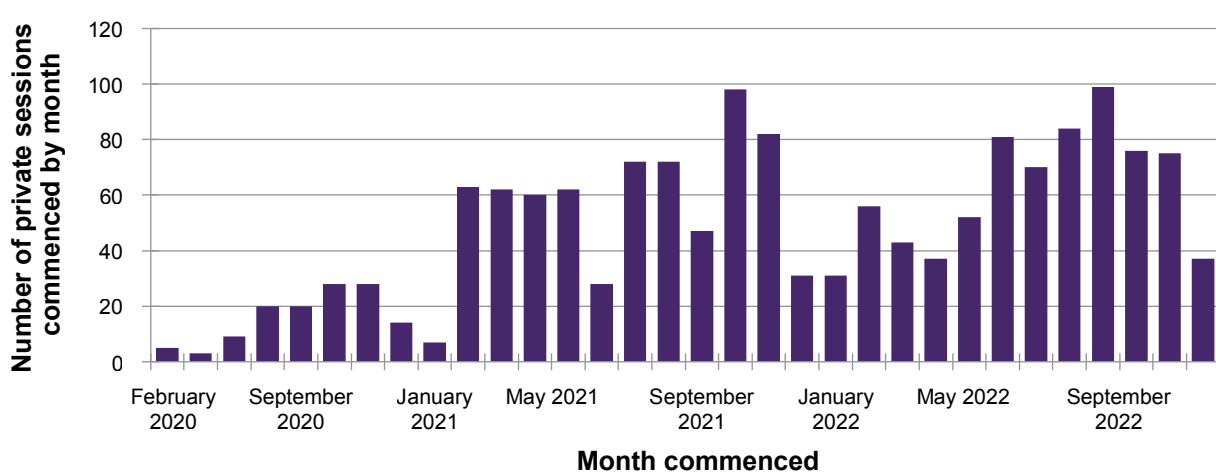
**Figure 2.5: Private session registrations by month**

In total, we received 2,903 registrations for a private session. Of these, 1,066 did not proceed. Reasons for their not proceeding included the participant:

- withdrew their request for personal reasons
- chose to provide a submission instead
- requested multiple sessions
- no longer responded to our communications and were unable to be contacted.

A further 38 sessions did not proceed as the content to be discussed was outside our terms of reference.

Figure 2.6 shows the number of private sessions Commissioners held each month up until December 2022.



**Figure 2.6: Number of private sessions held by month**

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The COVID-19 pandemic forced us to stop all our in-person engagements, and from June 2020 we started holding private sessions via telephone, videoconference or other virtual means.

We recommenced in-person private sessions in February 2021, but as other variants of COVID-19 broke out we had to halt them again in June 2021. From that point on we held nearly all private sessions by telephone or videoconference. Many participants preferred the virtual version because they could attend the private session at a location that best met their needs, such as from their home or an advocate's office. However, we continued to work with participants individually to understand their accessibility needs and to support them to share their experiences with us. We facilitated a small number of in-person private sessions for people who had accessibility requirements that meant a virtual session was not appropriate or the best way to provide their experiences.

## Targeted private sessions

We originally offered private sessions to people who registered with us, either personally or through an intermediary such as an advocate. However, in 2021 we adopted a proactive approach to ensure we heard from people who would not otherwise have been able to engage with us.

We partnered with advocacy organisations to facilitate private sessions for people with disability, mainly people living in segregated settings such as group homes. Without this, these individuals almost certainly would not have participated in the Royal Commission due to their high and multi-layered support needs. The Royal Commission held 60 private sessions with people in such environments.

## Protection and use of private session information

People could speak freely during a private session. The *Royal Commissions Act* requires that private session information be treated confidentially both during and beyond the life of the Royal Commission.<sup>49</sup>

The information we obtained through private sessions helped us to understand systemic themes and where to focus our work. We analysed information from private sessions for this purpose, after de-identifying it to maintain confidentiality. We did this by removing the person's name and any information that could have identified them.

Where appropriate, and only with the consent of the individual who attended, we published some of the information from private sessions as de-identified narratives of people's experiences. The stand-alone volume of de-identified narratives in this *Final report* draws from information shared at private sessions (see Volume 1).

## Snapshot of private sessions

Of the 1,552 private sessions held before 31 December 2022, 65 per cent were requested by people with disability.

The highest number of registrations were by people in the more populous states: New South Wales (26 per cent), Victoria (23 per cent) and Queensland (22 per cent).

The vast majority of people who participated in a private session were aged 26 or above (95 per cent of people) and only 3 per cent were aged 25 or under (2 per cent declined to disclose their age).

Table 2.1 sets out further information about people who attended a private session. Of the people who attended a private session up until 31 December 2022:

- 10 per cent identified as First Nations people
- 14 per cent identified as being from a culturally and linguistically diverse background
- 68 per cent were female; 30 per cent were male; 0.2 per cent did not provide, or did not wish to nominate, a gender; and fewer than 2 per cent identified as transgender, non-binary or gender diverse
- 8 per cent identified as LGBTIQ+.

**Table 2.1: Information about people who attended a private session**

Person attending private session	Proportion of all attendees (%)
Person with disability, requesting on behalf of themselves	58.2%
First Nations person	10.2%
Culturally and linguistically diverse person	14.0%
Identifies as:	
• female	68.1%
• male	30.1%
• transgender	0.5%
• other	1.1%
LGBTIQ+ person	8.0%

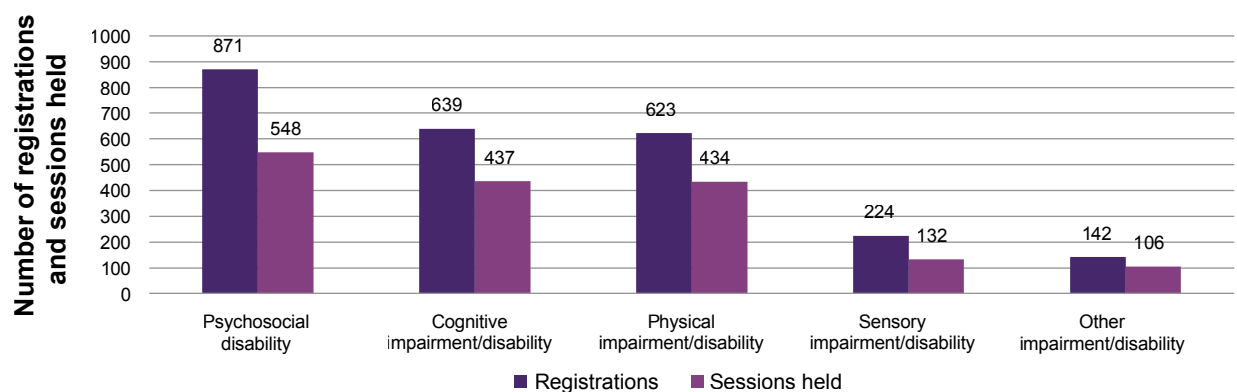
Note: In some instances, two or more categories applied. For example, if a person with disability also identified as a First Nations person and LGBTIQ+, they were counted in all categories.

We collected information about the type of disability or impairment of people who registered for a private session and people who participated in a private session, where they provided that information. People were able to identify as having a cognitive impairment or disability, physical impairment or disability, psychosocial disability, or sensory impairment or disability. They could identify as having more than one impairment or disability. There was also a fifth option 'other'. This information is shown in Figure 2.7.

In summary, among the people who took part in private sessions:

- 35 per cent had a psychosocial disability
- 28 per cent had a physical impairment or disability
- 28 per cent had a cognitive impairment or disability
- 9 per cent had a sensory impairment or disability.

People could nominate more than one impairment or disability.



**Figure 2.7: Private session registrations and sessions held by impairment type**

Note: Participants who identified as living with more than one disability or impairment type were counted in all types they identified with. Registrations or sessions held where the disability or impairment type was unknown are excluded.

## Issues raised

The Royal Commission analysed the information we received in private sessions to identify common themes.

As with submissions, every private session summary was coded and analysed to draw out key themes from what people told us. As has been noted, section 6OC(1) of the *Royal Commissions Act*, provides a person who participates in a private session does not give evidence and is not a witness. The summary of a private session therefore does not constitute evidence, but the summaries record the experiences recounted by people with disability.

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The ‘themes’ recorded here, broadly speaking, are those most commonly mentioned by private session participants during the course of the inquiry. Many other issues were also raised by participants. The list of themes is not exhaustive and the views expressed by participants in relation to those themes were not necessarily uniform.

We collected data on a number of subjects. They included the settings in which violence, abuse, neglect and exploitation occurred, and the experiences of people with disability or their supporters in making complaints. The following recurrent themes stood out from the accounts of violence, abuse, neglect or exploitation given at private sessions. According to the accounts:

- Violence against, and abuse, neglect and exploitation of, people with disability occurred in a range of settings, including schools (16 per cent of accounts), group homes (12 per cent), state and federal government services (28 per cent), the workplace (6 per cent), health settings (16 per cent), and family and domestic settings (20 per cent).
- Of the accounts, over half (51 per cent) described incidents of systemic abuse, almost half (49 per cent) involved violence and abuse, 40 per cent described neglect and 8 per cent concerned exploitation. These numbers exceed 100 per cent because many accounts were about multiple forms of violence, abuse, neglect and exploitation.
- In those private sessions that included one or more accounts of violence, abuse, neglect or exploitation, 59 per cent of participants discussed making a complaint. The vast majority of this group said they did not receive a satisfactory outcome, and nearly two in three (64 per cent) told us no action was taken after they complained.
- Around half of private session participants described difficulties encountered in accessing the NDIS and dealing with NDIS-related entities, including barriers to access and inadequate support or funding.
- Half of participants also shared problems that people with disability have experienced when interacting with the health system, including receiving substandard quality of care, neglect or misdiagnosis.
- Nearly one-third of private session participants shared negative experiences of their interactions with the justice system. These included inadequate adjustments and support for people with disability when engaging with police, navigating the justice system, or living in prison settings.

## 2.8. Research, data analysis and policy

### Our research agenda

The Royal Commission recognised the importance of a comprehensive research agenda to inform our inquiry and to provide an evidence base to support our work and recommendations. Our research program was informed by what we learned in public hearings and private sessions, as well as from submissions, responses to issues papers, and our advisory groups.



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The research program included reviews and synthesis of existing research and commissioning primary research projects to address key gaps in our knowledge. We also conducted an in-depth analysis of past reports and inquiries that were relevant to our work.

The Royal Commission's 'A Flourishing Future' research agenda had two main aims:

- to build an evidence base of applied research to support all areas of the work of the Royal Commission, in particular to inform the recommendations of the *Final report*
- to contribute a legacy of information to the research community, and to fill gaps in the evidence base for advocates, governments, service providers, other organisations and researchers to use.

Projects were organised under one of four themes:

- nature, extent and prevention
- reporting, responding and investigating
- creating an inclusive society
- context and history.

Our research work focused on understanding the systemic and structural issues that drive or contribute to violence against, and abuse, neglect and exploitation of, people with disability in different settings and contexts.

Following the principle of 'nothing about us without us', people with disability have called for their participation in developing policies and practices that affect them across all settings and contexts.<sup>50</sup> Twenty-three out of 28 of our published research reports were conducted by or with input from people with disability.

## Published research and commissioned reports

Our research projects provide a legacy of disability research to address gaps in our understanding of the factors that contribute to the violence, abuse, neglect and exploitation that people with disability experience. A full list of our published peer-reviewed research reports and our commissioned reports is at Appendix G.

The research examined the nature and extent of violence against, and abuse, neglect and exploitation of, people with disability. It looked at factors that helped to protect against such maltreatment or, conversely, increased the risk of it occurring. Barriers to identifying, investigating, reporting and responding to violence, abuse, neglect and exploitation were also addressed in research reports.

We also focused on research that described and analysed the experiences of specific groups of people with disability, for example:

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- First Nations people with disability and the experiences of First Nations women and children with disability in the context of their relationships, including abuse related to sexual and reproductive rights
  - young people with disability, including their involvement with primary and secondary education settings and young people with cognitive disability transitioning to adulthood
  - best practices to ensure access to services for culturally and linguistically diverse people with disability
  - the experiences of people with disability in their interactions with police and the child protection system.

The research projects are referenced throughout this *Final report*.

## Our data analysis

Our data and analytics program drew upon a range of data sources to describe how people with disability experience violence, abuse, neglect and exploitation in Australia, across a range of contexts. Where possible we have compared these experiences to those of people without disability to examine the differences that a person's disability status may have on their risk of experiencing violence, abuse, neglect and exploitation. This work contributed to our public hearings, the *Interim report* and this report.

We used national data sources, including those from:

- Australian Bureau of Statistics
- Australian Institute of Health and Welfare
- National Disability Insurance Agency
- Department of Social Services
- NDIS Quality and Safeguards Commission.

We also used data specific to certain policy contexts. This included jurisdiction-level data from state and territory education departments, and Australian Guardianship and Administration Council data on adult guardianship orders. We used other relevant sources, including the pilot reports from the National Disability Data Asset. We also drew upon data contained in research.

Where possible, we accessed data from publicly available reports. In some instances we requested data directly from organisations or agencies, including requiring production of data by issuing notices<sup>51</sup> under the *Royal Commissions Act*.

Recommendations about improving how we collect, link and publish data about people with disability are made in Volume 12, *Beyond the Royal Commission*.

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## Issues papers

Over the course of our inquiry we published 14 issues papers to seek input from people with disability and others on specific topics and develop our understanding of systemic issues. We received 710 responses to issues papers during the inquiry from a broad range of individuals and organisations, including:

- people with disability, their family members and supporters
- disability representative organisations and peak bodies
- advocates and advocacy organisations
- Australian, state and territory government agencies
- independent statutory office bearers and regulatory bodies
- support workers and disability service providers
- human rights organisations
- professionals and professional organisations
- academics and research organisations.

These responses were in addition to the 7,944 submissions to which we have already referred.

The responses to issues paper helped inform us about specific topics and develop our understanding of systemic issues. They supported other parts of our inquiry. For example, responses to our *Emergency planning and responses issues paper* informed and contributed to our Public hearing 5, 'Experiences of people with disability during the ongoing COVID-19 pandemic'.

We published the issues papers and overviews summarising the responses to them on our website.<sup>52</sup> Table 2.2 shows the title, publication date and number of responses we received for the 14 issues papers.

**Table 2.2: Issues papers and responses**

Issues paper	Published	Number of responses
Education and learning	30 October 2019	61
Group homes	28 November 2019	40
Health care for people with cognitive disability	16 December 2019	46
Criminal justice system	14 January 2020	60
Emergency planning and responses	15 April 2020	71
Rights and attitudes	28 April 2020	68
Employment	12 May 2020	66
Restrictive practices	26 May 2020	58
First Nations people with disability	9 June 2020	23
Safeguards and quality	18 November 2020	55
Violence and abuse of people with disability at home	2 December 2020	40
Promoting inclusion	4 December 2020	81
Culturally and linguistically diverse people with disability	9 March 2021	25
The impact of and responses to the Omicron wave of the COVID-19 pandemic for people with disability	25 March 2022	16
<b>Total responses</b>		<b>710</b>

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## Review of past inquiries and reports

Our terms of reference directed us to consider the findings and recommendations of relevant past reports and inquiries. We undertook a review of past reports and inquiries and identified 360 reports that were relevant to our work and had been published over the past 25 years (see Appendix F). The number of relevant inquiries and reports reflected our wide terms of reference.

Counsel Assisting also tendered into evidence reports relevant to particular hearings. These were not limited to the reports examined in the past inquiries project.

We used the following criteria to identify the most relevant inquiries and reports in the past inquiries project. They needed to:

- contain findings and recommendations that addressed violence against, and abuse, neglect and exploitation of, people with disability
- address specific aims and articles of the *CRPD* or other international human rights instruments
- have been published under the authority of a statutory or non-statutory body at state or territory, federal, or international level
- have been published during or after 1995.

While most significant reports were published within the previous 10 years, we considered a more comprehensive approach required us to include reports published since 1995. The Royal Commission into Aboriginal Deaths in Custody *National report*, published in 1991, was included because of its particular significance for First Nations people with disability.

We were especially interested in inquiries and reports that:

- included the participation of people with disability or their representative organisations
- applied an intersectional approach or recognised diversity among different groups of people with disability. This included reports that had a specific focus on examining issues for First Nations people, people from culturally and linguistic diverse backgrounds, women, children and young people, older people, rural communities and the LGBTIQ+ community.

We analysed the reports using qualitative analytics software. We examined the findings and recommendations of the most relevant reports to understand whether recommendations:

- had been accepted and, if so, whether the objectives of the recommendations had been achieved
- had not been accepted and the reasons for not accepting them.

We also issued notices to produce to governments to further understand what barriers prevented recommendations being implemented. Our assessment revealed strengths and

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weaknesses of different approaches to drafting policy and recommendations. This has informed how we developed our own proposals, findings and recommendations.

Our analysis of reports and inquiries also helped us identify gaps to be examined at hearings.

## Policy roundtables

The Royal Commission held policy roundtables to elicit stakeholder feedback on proposed areas of reform. Roundtables were convened with at least one Commissioner presiding. The roundtables enabled people with disability, their representative organisations and advocacy groups, government and non-government representatives, regulators, policy experts and academics to come together to discuss key policy issues.

## Culturally and linguistically diverse national roundtable

The Royal Commission held a culturally and linguistically diverse national roundtable by videoconference with stakeholders on 26 May 2020, led by Commissioners Atkinson, Bennett and McEwin. The primary purpose was to discuss the Royal Commission's culturally and linguistically diverse engagement principles. It also sought to develop a deeper understanding of the particular challenges and barriers experienced by people with disability in culturally and linguistically diverse communities.

## Guardianship and supported decision-making roundtables

The Royal Commission held two policy roundtables, on 31 May and 1 June 2022, on supported decision-making and guardianship. These were attended by the Chair and Commissioners Bennett, Galbally, McEwin and Ryan.

The *CRPD* recognises the right of people with disability to individual autonomy.<sup>53</sup> Article 12 of the *CRPD* recognises that people with disability have the same rights to equality before the law as people without disability. It also recognises that some support might be necessary to enable the exercise of legal capacity.

The roundtables brought together more than 40 stakeholders, including people with disability and their representative organisations, government and non-government representatives, regulators, policy experts, lawyers, academics and advocacy groups.

The Royal Commission published a background paper *Supported decision-making and guardianship: proposals for reform* on 16 May 2022 ahead of the roundtables, setting out reform proposals for discussion.<sup>54</sup>

The first roundtable considered a national supported decision-making framework. It focused on how supported decision-making could be implemented as an alternative or complementary approach to substitute decision-making for people with disability.

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The second roundtable on best practice models of guardianship examined how supported decision-making could apply within the context of guardianship and administration systems in Australia. Participants also considered the particular situations and needs of First Nations people, women and girls, culturally and linguistically diverse people, and children and young people with disability.

The roundtable discussions and the *Roundtable – Supported decision-making and guardianship: Summary report* provided valuable information and insights that assisted our considerations about guardianship and supported decision-making in this *Final report*. They also informed Public hearing 30, ‘Guardianship, substituted and supported decision-making’, held from 21 to 25 November 2022.

The background paper, participant lists, a transcript of discussions for each roundtable and summary report are published on the Royal Commission’s Supported decision-making and guardianship – proposals for reform roundtable webpage.

## Workshops

Early in our inquiry, we held nine workshops with stakeholders to discuss policy issues related to our terms of reference. Participants at the workshops identified issues and shared ideas and information on specific topics affecting people with disability. The workshop discussions included feedback from participants on the Royal Commission’s approach to developing focus areas for our inquiry. Topics for the workshops were advocacy, legal issues, disability services providers, First Nations people and communities, justice, and education and learning.

## 2.9. Our *Interim report* and progress reports

### *Interim report*

In what was a significant milestone for the Royal Commission, we delivered the *Interim report* on 30 October 2020, as required by our terms of reference. The report was presented to the Governor-General of Australia, His Excellency, the Honourable David Hurley AC DSC (Retd), and tabled in the Australian Parliament. The report, consisting of 560 pages, covers the first 15 months of the Royal Commission’s work, to 31 July 2020.

The *Interim report* describes how people with disability experience violence, abuse, neglect and exploitation across all aspects of life and in a variety of settings. It summarises the key themes that had emerged in the first part of our inquiry as particularly pertinent to the independence of people with disability and their right to live free from violence, abuse, neglect and exploitation. These include:

- people with disability’s choice and control over important and day-to-day decisions in their own lives
- attitudes held throughout the Australian community towards disability

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- segregation and exclusion of people with disability from the broader community
  - the use and regulation of restrictive practices
  - access to both disability-specific and mainstream services and supports
  - advocacy and representation for people with disability
  - the accessibility and effectiveness of oversight and complaints mechanisms.

Although it was not feasible to make recommendations in the *Interim report*, it set out our ambition to drive transformational change in the lives of people with disability and identified issues we intended to pursue. This required us to continue with our inquiries, research and engagement to inform and support a comprehensive suite of recommendations in this *Final report*.

## Progress reports

The Royal Commission published seven progress reports throughout the course of the inquiry at intervals of six months. Each one reviewed our activities during the relevant reporting period and provided key updates.

The progress reports covered our public hearings, private sessions, and community engagements. They detailed the work of our advisory groups, the reports we published and what we were learning from submissions and research.

These reports are listed in Appendix G.



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## Endnotes

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- 33 Australian Commission on Safety and Quality in Health Care, the Aged Care Quality and Safety Commission and the NDIS Commission, *Joint statement on the inappropriate use of psychotropic medicines to manage the behaviours of people with disability and older people*, media release, Sydney, 21 March 2022.
- 34 Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Report of Public hearing 6: Psychotropic medication, behaviour support and behaviours of concern*, June 2021, pp 56–65.
- 35 *Letters Patent* (Cth), 4 April 2019, as amended, (g).
- 36 Transcript, First Nations speaker, Public hearing 25, 11 July 2022, P-2 [5–10].
- 37 The invited organisations were: National Ethnic Disability Alliance, Federation of Ethnic Communities Council Australia, Forum of Australian Services for Survivors of Torture and Trauma, Multicultural Youth Network, Settlement Council of Australia, Refugee Council of Australia, Australian Multicultural Foundation, Multicultural Mental Health Australia, Migration Council Australia (Harmony Alliance and Young Migrant and Refugee Women's Advisory Group), Community Hubs Australia, Multicultural Centre for Women's Health, Centre for Disability Research and Policy (Disability and Multiculturalism stream) – University of Sydney (NSW), Multicultural Australia (Qld), Settlement Services International (NSW), Australian Red Cross Society (ACT/NSW/WA), AMES Australia, Melaleuca Refugee Centre (NT), Multicultural Disability Advocacy Association, AMPARO Advocacy (Qld), Diversity and Disability Alliance (NSW), Ethnic Disability Advocacy Centre, Action on Disability within Ethnic Communities (Vic).
- 38 Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *The experiences of culturally and linguistically diverse people with disability issues paper*, March 2021.
- 39 Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Report of Public hearing 4: Health care and services for people with cognitive disability*, October 2020, [488].

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- 40 Transcript, The experiences of women and girls with disability with a particular focus on family, domestic and sexual violence, Public hearing 17; Transcript, 'The experience of violence against, abuse, neglect and exploitation of people with disability from culturally and linguistically diverse communities', Public hearing 29.
- 41 'Share your story', *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*, web page. <[www.disability.royalcommission.gov.au/share-your-story](http://www.disability.royalcommission.gov.au/share-your-story)>
- 42 Arabic, Simplified and Traditional Chinese, French, Hindi, Samoan, Spanish, Tagalog and Vietnamese.
- 43 'Share your story – Make your submission', *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*, web page. <[www.disability.royalcommission.gov.au/share-your-story/make-your-submission](http://www.disability.royalcommission.gov.au/share-your-story/make-your-submission)>
- 44 *Royal Commissions Act 1902* (Cth) s 6OP. The new provision ensures the confidentiality of certain information provided to this Royal Commission beyond the life of its inquiry except in certain circumstances, such as for law enforcement purposes.
- 45 The proportions come to more than 100 per cent because the figures have been rounded up. Data is current as at 17 February 2023.
- 46 People making submissions did not need to say which state or territory they were from.
- 47 *Royal Commissions Act 1902* (Cth) s 6OG.
- 48 *Royal Commissions Act 1902* (Cth) s 6OC.
- 49 *Royal Commissions Act 1902* (Cth) s 6OH.
- 50 James Charlton, *Nothing about us without us: Disability oppression and empowerment*, University of California Press, 1998.
- 51 A notice to produce is a legal document requiring a person or body – such as a government agency – to produce specified information or documents, in this case, to the Royal Commission.
- 52 'Issues papers', *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability*, webpage. <[www.disability.royalcommission.gov.au/policy-and-research/issues-papers](http://www.disability.royalcommission.gov.au/policy-and-research/issues-papers)>
- 53 *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, 999 UNTS 3 (entered into force 3 May 2008).
- 54 Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Roundtable: Supported decision-making and guardianship: proposals for reform*, 16 May 2022.



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## 3. Our organisation

### Key points

- The work of the Royal Commission was guided by seven principles: equality, inclusion, respect, dignity, autonomy, aspiration and self-determination.
- The Commissioners were supported in their work by our senior executives, senior advisors, staff and Counsel Assisting.
- We focused on creating a workplace that supported diversity and inclusion, including with tailored and flexible reasonable adjustment arrangements.
- The Royal Commission had offices in Brisbane, Sydney and Canberra. In choosing physical environments we followed the principles of universal access and inclusion for people with disability.
- The Australian Government provided \$527.9 million over five years from 2018–19 to support all work related to the Royal Commission.

### 3.1. Introduction

This chapter looks at our people who supported the Commissioners in completing their work under the terms of reference, the values that guided us, and our operational arrangements.

It also describes key roles and responsibilities at the Royal Commission, and provides an overview of our finances and funding for organisations that supported our work.

### 3.2. Our values

In undertaking our work, we were guided by the following values:

- **Equality:** People with disability are equal citizens, who have the right to the full and equal enjoyment of all human rights and fundamental freedoms. They are entitled to respect for their inherent dignity and individual autonomy. They have the same rights as other members of Australian society to live and participate in safe environments free from violence, abuse, neglect and exploitation.
- **Inclusion:** We seek to promote a society that facilitates the full and effective participation and inclusion of people with disability. We are mindful that people with disability often face barriers to inclusion. We have provided people with a range of ways to engage with us so they could select the one that best suited them.
- **Respect:** We respect people with disability and their rights and freedoms.
- **Dignity:** We accept the inherent dignity and rights of all people.

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- **Autonomy:** We respect the independence and autonomy of people with disability, including equal right and freedom to make their own choices.
  - **Aspiration:** We acknowledge the strengths and contributions of people with disability. Our approaches and our work recognise the right and ability of people with disability to aspire to the lives they want to lead in all aspects and at all stages of their lives.
  - **Self-determination:** We have carried out our work in a way that is consistent with the *United Nations Declaration on the Rights of Indigenous Peoples*.<sup>1</sup> We acknowledge the importance of free, prior and informed consent and committed to ensuring that First Nations people, communities and organisations could decide their levels and methods of engagement with the Royal Commission.

### 3.3. Our people

The Commissioners were supported in their work by the Office of the Royal Commission. The Office comprised a Policy, Research and Data branch, an Engagement branch, a Corporate branch, and an Office of Solicitor Assisting. Their outstanding commitment and professionalism was evident throughout the Royal Commission. The number of staff members at any one time hovered around 200 people, though the composition of our staff changed at different stages of our inquiry.

#### Staff recruitment

We were committed to recruiting and employing suitably skilled people – particularly people with disability. We valued expertise in and knowledge of issues relevant to people with disability. Our staff participated in the Australian Public Service 2022 Employee Census, and 20 per cent told us they have an ongoing disability.

We used recruitment strategies to help attract candidates with disability. These included an Affirmative Measures Temporary Employment Register as described in the Australian Public Service Commission's Affirmative Measures guidelines. The register gave us the flexibility to identify a vacancy as open only to people with disability or a particular type of disability. We also used the RecruitAbility scheme through Australian Public Sector employment channels.

#### Staff diversity and inclusion

We focused on creating a workplace that supported diversity and inclusion.

We embraced flexible working arrangements, encouraging staff to take advantage of the opportunity to balance their professional obligations and private lives through home-based work, part-time hours, and other flexible options.

Our reasonable adjustment arrangements were tailored and flexible. These included screen readers, a braille printer, voice recognition software and other assistive technologies.

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We had a dedicated reasonable adjustments officer to support staff. We appointed disability contact officers (DCOs) who worked collaboratively with human resources staff, the reasonable adjustments officer and our disability support network to promote inclusion.

Many roles across the Royal Commission required knowledge of and expertise in issues relevant to First Nations peoples and the ability to communicate sensitively and effectively with First Nations people. Our staff included First Nations engagement officers, counsellors and policy staff.

## 3.4. Key roles and responsibilities

### Official Secretary

Mr Paul Cronan AM was appointed to the role of Official Secretary of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability in December 2019. Before his appointment, Mr Cronan held a range of senior executive and legal roles in the Australian Defence Force, the private sector and the Australian Public Service.

In addition to providing support to Commissioners, the Official Secretary was also responsible for directing, administering and overseeing all activities of the Royal Commission, including relationship and stakeholder management.

The Official Secretary was supported by five senior executives.

### Media and communications

Our Media and Communications team promoted and built awareness of and confidence in the work of the Royal Commission through media relations, social media, accessible communications and campaigns, and an electronic newsletter called *Connect*.

We communicated public announcements in accessible formats, including in Auslan-English videos, Easy Read formats, and used captions, image descriptions and alt-text.

We actively engaged with the media to promote the work of the Royal Commission. The public, including people with disability, their families and disability stakeholders, were routinely informed about the work of the Royal Commission through official social media channels. The community engaged with us on Facebook, LinkedIn, Twitter and Instagram.

We launched an eight-week national advertising campaign in February 2022. The National Disability Representative Organisations were invited to co-design the campaign, and their feedback was central to the development of the *Change Starts with Your Story* theme. The campaign raised awareness about the Royal Commission's work and promoted the ways in which people with disability, and their support networks, could engage with us to share their stories. The campaign ran in print, on radio, online, and via on-demand TV and social channels.



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To further support our First Nations engagement work we launched a targeted radio campaign to reach remote and very remote communities in First Nations languages.

## Commissioner support staff

Commissioner support staff were responsible for providing high-level support and advice to Commissioners. They managed Commissioner travel, diaries and correspondence. They prepared documents for hearings and private sessions. Staff also supported Commissioners to prepare for meetings and forums, and write reports.

In addition to these tasks, the Chair's Senior Associate (Ms Kasia Czarnota) and a small staff supported the Chair in preparing for and participating in hearings; carried out the Associate's functions at hearings; conducted research; drafted, edited or checked reports and other documents; liaised with the various branches of the Royal Commission; drafted minutes of Commissioners' meetings and other engagements; and processed administrative tasks.

## Counsel Assisting

Counsel Assisting a Royal Commission are appointed by the Attorney-General and are responsible for the preparation and conduct of public hearings. They determine the witnesses who will give evidence at a hearing and the other evidence to be presented at it. They must ensure the evidence is relevant and presented in a coherent and efficient way. This is through the examination of witnesses to establish the facts and identify key themes that support the findings and recommendations made in public hearing reports and the *Final report*. Counsel Assisting must ensure the conduct of public hearings is procedurally fair. Following a hearing, Counsel Assisting is responsible for preparing submissions to the Royal Commission about findings and recommendations that Commissioners might make, as addressed in 'After hearings' in Chapter 2.

Kate Eastman AM SC was the full-time Senior Counsel Assisting the Royal Commission from October 2019. In addition to conducting the public hearings, Senior Counsel Assisting provided strategic guidance, legal advice and assistance in conducting our inquiry consistently with the terms of reference.

By the completion of our inquiry, the Attorney-General had appointed 25 counsel to assist the Royal Commission with particular hearings or for particular periods of time. They included First Nations counsel and counsel with lived experience of disability. We acknowledge the contributions of Patrick Griffin SC, Malcolm Harding SC, Elizabeth Bennett SC, Georgina Wright SC, Ben Power KC, Gillian Mahony, Catherine Gleeson, Dr Hayley Bennett, Andrew Fraser, Cathy Dowsett, Ben Fogarty, Melinda Zerner, Simone Fraser, Mary Anne Ryan, Avelina Tarrago and Rebecca McMahon.

Appendix B to this volume outlines each public hearing held over the life of our inquiry. The overview of each hearing includes the names of Counsel Assisting at that hearing.



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We also acknowledge the contributions made by Michael Fordham SC, Chris Ronalds AO SC, Rebecca Treston KC and Sarah McCarthy, who were Counsel Assisting the Royal Commission during its establishment phase.

Four Counsel Assisting received judicial appointments during the life of the Royal Commission. Dr Kerri Mellifont QC was appointed as a Justice of the Supreme Court of Queensland on 4 October 2021. She served as Counsel Assisting the Royal Commission from September 2019 until her appointment to the Bench. Mr Lincoln Crowley QC was appointed as a Justice of the Supreme Court of Queensland on 27 May 2022. Mr Crowley is the first First Nations person appointed to an Australian superior court. He served as Senior Counsel Assisting the Royal Commission from 6 March 2020 until his judicial appointment. Belinda Baker was sworn in as a Justice of the Supreme Court of the Australian Capital Territory on 25 November 2022. Ms Baker served as Counsel Assisting the Royal Commission from August 2021 until her swearing in. Janice Crawford served as Counsel Assisting the Royal Commission from September 2019 until her appointment as a Magistrate of the Magistrates Courts of Queensland on 20 August 2021.

Other counsel were engaged from time to time to assist with our work. We acknowledge the support of Dr Ian Freckelton AO KC, Lisa Doust, Aditi Rao, David Hume, Kate Beattie, and Winnie Liu.

## Office of Solicitor Assisting

The Office of Solicitor Assisting the Royal Commission (OSA) provided legal support and assistance to the Royal Commission. OSA, together with Counsel Assisting, was responsible for the public hearing program. OSA worked with Counsel Assisting to plan, prepare and deliver public hearings; identified and met with potential witnesses; worked with lawyers representing witnesses, organisations and governments; reviewed documents produced in response to notices; advised and responded to applications concerning confidentiality, privilege and requests for pseudonyms; and assisted with tendering and organising exhibits following hearings.

OSA oversaw the use of compulsory processes under the *Royal Commissions Act*, including notices to produce documents and information. OSA also advised on legal issues identified across the Royal Commission, including those relating to its powers and functions and helped prepare this *Final report*.

## Investigations team

The Investigations team played a critical role in our inquiry. It was staffed by an Australian Federal Police criminal intelligence analyst, sworn NSW Police Force members, and sworn Australian Federal Police members, one of whom was the Senior Police Officer leading the team.

The team was a conduit for communication with all Australian police services. It identified case studies and witnesses; planned, led and supported investigations; identified avenues of further

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inquiry; and conducted risk assessments. The Royal Commission drew on the team members' expertise in the conduct of sensitive investigations and sought advice from them on best practice in this area.

## Corporate branch

The Corporate branch was responsible for providing services to the Royal Commission including in finance, human resources, publications, information technology and information management, and site management. The branch included Auslan/English interpreters and coordinated interpreting requirements for staff and stakeholders. The branch was also responsible for hearing logistics, such as arrangements for virtual hearings, managing the e-courts work, and organising staff and witness travel and witness expenses.

## Policy, Research and Data branch

The Policy, Research and Data branch had the lead role in identifying policy issues, developing policy solutions and propositions, and drafting core content and recommendations for this *Final report*. It developed and supervised our research agenda, including management of externally commissioned research projects. The branch was also responsible for analysing data from submissions, private sessions and external sources.

It published issues papers to seek responses on topics relevant to our terms of reference, and published overviews of responses to those issues papers. It organised policy roundtables to test solutions and propositions from our public hearings.

## Engagement branch

The Engagement branch designed and organised our public activities and supported Commissioners to undertake them. The branch consisted of:

- our Intake, Counselling and Support Services team, which managed initial contacts with the Royal Commission
- the Private Sessions team, which established and managed how private sessions were conducted
- the Submissions team, which triaged, coded, analysed and responded to submissions we received from individuals and organisations
- the Accessibility and Inclusion team, which promoted the Accessibility and Inclusion Strategy and ensured that all engagement activities aligned with the strategy and our trauma-informed approach
- our Community Engagement team, which drove engagement activities and focused on certain groups of people with disability, particularly those identified in our terms of reference

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- the First Nations Engagement team, which developed and implemented the First Nations Engagement Strategy and engagement principles, and engaged First Nations communities and stakeholder groups across the country.

### 3.5. Our location

The Royal Commission had offices in Brisbane, Sydney and Canberra. We engaged a disability access consultant to help make them inclusive and accessible to all staff. The fit-outs of the Brisbane and Sydney offices were based on leading accessibility design principles, known as ‘universal design and technology’. For example, doors opened and closed remotely, surface contrasts helped people navigate the space, and work stations incorporated adjustable designs. We made sure our Canberra offices were accessible in the same way as their Brisbane and Sydney counterparts.

Our Brisbane office had a purpose-built public hearing room, and we redesigned our Sydney office to create a space to hold public hearings virtually when the COVID-19 pandemic reduced the ability to travel.

### 3.6. Our finances

The Australian Government provided \$527.9 million over five years from 2018–19 to support the work of the Royal Commission.<sup>2</sup> This was made up of:

- \$310.912 million over five years provided to the Royal Commission to undertake its operations. This comprised \$294.664 million in operational funding and \$16.248 million in capital funding. As part of the Mid-Year Economic and Fiscal Outlook 2021–22, the Government quarantined \$11.051 million of the Royal Commission’s budget. This reduced the Royal Commission’s overall budget to \$299.861 million.
- \$68.18 million over five years to the Attorney-General’s Department to provide legal assistance to witnesses at our public hearings and to represent the Australian Government in Royal Commission proceedings. This includes funding provided for the legal advisory service, legal financial assistance scheme, Commonwealth representation and the management of Royal Commission records.
- \$148.8 million over three years to the Department of Social Services, the National Disability Insurance Agency (NDIA) and the NDIS Quality and Safeguards Commission to provide counselling services and other support to people with disability in connection with their participation in the Royal Commission (provided in the 2019–20 Budget).

The Royal Commission had no control over the funds allocated to the Attorney-General’s Department, the Department of Social Services, the NDIA or the NDIS Quality and Safeguards Commission.

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In the Mid-Year Economic and Fiscal Outlook 2021–22, the Government provided an additional \$71.4 million over three years for advocacy, support and counselling services to people with disability in connection with their participation in the Royal Commission. It provided this funding to the Australian Government Department of Social Services, the NDIA and the NDIS Quality and Safeguards Commission.

For more information on the Royal Commission's finances, see Appendix H.

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## Endnotes

- 1 *Declaration on the Rights of Indigenous Peoples*, GA Res 61/295, UN GAOR, 61st Sess, 107th plenary mtg, Agenda Item 68, Supp No 49, UN Doc A/Res/61/295, Annex, (2 October 2007) 295.
- 2 Funding is described as being provided for a full year irrespective of the period within the financial year to which the funding applies. For example, 2018–19 funding applies only for the period April 2019 (the start of the Royal Commission) to June 2019.



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## Appendix A. Letters patent

The letters patent are the official documents that create a royal commission, appoint the commissioners and, in the terms of reference, define the nature and scope of the inquiry.<sup>1</sup>

This appendix contains the Commonwealth letters patent, issued by the then Governor-General of the Commonwealth of Australia on 4 April 2019, establishing the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. It also contains the amended letters patent issued on 13 September 2019, 13 May 2021 and 24 June 2021.

The Governors of New South Wales, Queensland, Tasmania, South Australia and Western Australia, and the Lieutenant-Governor of Victoria issued letters patent in the same or substantially the same terms as the Commonwealth letters patent. In South Australia, separate letters patent were issued to each Commissioner individually.

The state letters patent and amended letters patent are on the Royal Commission [website](#).<sup>2</sup>

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## Commonwealth letters patent – issued 4 April 2019



ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth

### **TO**

The Honourable Ronald Sackville AO QC,

Ms Barbara Bennett PSM,

Dr Rhonda Louise Galbally AC,

Ms Andrea Jane Mason OAM,

Mr Alastair James McEwin, and

The Honourable John Francis Ryan AM

### **GREETING**

RECOGNISING that people with disability are equal citizens and have the right to the full and equal enjoyment of all human rights and fundamental freedoms, including respect for their inherent dignity and individual autonomy.

AND that people with disability have the same rights as other members of Australian society to live and participate in safe environments free from violence, abuse, neglect and exploitation.

AND all forms of violence against, and abuse, neglect and exploitation of, people with disability are abhorrent.



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AND Australia has international obligations to take appropriate legislative, administrative and other measures to promote the human rights of people with disability, including to protect people with disability from all forms of exploitation, violence and abuse under the Convention on the Rights of Persons with Disabilities.

AND to give effect to those obligations and broader responsibilities to all Australians, all Australian Governments provide funding and services for people with disability, and have implemented laws to protect and enhance the wellbeing of people with disability.

AND it is important that violence against, and abuse, neglect and exploitation of, people with disability in all settings and contexts are exposed and examined, including through the sharing of individual experiences.

AND it is important that people with disability are central to processes that inform best practice decision-making on what all Australian Governments and others can do to prevent and respond to violence against, and abuse, neglect and exploitation of, people with disability.

AND all Australian Governments have expressed their support for, and undertaken to cooperate with, your inquiry.

NOW THEREFORE We do, by these Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia on the advice of the Federal Executive Council and under the Constitution of the Commonwealth of Australia, the *Royal Commissions Act 1902* and every other enabling power, appoint you to be a Commission of inquiry, and require and authorise you to inquire into the following matters:

- a. what governments, institutions and the community should do to prevent, and better protect, people with disability from experiencing violence, abuse, neglect and exploitation, having regard to the extent of violence, abuse, neglect and exploitation experienced by people with disability in all settings and contexts;
- b. what governments, institutions and the community should do to achieve best practice to encourage reporting of, and effective investigations of and responses to, violence against, and abuse, neglect and exploitation of, people with disability, including addressing failures in, and impediments to, reporting, investigating and responding to such conduct;
- c. what should be done to promote a more inclusive society that supports the independence of people with disability and their right to live free from violence, abuse, neglect and exploitation;
- d. any matter reasonably incidental to a matter referred to in paragraphs (a) to (c) or that you believe is reasonably relevant to your inquiry.

AND We direct you to make any recommendations arising out of your inquiry that you consider appropriate, including recommendations about any policy, legislative, administrative or structural reforms.

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AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, We direct you, for the purposes of your inquiry and recommendations, to have regard to the following matters:

- e. all forms of violence against, and abuse, neglect and exploitation of, people with disability, whatever the setting or context;
- f. all aspects of quality and safety of services, including informal supports, provided by governments, institutions and the community to people with disability, including the National Disability Insurance Scheme (NDIS) and the NDIS Quality and Safeguarding Framework agreed by all Australian Governments in 2017;
- g. the specific experiences of violence against, and abuse, neglect and exploitation of, people with disability are multilayered and influenced by experiences associated with their age, sex, gender, gender identity, sexual orientation, intersex status, ethnic origin or race, including the particular situation of Aboriginal and Torres Strait Islander people and culturally and linguistically diverse people with disability;
- h. the critical role families, carers, advocates, the workforce and others play in providing care and support to people with disability;
- i. examples of best practice and innovative models of preventing, reporting, investigating or responding to violence against, and abuse, neglect or exploitation of, people with disability;
- j. the findings and recommendations of previous relevant reports and inquiries.

AND We further declare that you are not required by these Our Letters Patent to inquire, or to continue to inquire, into a particular matter to the extent that you are satisfied that the matter has been, is being, or will be, sufficiently and appropriately dealt with by the Royal Commission into Aged Care Quality and Safety, another inquiry or investigation, or a criminal or civil proceeding.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, We direct you, for the purposes of your inquiry and recommendations, to consider the following matters, and We authorise you, as you consider appropriate, having regard to the date by which you are required to submit your final report, to take (or refrain from taking) any action arising out of your consideration:

- k. the need to establish accessible and appropriate arrangements for people with disability, and their families, carers and others, to engage with your inquiry and to provide evidence to you, and share information with you, about their experiences;
- l. the need to focus your inquiry and recommendations on systemic issues, recognising nevertheless that you will be informed by individual experiences and may need to make referrals to appropriate authorities;

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- m. the need to establish mechanisms to facilitate the timely communication of information, or the furnishing of evidence, documents or things, in accordance with section 6P of the *Royal Commissions Act 1902* or any other relevant law, including, for example, for the purpose of enabling the timely investigation and prosecution of offences or assisting an inquiry on a related matter by the Royal Commission into Aged Care Quality and Safety;
  - n. the need to ensure that evidence that may be received by you that identifies particular individuals as having been subject to violence, abuse, neglect or exploitation is dealt with in a way that does not prejudice current or future criminal or civil proceedings or other contemporaneous inquiries;
  - o. the need to establish appropriate arrangements in relation to current and previous inquiries, in Australia and elsewhere, for evidence and information to be shared with you in ways consistent with relevant obligations so that the work of those inquiries, including, with any necessary consents, the testimony of witnesses, can be taken into account by you in a way that avoids unnecessary duplication, improves efficiency and avoids unnecessary trauma to witnesses.

AND We appoint you, the Honourable Ronald Sackville AO QC, to be the Chair of the Commission.

AND We declare that you are a relevant Commission for the purposes of sections 4 and 5 of the *Royal Commissions Act 1902*.

AND We declare that you are a Royal Commission to which item 5 of the table in subsection 355–70(1) in Schedule 1 to the *Taxation Administration Act 1953* applies.

AND We declare that you are authorised to conduct your inquiry into any matter under these Our Letters Patent in combination with any inquiry into the same matter, or a matter related to that matter, that you are directed or authorised to conduct by any Commission, or under any order or appointment, made by any of Our Governors of the States or by the Government of any of Our Territories.

AND We declare that in these Our Letters Patent:

***Convention on the Rights of Persons with Disabilities*** means the Convention on the Rights of Persons with Disabilities, done at New York on 13 December 2006.

***government*** means the Government of the Commonwealth or of a State or Territory or a local government.

***people with disability*** means people with any kind of impairment, whether existing at birth or acquired through illness, accident or the ageing process, including cognitive impairment and physical, sensory, intellectual and psycho-social disability.

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***Royal Commission into Aged Care Quality and Safety*** means the Royal Commission into Aged Care Quality and Safety issued by the Governor-General by Letters Patent on 8 October 2018 (and including any later variations of those Letters Patent).

AND We:

- p. require you to begin your inquiry as soon as practicable; and
- q. require you to make your inquiry as expeditiously as possible; and
- r. require you to submit to Our Governor-General an interim report that you consider appropriate not later than 30 October 2020; and
- s. require you to submit to Our Governor-General a report of the results of your inquiry, and your recommendations, not later than 29 April 2022

IN WITNESS, We have caused these Our Letters to be made Patent.

WITNESS General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia.

Dated 4th April 2019

[Signed]

Governor-General

By His Excellency's Command

[Signed]

Prime Minister

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## Commonwealth letters patent – amended

### 13 September 2019



ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth

#### TO

The Honourable Ronald Sackville AO QC,

Ms Barbara Bennett PSM,

Dr Rhonda Louise Galbally AC,

Ms Andrea Jane Mason OAM,

Mr Alastair James McEwin AM,

The Honourable John Francis Ryan AM, and

The Honourable Roslyn Gay Atkinson AO

#### GREETING

WHEREAS, by Letters Patent issued in Our name and entered in the Register of Patents on 4 April 2019, We appointed you (the ***initial members***):

- a. The Honourable Ronald Sackville AO QC; and
- b. Ms Barbara Bennett PSM; and
- c. Dr Rhonda Louise Galbally AC; and
- d. Ms Andrea Jane Mason OAM; and
- e. Mr Alastair James McEwin AM; and
- f. The Honourable John Francis Ryan AM;

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to be a Commission of inquiry, required and authorised to inquire into certain matters, and required to submit to Our Governor-General a report of the results of that inquiry, and recommendations, not later than 29 April 2022;

AND WHEREAS it is desired to amend Our Letters Patent;

NOW THEREFORE We do, by these Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia on the advice of the Federal Executive Council and under the Constitution of the Commonwealth of Australia, the *Royal Commissions Act 1902* and every other enabling power, amend those Letters Patent:

- a. by appointing you, the Honourable Roslyn Gay Atkinson AO, to be an additional member of this Commission of inquiry; and
- b. so that those Letters Patent apply to you in a corresponding way to the way those Letters Patent apply to each of the initial members who is not the Chair of this Commission of inquiry; and
- c. by inserting the following paragraphs after the paragraph “AND We appoint you, the Honourable Ronald Sackville AO QC, to be the Chair of the Commission.” in those Letters Patent:

“AND We direct that the Chair be responsible for ensuring the effective, orderly and expeditious conduct of the inquiry in all its facets.

AND, without limiting the generality of the immediately preceding responsibility and as required during the conduct of your inquiry, We further direct that, other than making recommendations arising out of the inquiry and reporting on matters within these terms of reference, the Chair is authorised to give binding directions to, assign duties or functions to, or restrict the duties or functions of, other appointed Commissioners.”.

IN WITNESS, We have caused these Our Letters to be made Patent.

WITNESS General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia.

Dated 13 September 2019

[Signed]

Governor-General

By His Excellency's Command

[Signed]

Prime Minister

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## Commonwealth letters patent – amended 13 May 2021



ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth

### **TO**

The Honourable Ronald Sackville AO QC,

Ms Barbara Bennett PSM,

Dr Rhonda Louise Galbally AC,

Ms Andrea Jane Mason OAM,

Mr Alastair James McEwin AM,

The Honourable John Francis Ryan AM, and

The Honourable Roslyn Gay Atkinson AO

### **GREETING**

WHEREAS, We, by Our Letters Patent issued in Our name and dated 4 April 2019 and amended by Our Letters Patent issued in Our name and dated 13 September 2019, appointed you to be a Commission of inquiry, required and authorised you to inquire into certain matters, and required you to submit to Our Governor-General a report of the results of your inquiry, and your recommendations, not later than 29 April 2022.

AND WHEREAS it is desired to further amend Our Letters Patent dated 4 April 2019 to require you to submit to Our Governor-General a report of the results of your inquiry, and your recommendations, not later than 29 September 2023.

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NOW THEREFORE We do, by these Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia on the advice of the Federal Executive Council and under the Constitution of the Commonwealth of Australia, the *Royal Commissions Act 1902* and every other enabling power, amend Our Letters Patent dated 4 April 2019, as amended on 13 September 2019, by omitting from paragraph (s) “29 April 2022” and substituting “29 September 2023”.

IN WITNESS, We have caused these Our Letters to be made Patent.

WITNESS General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia.

Dated 13 May 2021

[Signed]

Governor-General

By His Excellency’s Command

[Signed]

Attorney-General



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## Commonwealth letters patent – amended 24 June 2021



ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth

### **TO**

The Honourable Ronald Sackville AO QC,

Ms Barbara Bennett PSM,

Dr Rhonda Louise Galbally AC,

Ms Andrea Jane Mason OAM,

Mr Alastair James McEwin AM,

The Honourable John Francis Ryan AM, and

The Honourable Roslyn Gay Atkinson AO

### **GREETING**

WHEREAS, We, by Letters Patent issued in Our name and dated 4 April 2019 and amended by Our Letters Patent issued in Our name and dated 13 September 2019 and 13 May 2021, appointed you to be a Commission of inquiry, required and authorised you to inquire into certain matters, and required you to submit to Our Governor-General a report of the results of your inquiry, and your recommendations, not later than 29 September 2023;

AND WHEREAS, it is desired to further amend Our Letters Patent at the request of the Honourable Roslyn Gay Atkinson AO;

NOW THEREFORE We do, by these Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia on the advice of the Federal Executive Council and

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under the Constitution of the Commonwealth of Australia, the *Royal Commissions Act 1902* and every other enabling power, with effect from 5 pm Australian Eastern Standard Time on 24 June 2021, further amend Our Letters Patent dated 4 April 2019, as amended on 13 September 2019 and 13 May 2021:

(a) by ceasing the appointment of the Honourable Roslyn Gay Atkinson AO, as a member of the Commission of inquiry; and

(b) by discharging the Honourable Roslyn Gay Atkinson AO, from all of her obligations under those Our Letters Patent; and

(c) by repealing the following paragraphs from Our Letters Patent dated 4 April 2019, as amended on 13 September 2019:

“(g) by appointing you, the Honourable Roslyn Gay Atkinson AO, to be an additional member of this Commission of inquiry; and

(h) so that those Letters Patent apply to you in a corresponding way to the way those Letters Patent apply to each of the initial members who is not the Chair of this Commission of inquiry; and”.

IN WITNESS, We have caused these Our Letters to be made Patent.

WITNESS General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia.

Dated 24 June 2021

[Signed]

Governor-General

By His Excellency's Command

[Signed]

Attorney-General

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## Endnotes

- 1 *Royal Commissions Act 1902* (Cth). The relevant state legislation establishing the Royal Commission is: *Royal Commissions Act 1923* (NSW), *Commissions of Inquiry Act 1950* (Qld), *Royal Commissions Act 1917* (SA), *Commissions of Inquiry Act 1995* (Tas), *Inquiries Act 2014* (Vic) and *Royal Commissions Act 1968* (WA).
- 2 'Our Terms of Reference', *Royal Commission into Violence Against Abuse, Neglect and Exploitation of People with Disability*, web page. <[www.disability.royalcommission.gov.au/about-royal-commission/our-terms-reference](http://www.disability.royalcommission.gov.au/about-royal-commission/our-terms-reference)>



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## Appendix B. Public hearings

More information about each public hearing can be found on the [Public hearings](#) section of our website.

### Overview of public hearings held

#### Public hearing 1, ‘Ceremonial opening sitting’

The Royal Commission held its first public hearing in Brisbane on 16 September 2019. This was the ceremonial opening of the Royal Commission. All Commissioners attended: Chair, The Honourable Ronald Sackville AO KC, The Honourable Roslyn Atkinson AO, Ms Barbara Bennett PSM, Dr Rhonda Galbally AC, Ms Andrea Mason OAM, Mr Alastair McEwin AM and The Honourable John Ryan AM. The ceremonial hearing was open to the public. Rebecca Treston QC (as she then was), Dr Kerri Mellifont QC (as she then was) and Andrew Fraser were Counsel Assisting at the hearing.

The Royal Commission warmly welcomed attendance by people with disability and their families and carers. Peak bodies and advocates, disability service providers and relevant government agencies were encouraged to attend.

Commissioners outlined the work being undertaken by the Royal Commission, the scope of its inquiry and key themes likely to direct future activities, including public hearings. Counsel Assisting, the Chair, Commissioner McEwin, Commissioner Mason and Ms Treston QC made opening addresses. The rights-based focus of the inquiry was emphasised, particularly that the *Convention on the Rights of Persons with Disabilities (CRPD)* underpinned the Royal Commission’s terms of reference and would guide all of our work.

Commissioners emphasised the significance of people with disability being able to engage with the Royal Commission and participate in public hearings. Commissioner McEwin, one of the two Commissioners with disability, spoke at the hearing. The Commissioner said that the individual stories of people with disability along with their expertise and knowledge about what works were central to examining processes that have resulted in systemic failures, as well as successes.<sup>1</sup> Commissioner McEwin commented that the *CRPD* enshrines the right of people with disability to be fully included in all aspects of society.<sup>2</sup> He said that the Royal Commission will work towards ensuring people with disability are free of violence, abuse, neglect and exploitation as they fully participate in society.<sup>3</sup>

The Chair said:

We recognise that people with disability must be able to engage with the Royal Commission in a totally safe and supportive environment. We understand, too, that it is critical that the Commission’s procedures and practices are designed so as to minimise the risk of re-traumatising people who engage with us. We also recognise

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that there will be many people who are unable or very reluctant to come forward to tell us of their experiences ... We therefore have to reach out actively, to allow all those people to take advantage of what may be a once in a lifetime opportunity. We have to ensure that unheard voices are finally heard.<sup>4</sup>

## Public hearing 2, 'Inclusive education in Queensland – preliminary inquiry'

Public hearing 2, 'Inclusive education in Queensland – preliminary inquiry' took place in Townsville from 4 to 7 November 2019. It was held before the Chair and Commissioners Atkinson, Galbally and Mason, with Dr Kerri Mellifont QC, Kate Eastman SC and Andrew Fraser as Counsel Assisting at the hearing.

The hearing followed a community forum in Townsville in September 2019 and the release of the *Education and learning issues paper* in October 2019, which outlined key issues and barriers experienced by people with disability in exercising their right to education. The hearing also considered the particular situations of First Nations people with disability, and culturally and linguistically diverse people with disability.

This hearing began the Royal Commission's examination of the right to inclusive education, recognised in article 24 of the *CRPD*.<sup>5</sup>

The principal purpose of Public hearing 2 was to examine policies and practices relating to inclusive education for students with disability in Queensland public schools. The hearing also considered some of the barriers to achieving inclusive education. It heard diverse views on the role of special schools. The hearing particularly inquired into innovative approaches taken by three North Queensland state high schools.

Fourteen witnesses provided evidence. These included parents of children with disability, representatives of advocacy and community organisations, the Queensland Teachers' Union, academic experts, heads of special education services, and principals. Representatives from the Queensland Department of Education gave evidence about implementing its Inclusive Education Policy and its impact on the experiences of students with disability.

The Royal Commission heard evidence about:

- the use of restrictive practices as a means of managing behaviours of concern
- the particular experiences of First Nations students in North Queensland
- the continued role, if any, of special schools in the education system
- the experiences of students with disability in private schools, independent or faith-based schools, and home-schooling
- the prevalence and nature of violence, abuse, neglect and/or exploitation in segregated settings, including whether there is an increased risk of such maltreatment in special schools

- the nature of transition phases between different education settings and from education to employment, and their impact on students with disability
- the collection and use of data.

The Royal Commission released its *Report of Public hearing 2: Inclusive education in Queensland – preliminary inquiry* in October 2020.<sup>6</sup>

## Public hearing 3, ‘The experience of living in a group home for people with disability’

Public hearing 3, ‘The experience of living in a group home for people with disability’ took place in Melbourne between 2 and 6 December 2019. It was held before the Chair and Commissioners Atkinson and McEwin. Kate Eastman SC, Malcolm Harding SC and Andrew Fraser were Counsel Assisting at the hearing.

The Commissioners examined whether living in group homes increases the risk that people with disability experience violence, abuse, neglect and exploitation. Coinciding with this hearing, we published the *Group homes issues paper* followed by an *Overview of responses to the Group homes issues paper*.

The Royal Commission decided to undertake this inquiry as one of its early public hearings because a person’s home is the place where they should feel and be safe and secure. A person’s home is central to their lives, their dignity, their independence and their wellbeing.<sup>7</sup> Twenty-nine witnesses gave evidence. These included people with direct experience of living with disability in a group home, their family members and the Chief Executive Officer of the service provider Yooralla. We also heard evidence from the Victorian Department of Health and Human Services, the Victorian Office of the Public Advocate, Community Visitors, the Victorian Disability Services Commissioner, disability advocates and academic experts.

The key themes arising from the hearing included:

- the transition from large, institutional and segregated state-operated residential settings
- residents’ lack of choice and control about where and with whom they lived
- whether lack of choice and control in accommodation options contributed to violence, abuse, neglect and exploitation of residents with disability
- the use of restrictive practices in group homes
- social attitudes, service cultures and staff practices that may contribute to violence, abuse, neglect and exploitation, as well as other factors that may do so
- inadequacy of reporting mechanisms and oversight of service providers
- redress for people who may have experienced violence, abuse, neglect and exploitation while living in a group home
- alternative accommodation models to transition from group homes.

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The Royal Commission released its *Report of Public hearing 3: The experience of living in a group home for people with disability* in September 2020.<sup>8</sup> The report did not make adverse factual findings with respect to any individual, organisation or government. It identified key themes emerging from the evidence, made general observations based on the evidence and identified areas for further inquiry.

The report observed that the introduction of group homes as an alternative to large institutions has not eliminated institutional forms of violence, abuse, neglect and exploitation experienced by people with disability, particularly people with serious intellectual disability.<sup>9</sup>

## Public hearing 4, 'Health care and services for people with cognitive disability'

Public hearing 4, 'Health care and services for people with cognitive disability' took place in Homebush, Sydney from 18 to 28 February 2020. It was held before the Chair and Commissioners Atkinson, Bennett and Galbally. Counsel Assisting the hearing were Kate Eastman SC, Georgina Wright and Simone Fraser.

This hearing was the first of our hearings to examine health care issues for people with disability, and the provision of health care to people with cognitive disability.

The purpose of the hearing was to examine the health care and services provided to people with cognitive disability in Australia and to investigate whether this group of people is subject to systemic neglect by the health system. The hearing also examined why death rates of people with intellectual disability are reported to be higher, and life expectancy shorter, than the general population.<sup>10</sup> It sought to examine whether people with cognitive disability experience systemic neglect in relation to their health care.

Thirty-eight witnesses gave evidence. These included people with cognitive disability and their families, support persons of people with cognitive disability, representatives of advocacy organisations, experts, medical professionals and representatives of government departments and agencies.

The hearing focused on the New South Wales health system and initiatives by the Australian and New South Wales governments to improve health services for people with cognitive disability. Direct experience witnesses also told us what was required to provide quality health care for people with cognitive disability.

Witnesses gave evidence about how important preventative health care, dental health care, the transition from paediatric to adult health care, and mental health care is for people with cognitive disability. They also gave evidence about the barriers they face in receiving those services.

Advocates and experts gave evidence about barriers to good health care experienced by First Nations people with disability. They also gave evidence about the challenges of obtaining a diagnosis for people with cognitive disability living in rural and remote areas, particularly for First



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Nations people. Suggestions were made for reform regarding culturally appropriate measures for improving access to health services for First Nations people with cognitive disability.

Among the themes explored were prevailing attitudes and assumptions about the quality of life and value to society of people with cognitive disability, and how this may influence decision-making about their care by way of diagnostic overshadowing. Witnesses also raised the importance of advocacy for people with cognitive disability in the health system and the support needed to assist families and others to advocate on their behalf.

The Royal Commission released its Report of Public hearing 4: Health care and services for people with cognitive disability in October 2020.<sup>11</sup>

The Commissioners' report did not make adverse factual findings with respect to any individual, organisation or government. It identified the key themes that emerged from consideration of the totality of the evidence, and made findings in the nature of general observations based on the totality of the evidence. In particular, it found that 'people with cognitive disability have been and continue to be subject to systemic neglect in the Australian health system'.<sup>12</sup>

The report identified the need for improved integration between the health and disability sectors, and better communication and information sharing.<sup>13</sup> The report emphasised the need for better training of health care professionals, which became the subject of Public hearing 10, 'Education and training of health professionals in relation to people with cognitive disability'.<sup>14</sup>

## Public hearing 5, 'Experiences of people with disability during the ongoing COVID-19 pandemic'

Public hearing 5, 'Experiences of people with disability during the ongoing COVID-19 pandemic' took place remotely in Sydney from 18 to 21 August 2020. It was held before the Chair and Commissioners Bennett and Galbally. Kate Eastman SC and Dr Kerri Mellifont QC were Counsel Assisting at the hearing.

Thirty-six witnesses gave evidence, including people with disability, parents, siblings, support workers, advocates, experts, medical professionals, service providers and representatives of the Australian Government.

The hearing took place against the background of the Royal Commission's Statement of Concern, released on 26 March 2020, about the impact of the COVID-19 pandemic on people with disability. It followed our Emergency planning and response issues paper, published on 15 April 2020. The hearing highlighted the experiences of people with disability during the first few months of the pandemic and focused on the way the Australian Government had included or, at times, overlooked people with disability in its management and response to the health emergency. It examined the impact of and challenges posed by the pandemic on First Nations people with disability, people from culturally and linguistically diverse backgrounds with disability, and women with disability.

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Some people with disability said they had been ‘forgotten and ignored’ as measures to stop the spread of COVID-19 were implemented. People with disability described the impact of abrupt isolation and denial of social contacts, including sudden interruptions to or loss of essential services, and the inability to access medications, health care or even adequate food supplies.<sup>15</sup> There was a lack of protective equipment for people with disability and support workers, causing fear and anxiety about exposure to the virus.<sup>16</sup>

The *Report of Public hearing 5: Experiences of people with disability during the ongoing COVID-19 pandemic* was tabled in the Australian Parliament on 30 November 2020.<sup>17</sup> This was the first of the Royal Commission’s reports to make formal findings and recommendations. It did so because the Royal Commission believed the Australian Government needed to take immediate action in the face of rapidly evolving circumstances.

The report recommended that the Australian Government should consider the Royal Commission’s findings and recommendations as a matter of urgency.<sup>18</sup>

The Commissioners made 22 recommendations. Those included that the Australian Government should implement formal consultation mechanisms for engaging with people with disability and their representatives in planning for and responding to COVID-19 and any future emergencies.<sup>19</sup>

Commissioners also recommended that amendments should be made to the terms of reference of the Aboriginal and Torres Strait Islander Advisory Group on COVID-19. These suggested amendments were to state expressly that its work includes providing advice with respect to First Nations people with disability. They also recommended that membership of the Advisory Group should include at least one member representing the interests of First Nations people with disability.<sup>20</sup>

The report also recommended that guidelines be prepared specifically addressing the prevention, control and public health management of COVID-19 outbreaks in disability accommodation settings.<sup>21</sup>

Further details of the findings and recommendations made in this report can be found by accessing *Report of Public hearing 5* in the *Public hearings* section of our website.

The Australian Government responded to the report on 21 April 2021, advising that it supported, or supported in principle, 21 of the report’s 22 recommendations, and noted one. In its *Response to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability – Public Hearing Report – Public hearing 5: Experiences of people with disability during the ongoing COVID-19 pandemic*, the Australian Government said it had already acted to address and implement many of the recommendations. Those included ‘reform to consultation processes, improvements to data, governance arrangements and the development of further guidance for providers of disability accommodation services’.<sup>22</sup>

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## Public hearing 6, 'Psychotropic medication, behaviour support and behaviours of concern'

Public hearing 6, 'Psychotropic medication, behaviour support and behaviours of concern' was a virtual hearing that took place in Sydney from 22 to 25 September 2020. It was held before the Chair and Commissioners Atkinson and McEwin, with Kate Eastman SC, Dr Hayley Bennett and Melinda Zerner as Counsel Assisting.

Thirty witnesses gave evidence. They included family members of people with cognitive disability who had been prescribed psychotropic medication to manage behaviour. In addition, medical practitioners, other health professionals, advocates, academics and government representatives gave evidence about the nature and use of psychotropic medication. 'Psychotropic medication' is an umbrella term used to refer to any drug – such as anti-psychotics or anti-depressants – capable of affecting the mind, emotions or behaviour.

The hearing examined how people with cognitive disability are treated when they display so-called 'behaviours of concern' in various contexts. Responses can often involve the administration of psychotropic medication to manage or modify the behaviours of concern of the person with disability.

The hearing examined whether responses of this kind, as distinct from positive behavioural support, cause or increase the risk of people with intellectual disability experiencing violence, abuse, neglect or exploitation.

The hearing considered a number of themes, including:

- the extent of use of psychotropic medication to address 'behaviours of concern', and the effects on the health and wellbeing of people with disability
- the regulatory frameworks governing the use of psychotropic medication and how restrictive practices regulatory frameworks in Queensland operate in practice regarding the use of psychotropic medication
- alternatives to the use of psychotropic medication.

On 2 June 2021, the Royal Commission released its *Report of Public hearing 6: Psychotropic medication, behaviour support and behaviours of concern*.<sup>23</sup>

Commissioners found there was evidence to establish that psychotropic medication is being over-prescribed to people with cognitive disability. This was despite the absence of reliable statistical data and taking into account the higher prevalence of mental illness among people with cognitive disability. It was being used to deal with certain behaviours by people with cognitive disability.<sup>24</sup> However, there was limited evidence to support the efficacy of psychotropic medication alone in addressing behaviours of concern in people with cognitive disability.<sup>25</sup> The Commissioners found that people with cognitive disability may experience more side effects, including atypical effects, of psychotropic medication than people without disability.<sup>26</sup>

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The evidence highlighted that people with cognitive disability often experience serious negative consequences from its use.

In March 2022, the Australian Commission on Safety and Quality in Health Care, the Aged Care Quality and Safety Commission, and the NDIS Commission issued a joint statement responding to the key issue of overuse and misuse of psychotropic medication identified in the Report of Public hearing 6.<sup>27</sup>

## Public hearing 7, 'Barriers experienced by students with disability in accessing and obtaining a safe, quality and inclusive school education and consequent life course impacts'

Public hearing 7, 'Barriers experienced by students with disability in accessing and obtaining a safe, quality and inclusive school education and consequent life course impacts' took place from 12 to 16 October 2020 in Brisbane. It was held before the Chair and Commissioners Atkinson, Galbally and Mason. Counsel Assisting at the hearing were Dr Kerri Mellifont QC, Elizabeth Bennett, Ben Power and Andrew Fraser.

An additional day was held in Brisbane on 7 May 2021 for oral submissions by Counsel Assisting. Witnesses gave evidence in the hearing room in Brisbane and via audiovisual link. This hearing built on Public hearing 2.

Twenty-five witnesses gave evidence. They included children and young people with disability, their families, education professionals, disability advocates and representatives from the Departments of Education in Queensland and New South Wales.

The hearing examined the barriers experienced by students and young people with disability in accessing and obtaining a safe, quality and inclusive school education. It also considered the resulting life course impacts on those students when those barriers were present.

The hearing focused on the mainstream, public school systems in Queensland and New South Wales. However, some evidence was presented regarding other school settings, sectors and jurisdictions.

The matters considered included:

- the impact of absences, suspensions, exclusions and expulsion from school on students with disability, and barriers to their re-engagement in school
- adjustments and supports for students with disability and the barriers to making reasonable adjustments and supports available
- individualised planning
- the use of restrictive practices on students with disability

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- the resulting impacts on the life course and mental health of students with disability who have experienced barriers in education, including the transition to higher education and employment.

Counsel Assisting's oral submissions presented on 7 May 2021 drew together key themes from the evidence. Counsel Assisting also made submissions on proposed findings, recommendations and areas for further investigation. Parties who were granted leave to appear at Public hearing 7 had the opportunity to present oral submissions in response.

On 17 November 2021, the Royal Commission published its *Report of Public hearing 7: Barriers experienced by students with disability in accessing and obtaining a safe, quality and inclusive school education and consequent life course impacts*.<sup>28</sup>

Public hearing 7 examined several case studies, including that of 'Sam'.<sup>29</sup> Commissioners made multiple findings about Sam's case.<sup>30</sup>

The hearing highlighted the critical importance of education to inclusion and independence over a person's life course.<sup>31</sup> The evidence demonstrated negative attitudes held by teachers and other students towards students with disability in education settings.<sup>32</sup> For example, one witness gave evidence that children with disability were regarded as being too hard to teach and were a burden on students without disability.<sup>33</sup> The mother of a First Nations student with disability spoke of her son's experiences of being regularly bullied and excluded.<sup>34</sup>

The report identified common barriers experienced by students with disability to inclusive education within mainstream government schools. Barriers include negative attitudes towards disability, failure to implement appropriate reasonable adjustments for students with disability, and inadequate data analysis and collection.<sup>35</sup> The hearing highlighted a lack of oversight and regulation of policies and practices in educational settings around the use of restrictive practices against children with disability. Insufficient progress towards addressing the lack of regulation has placed children with disability at significant risk of harm.<sup>36</sup>

## Public hearing 8, 'The experiences of First Nations people with disability and their families in contact with child protection systems'

Public hearing 8, 'The experiences of First Nations people with disability and their families in contact with child protection systems' took place from 23 to 27 November 2020 in Brisbane. It was held before the Chair and Commissioners Atkinson, Mason and McEwin. Dr Kerri Mellifont QC, Lincoln Crowley QC (as he then was), Elizabeth Bennett and Ben Power were Counsel Assisting at the hearing, assisted by Avelina Tarrago.

This was the first hearing specifically examining the experiences of First Nations people with disability.

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A traditional cleansing ceremony was held at the Brisbane hearing room on 20 November 2020 ahead of the hearing so that First Nations people giving evidence would feel safe and welcome.

Thirty-one witnesses gave evidence at the hearing, including First Nations people with disability who have had interactions with the child protection system, disability advocates, independent statutory office holders, and government representatives from Queensland, New South Wales and South Australia. The Royal Commission heard personal stories of three First Nations mothers with disability and their experiences of interactions with child protection systems.

The hearing examined:<sup>37</sup>

- whether First Nations parents with disability and their families are exposed to a higher likelihood of statutory intervention(s) by child protection systems than parents who are not First Nations parents with disability
- how child protection services interact with and respond to First Nations parents with disability in their practices and administrative decisions
- whether First Nations parents with disability are exposed to a greater risk of violence, abuse, neglect or exploitation during, or as a result of, contact with child protection systems
- the responses of state and territory governments to the implementation of recommendations on the above issues made by previous Royal Commissions and past inquiries
- measures to reduce the risk of First Nations parents with disability being subject to adverse outcomes, including abuse, and to promote better outcomes.

Later public hearings 16 and 25 drew on matters raised at Public hearing 8 and considered the experiences of First Nations people with disability in other contexts.

## Public hearing 9, 'Pathways and barriers to open employment for people with disability'

Public hearing 9, 'Pathways and barriers to open employment for people with disability' took place in Brisbane from 7 to 11 December 2020. It was held before the Chair and Commissioners Atkinson, Galbally and Ryan. Counsel Assisting and parties granted leave to appear presented oral submissions on 24 March 2021. Kate Eastman SC, Simone Fraser and Melinda Zerner were Counsel Assisting at the hearing.

This was the first Royal Commission hearing concerning the economic participation of people with disability.

Thirty-five witnesses gave evidence. They included 20 people with disability, disability advocates and representative organisations, academics and independent statutory office bearers.

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The hearing examined systemic barriers experienced by people with disability in seeking and obtaining open employment. Witnesses gave evidence about their experiences with finding and keeping jobs in the open labour market, their transition into and out of the workforce and their experiences of discrimination and exploitation.

The hearing examined the following key themes:

- the right of people with disability to work alongside others without discrimination
- the systemic barriers to people with disability attaining meaningful employment, including attitudinal, physical and environmental, organisational and structural barriers, and how systemic barriers contribute to violence, abuse, neglect and exploitation
- links between meaningful and sustainable employment and people with disability's inclusion into broader society
- the particular experiences of women with disability, First Nations people with disability, and people with disability who are from culturally and linguistically diverse, refugee and/or migrant backgrounds, or who identify as LGBTIQ+
- employment programs and how different systems such as the Disability Support Pension, the NDIS and Disability Employment Services interact
- how employers can build inclusive workplaces to promote employment opportunities and career advancement for people with disability.

Counsel Assisting submitted that the evidence supported a finding that people with disability experience systemic barriers in obtaining and retaining employment in the open labour market.<sup>38</sup> Counsel Assisting recommended the Royal Commission conduct a further hearing to hear the responses and perspectives of employers and regulators.<sup>39</sup> At Public hearing 19, 'Measures taken by employers and regulators to respond to the systemic barriers to open employment for people with disability', the Royal Commission heard from government and private sector employers as well as the key regulators.

Employment was also the subject of Public hearing 21, 'The experience of people with disability engaging with Disability Employment Services', which examined the experiences of people with disability engaging with the Disability Employment Services (DES) program. Public hearing 22, 'The experience of people with disability working in Australian Disability Enterprises' focused on the experience of people with disability working in Australian Disability Enterprises (ADEs).

## Public hearing 10, 'Education and training of health professionals in relation to people with cognitive disability'

Public hearing 10, 'Education and training of health professionals in relation to people with cognitive disability' took place in Sydney on 15 and 16 December 2020 and 2 March 2021. The first two days were held before the Chair and Commissioners Atkinson and Bennett, and the final day before the Chair and Commissioners Atkinson, Bennett and Galbally. Counsel Assisting at the hearing were Kate Eastman SC and Georgina Wright.



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This hearing examined issues arising from Public hearing 4 concerning the training of health professionals.

People with disability have the right to receive the highest attainable standard of health care without discrimination, a right specifically protected under the *CRPD*.<sup>40</sup> Accordingly, health professionals must provide the same quality of care across the whole community, without discrimination on the basis of disability.<sup>41</sup>

Counsel Assisting developed a series of propositions concerning health professionals' education and training based on the evidence given at Public hearing 4 and Public hearing 6, as well as a review of the submissions and reports. The propositions covered three main categories aimed at improving the health care and health outcomes for people with cognitive disability:

- standardised competency framework – to guide education and training reforms
- fundamentals – key content and procedural elements that should guide and inform all training and education
- training phases – specific stages of education and training.

The propositions were tested at the hearing. The panel structure facilitated discussion between witnesses, Counsel Assisting and the Commissioners.

Forty-three witnesses gave evidence. The witnesses included people with disability and their families, representatives from universities, peak bodies, medical colleges, accreditation and professional authorities and professional associations, and health professionals. 'Health professionals' included allied health professionals and other health professionals such as dentists and pharmacists.

The hearing examined:

- the content of curricula at undergraduate and post-graduate medical, dental, nursing, pharmacy, psychology and speech pathology schools, and medical colleges relating to the health needs of people with cognitive disability
- areas of curricula redevelopment to better support people with cognitive disability
- accreditation and oversight of education and training programs
- practice standards and professional competencies
- post-registration and specialty education and training as well as continuing professional development
- the extent of involvement of people with cognitive disability and their families and support persons in the education and training of health professionals
- the need for and effectiveness of education and training to address issues including:



- misdiagnosis of health conditions in people with cognitive disability
- the cultural attitudes, assumptions and beliefs about the quality of the lives of people with cognitive disability
- communication issues
- gaps in specialised knowledge about cognitive disability.

On 1 March 2022, Commissioners released their *Report of Public hearing 10: Education and training of health professionals in relation to people with cognitive disability*. It included nine findings and 12 recommendations. Commissioners included recommendations to encourage prompt action by the representative bodies of the health professions and government agencies.

Commissioners found entry-level health practitioner programs do not adopt a consistent approach to teaching health professionals about the health care of people with cognitive disability.<sup>42</sup> Further, not all students received sufficient education or training to develop the skills needed for providing health care to people with cognitive disability.<sup>43</sup> The Commissioners made five recommendations aimed at developing a cognitive health capability framework to inform education and training of all registered and non-registered health professionals.<sup>44</sup>

Commissioners found 'broad support for the establishment of a network of centres of excellence or a national centre of excellence to bring together expertise and lead research' in this area.<sup>45</sup>

The Australian Government Department of Health and Aged Care is establishing a National Centre of Excellence in Intellectual Disability Health.<sup>46</sup>

## Public hearing 11, 'The experiences of people with cognitive disability in the criminal justice system'

Public hearing 11, 'The experiences of people with cognitive disability in the criminal justice system' took place in Brisbane from 16 to 25 February 2021. It was held before the Chair and Commissioners Atkinson, Mason and McEwin, with Dr Kerri Mellifont QC, Ben Power and Janice Crawford as Counsel Assisting at the hearing.

Thirty-three witnesses gave evidence, including five people with disability who had direct experience with Australia's criminal justice system. Evidence was also given by academics, experts, advocates and lawyers who work within the criminal justice system, representatives from government and a forensic disability unit manager.

The hearing examined the experiences of violence, abuse, neglect and exploitation of people with disability. An emphasis was placed on people with cognitive disability in the criminal justice system, and the consequences which follow those experiences. In particular:

- the factors contributing to people with cognitive disability first coming into contact with the criminal justice system
- how and why people with cognitive disability cycle in and out of the criminal justice system

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- how the criminal justice system can, and often does, criminalise disability
  - the overrepresentation of First Nations people with cognitive impairment within the criminal justice system, and any differences in their experiences
  - the long-term and indefinite incarceration of people with cognitive impairment under forensic custody orders
  - the impact that appropriate diversion from the criminal justice system and the provision of appropriate supports to people with disability can have in reducing contact with the criminal justice system and in moving away from the criminalisation of disability.

The hearing explored how people with cognitive disability spent long periods in custodial and forensic settings due to the limited availability of alternative services or appropriate accommodation. It considered the processes for transitioning people with cognitive disability out of those settings when restrictive interventions exacerbated their mental health condition or their behaviours of concern. The hearing also examined the use of restrictive practices in custodial and forensic settings to manage risks of self-harm or harm to others by people with cognitive disability.

The Royal Commission explored issues set out above through three case studies. Two case studies considered the experiences of ‘Melanie’<sup>47</sup> and ‘Winmartie’<sup>48</sup> who are First Nations people with cognitive disability. Both were in indefinite detention having been found unfit to plead to charges of manslaughter. They remained in restrictive environments because of inadequate alternatives.

The third case study addressed the Cognitive Impairment Diversion Program (CIDP) that diverted people with cognitive impairment from the criminal justice system if they had been charged with low-level offences. It supported people to access help such as legal advice or representation and services such as additional NDIS support.

## Public hearing 12, ‘The experiences of people with disability, in the context of the Australian Government’s approach to the COVID-19 vaccine roll-out’

Public hearing 12, ‘The experiences of people with disability, in the context of the Australian Government’s approach to the COVID-19 vaccine roll-out’ took place remotely from Sydney on 17 May 2021. The hearing was held before the Chair and Commissioners Atkinson, Bennett and Galbally. Kate Eastman SC was Counsel Assisting at the hearing with the assistance of Aditi Rao.

Public hearing 12 built on Public hearing 5, which examined the experiences of people with disability during the COVID-19 pandemic. The specific focus of the hearing was the Australian Government’s vaccine rollout that commenced on 7 January 2021.

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The hearing followed widespread reports about the slow pace of the vaccine roll-out for people with disability and disability support workers. It also explored reports of a lack of information about the roll-out, particularly for people with disability in supported residential accommodation.

Thirteen witnesses gave evidence, including nine who were either people with a disability or a family member. Each witness spoke of their experience in trying to obtain information about the vaccine and then trying to access it. A disability support worker, disability advocates, an expert in disability and health, and a senior representative from the Australian Government Department of Health also gave evidence.

The evidence showed the concerns expressed to the Royal Commission were well-founded. A senior representative of the Department of Health was questioned about why the roll-out of the vaccine was so slow for people with disability and disability workers. Witnesses were also asked to explain how the Australian Government proposed to complete the roll-out to people with disability, including people with intellectual disability. On 27 September 2021, the Royal Commission released *Public hearing 12: The experiences of people with disability, in the context of the Australian Government's approach to the COVID 19 vaccine rollout – Commissioners' draft report.*

The draft report included 17 findings. They included that the framing of the COVID-19 vaccine roll-out strategy and the conduct of the rollout by the Australian Government Department of Health was 'seriously deficient' for a range of reasons. The draft report also found that the strategy was framed without adequate consultation with the Advisory Committee on Health Emergency Response to Coronavirus (COVID-19) for People with Disability or Disability Representative Organisations.<sup>49</sup>

The draft report identified the main problems with the vaccine roll-out for people with disability and support workers. These included failure by the Australian Government Department of Health to appreciate the challenges of the rollout to these groups, a lack of transparency in decision-making, communication failures and not providing easily understood information about the rollout. It said the department did not consider identifying people in the group most at risk of serious consequences from contracting COVID-19 or formulating a plan to reach these people and offer the vaccine.<sup>50</sup>

On 29 October 2021, the final Royal Commission *Report of Public hearing 12: The experiences of people with disability, in the context of the Australian Government's approach to the COVID 19 vaccine rollout* was tabled in the Australian Parliament.

The report considered the Australian Government's submissions in response to the Commissioners' draft report. It contained 17 findings and seven recommendations about the Australian Government's approach to the COVID-19 vaccine roll-out for people with disability.

It strongly recommended the Australian Government use its best endeavours to ensure that restrictions were not significantly eased before all people with disability were given the opportunity to be fully vaccinated and all active disability support workers were

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fully vaccinated.<sup>51</sup> In its response to the report, the Australian Government noted this recommendation but accepted the other six recommendations in the final report.<sup>52</sup>

## Public hearing 13, ‘Preventing and responding to violence, abuse, neglect and exploitation in disability services (a case study)’

Public hearing 13, ‘Preventing and responding to violence, abuse, neglect and exploitation in disability services (a case study)’ took place in Homebush in Sydney from 24 to 28 May 2021. The hearing was held before the Chair and Commissioners Galbally and McEwin. Kate Eastman AM SC and Elizabeth Bennett appeared as Counsel Assisting at the hearing.

This was the first hearing open to the public since the COVID-19 pandemic began. An additional hearing day was held on 10 September 2021 for Counsel Assisting and parties with leave to appear to present oral submissions.

Public hearing 13 was the first of several hearings examining the policies and practices of disability service providers. It focused on the experiences of ‘Melissa’,<sup>53</sup> ‘Carl’<sup>54</sup> and ‘Chen’,<sup>55</sup> people with disability living in supported accommodation operated by a non-government disability service provider, Sunnyfield Disability Services (Sunnyfield) in Western Sydney.

The case study examined Sunnyfield’s role and responsibility in preventing and responding to violence and abuse of the residents by two Sunnyfield employees (‘SP1’ and ‘SP2’). The hearing also examined:

- Sunnyfield’s governance, management and risk arrangements
- Sunnyfield’s recruitment, supervision and management of its staff working in the group home
- Sunnyfield’s relationship with residents’ families, when they raised concerns
- Sunnyfield’s investigation and response to allegations support workers abused the residents
- the role and responsibilities of external oversight bodies, including the NSW Ombudsman and the NDIS Commission, to prevent violence, abuse, neglect and exploitation and to respond to complaints.

The Royal Commission was informed the residents received letters of apology from Sunnyfield following Public hearing 13.

On 5 April 2022, Commissioners released their *Report of Public hearing 13: Preventing and responding to violence, abuse, neglect and exploitation in disability services (a Case Study)*. The report makes 24 findings and three recommendations.

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## Public hearing 14, 'Preventing and responding to violence, abuse, neglect and exploitation in disability services (South Australia)'

Public hearing 14, 'Preventing and responding to violence, abuse, neglect and exploitation in disability services (South Australia)' took place in Adelaide from 7 to 11 June 2021. The hearing was held before the Chair and Commissioners Bennett and McEwin, and Kate Eastman AM SC, Elizabeth Bennett and Dr Hayley Bennett were Counsel Assisting at the hearing. It was the second of several hearings examining how disability service providers prevent and respond to violence, abuse, neglect and exploitation.

Counsel Assisting presented oral submissions on 30 September 2021, which proposed eight findings, seven recommendations and five areas for further investigation.

On 15 June 2022, Commissioners released their *Report of Public hearing 14: Preventing and responding to violence, abuse, neglect and exploitation in disability services (South Australia)*.

The hearing comprised two parts, outlined below.

### 'Mitchell' and Daniel Rogers

The first part of the hearing focused on the experiences of two people with disability, 'Mitchell'<sup>56</sup> and Daniel Rogers, who lived in supported accommodation provided by the South Australian Department of Human Services (DHS). The case studies sought to expose broader systemic issues to be examined in future hearings.

Victoria<sup>57</sup> and James,<sup>58</sup> Mitchell's aunt and uncle, gave evidence about Mitchell's experiences in living in different supported accommodation settings. They also gave evidence about their challenges with raising issues and concerns, and the events surrounding the receipt of an anonymous threatening letter. The letter threatened to harm Mitchell. The hearing examined what steps were taken to investigate and respond to the threatening letter and why there was a delay in doing so.

The hearing also examined the experience of Daniel Rogers when he lived in a house known as 'N Street'. Daniel's mother, who is also a disability advocate, gave evidence that she often had need to complain about Daniel's care. Of particular concern was Daniel's admission to hospital with extensive bruising. Daniel's mother did not believe support staff at N Street were truthful about how the injury happened and about other incidents.

The hearing examined DHS's practices and policies around the standard of care provided for Daniel, its spending and accounting of his money, and its communication with his family (including about health matters). The hearing considered the adequacy of the steps taken by the South Australian Police and DHS to investigate the circumstances of Daniel's physical injuries. DHS's internal reporting and complaints handling processes were also examined.

The Royal Commission received evidence about various DHS responsibilities and the way it provided accommodation services.

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Following Public hearing 14, DHS announced that it would engage a forensic investigator to examine Victoria and James' concerns about the letter. The DHS Chief Executive also issued formal letters of apology to Mitchell and Daniel Rogers and their families.

In the *Report of Public hearing 14*, Commissioners made nine findings concerning the case studies relating to Mitchell and Daniel Rogers. Findings included DHS's lack of focus on Mitchell's safety and wellbeing in its supported accommodation<sup>59</sup> and its inappropriate response to the threatening letter.<sup>60</sup> Commissioners also made findings concerning DHS's failure to properly investigate Daniel's injuries,<sup>61</sup> and the lack of institutional accountability for the problems experienced by Mitchell, Daniel Rogers, and their families.<sup>62</sup>

## Responses to the death of Ann-Marie Smith

The second part of the hearing examined responses by DHS, the National Disability Insurance Agency (NDIA) and the NDIS Commission to the death of Ann-Marie Smith, who had lived with cerebral palsy. Ms Smith's death on 6 April 2020 was described by her friend, 'Brooke',<sup>63</sup> as 'incomprehensible'.<sup>64</sup> She was found to be suffering septic shock, multiple organ failure, severe pressure sores and malnutrition.

The hearing focused primarily on the measures taken in response to investigations already conducted into Ms Smith's death, particularly:

- the report of the Safeguarding Task Force, commissioned by the South Australian Government
- the Honourable Alan Robertson SC's report, Independent review of the adequacy of the regulation of supports and services provided to Ann-Marie Smith, an NDIS participant, who died on 6 April 2020.

The Royal Commission examined:

- how the NDIA and the NDIS Commission identify vulnerable NDIS participants
- the NDIS Commission's regulation of 'sole carers'
- the responsibility of local area coordinators and support coordinators for vulnerable NDIS participants' safety and wellbeing
- information-sharing arrangements between state and Australian Government agencies and between the NDIA and the NDIS Commission.

In their *Report of Public hearing 14*, Commissioners made a series of observations about the responses to the two reports on the death of Ms Smith but did not make any findings.

## Public hearing 15, 'People with cognitive disability and the criminal justice system: NDIS interface'

Public hearing 15, 'People with cognitive disability and the criminal justice system: NDIS

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interface' took place in Brisbane on 12 and 13 August 2021. It was held before the Chair and Commissioners McEwin and Mason. Dr Kerri Mellifont QC, Ben Power and Janice Crawford appeared as Counsel Assisting at the hearing.

This hearing continued the work of the Royal Commission following Public hearing 11, which examined the experiences of people with cognitive disability in the criminal justice system and their need for proper supports. It also enabled government parties to respond to the issues raised concerning the NDIS in that hearing. Public hearing 15 considered the interface between the NDIS (run by the Australian Government) and corrective services (run by state and territory governments).

The hearing focused on:

- the approach of Commonwealth, state and territory governments to the division of responsibility for providing supports and services to people with cognitive disability involved in the criminal justice system
- barriers to people with cognitive disability involved in the criminal justice system in accessing the NDIS, including when transitioning from custodial environments
- NDIS guidelines and policies as they relate to people with cognitive disability and the criminal justice system.

The hearing examined the tensions that arise at the intersection of government responsibilities and the impact of these tensions on people with disability in the criminal justice system. The hearing also considered barriers to accessing the NDIS, including when transitioning from custodial environments.

The hearing examined the risk that if 'a person with cognitive disability is not being provided the support they need, then they can become enmeshed in the criminal justice system'. It also examined the subsequent risk that if a person with cognitive disability is incarcerated, they may become 'the victim of violence within those settings'.<sup>65</sup>

The evidence presented at Public hearing 11 and Public hearing 15 highlighted four interrelated issues about the criminal justice system and the NDIS. These included:

- conflicting views about which government had responsibility for particular disability-related supports for people with cognitive disability in the criminal justice system
- the limited supports the NDIS provided to NDIS participants in the criminal justice system
- NDIS planners and support coordinators' lack of understanding of NDIS participants' needs in the criminal justice system and the NDIS's responsibility towards them
- the shortage of Specialist Disability Accommodation and appropriate supports creating barriers for people with cognitive disability transitioning from custodial settings into the community.



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A particular focus of the hearing was the lack of clarity between the states and territories and the NDIS regarding their respective responsibilities for supporting people with cognitive disability in the justice system. An important issue in this regard is planning and effecting the transition of people in detention into the community.<sup>66</sup> This was explored through an examination of the cases of ‘Melanie’<sup>67</sup> and ‘Winmartie’,<sup>68</sup> whose experiences were considered at Public hearing 11.

## Public hearing 16, ‘First Nations children with disability in out-of-home care’

Public hearing 16, ‘First Nations children with disability in out-of-home care’ took place between 17 and 24 September 2021. It was held remotely before the Chair and Commissioners Galbally and Mason. Counsel Assisting at the hearing were Lincoln Crowley QC, Ben Power, Avelina Tarrago and Rebeca McMahon.

This was the second public hearing specifically directed at the experiences of First Nations people with disability – the first being Public hearing 8, ‘The experiences of First Nations people with disability and their families in contact with child protection systems’.

Forty-four witnesses gave evidence, including First Nations young people with disability, their family members and carers; and representatives of community organisations, legal services and First Nations community-controlled organisations and peak bodies. Representatives from state and territory child protection authorities also gave evidence.

Public hearing 16 focused on the overrepresentation of First Nations children with disability in out-of-home care, including residential care. The hearing used case studies to examine the systemic problems experienced by these children. We also received evidence about ‘secure care’ settings that house children with disability in out-of-home care in Western Australia and the Northern Territory.

The scope and purpose of Public hearing 16 was to inquire into matters including:

- policy and practices of child protection departments in identifying and diagnosing disability, including health checks and disability assessments
- experiences of violence against, abuse, neglect and exploitation of, First Nations children with disability in out-of-home care
- access to supports and services, including the NDIS, by First Nations children with disability and their carers
- policies and practices with respect to ‘secure care’ environments and the potential for adverse outcomes for First Nations children with disability in these settings
- patterns and trends in the representation and placement of First Nations children with disability in out-of-home care
- data on the representation and experiences of these children



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- negative outcomes for these children, including care criminalisation
  - solutions to address systemic problems experienced by these children
  - legislating the Aboriginal and Torres Strait Islander Child Placement Principle by states and territories.

## Public hearing 17, 'The experiences of women and girls with disability with a particular focus on family, domestic and sexual violence'

Public hearing 17, 'The experiences of women and girls with disability with a particular focus on family, domestic and sexual violence' was held in two parts, and took place before the Chair and Commissioners Bennett, Galbally and Mason. Counsel Assisting at the hearing were Kate Eastman AM SC, Mary Anne Ryan, Simone Fraser and Avelina Tarrago.

The first part was held virtually on 13 and 14 October 2021. It included a closed session with a focus on the experiences of people with disability who are part of the lesbian, bisexual, transgender, intersex, queer, questioning and asexual communities (LBTIQ+).<sup>1</sup>

The second part took place in Hobart from 28 March to 1 April 2022.

Public hearing 17 gave Commissioners the opportunity to listen to women and girls with disability and their supporters about family, domestic and sexual violence.

Forty-seven witnesses participated in Public hearing 17, including 10 participants in a closed session held during the first part of the hearing. Witnesses gave evidence about a wide range of issues and themes, including the relationship between disability and gender-based violence, reproductive and sexual rights, available data, policies, practices and services. The aim was to describe why the violence and abuse experienced by women and girls is so pervasive, yet has been hidden or ignored to an even greater extent.

The Royal Commission heard about:

- the nature and extent of violence and abuse of women and girls with disability in family and domestic settings
- issues concerning respect for the sexual and reproductive rights of women and girls with disability
- the nature and extent of services to support women and girls with disability who experience violence and abuse in family and domestic settings, including gaps in specific services to support people with disability
- the role of advocates and support for women and girls with disability and people with

<sup>1</sup> In the context of this hearing on women and girls, 'gay' has been excluded from this description and 'LBTIQ+' has been used.

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disability who identify as members of the LBTIQA+ communities who experience sexual violence and/or abuse in relationships, family and domestic settings

- gaps in reporting incidents of violence and abuse against women and girls with disability
- gaps in legal protections for people with disability who experience violence and abuse in relationships, family and domestic settings. This included the differences in state and territory laws with respect to the definitions of domestic and family violence
- practices and policies of Tasmania Police in relation to women and girls with disability who report experiences of sexual, family and domestic violence and abuse
- the responsibility of the National Disability Insurance Agency to support women and girls with disability who experience family and domestic violence and abuse, particularly in acute and crisis situations
- access to legal support for women with disability from CALD and migrant communities
- a specific case study concerning Niky<sup>69</sup> and Anglicare Southern Queensland.

On 16 May 2023, the Royal Commission published its, Report of Public hearing 17: The experiences of women and girls with disability with a particular focus on family, domestic and sexual violence: Niky case study.<sup>70</sup>

## Public hearing 18, 'The human rights of people with disability and making the *Convention on the Rights of Persons with Disabilities* a reality in Australian law, policies and practices'

The Royal Commission held Public hearing 18, 'The human rights of people with disability and making the *Convention on the Rights of Persons with Disabilities* (CRPD) a reality in Australian law, policies and practices' on 8 and 9 November 2021. The hearing was held online. It took place before the Chair and Commissioners McEwin and Ryan. Kate Eastman AM SC appeared as Counsel Assisting, with assistance from David Hume and Kate Beattie.

Public hearing 18 examined how the rights contained in the *CRPD* can be practically realised in Australia to effectively prevent and respond to violence against, abuse, neglect and exploitation of, people with disability.

People with disability, advocates, international law experts, human rights leaders and representatives from the Australian Government gave evidence on topics including:

- the relevance and significance of the *CRPD* to people with disability in Australia, including First Nations people with disability
- the extent to which rights in the *CRPD* are reflected in Australian law
- the gaps in recognising and enforcing human rights for people with disability
- different approaches to the interpretation of the *CRPD*, including the Australian Government's approach to the *CRPD*

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- models used in Australia and in other countries to realise *CRPD* rights.

The hearing built on 13 research reports and other parts of the Royal Commission's work addressing the *CRPD*. Relevant reports include the Australian Government's Background Paper to the Royal Commission on the *CRPD*<sup>71</sup> and a research report prepared for the Royal Commission by Emeritus Professor Ron McCallum, *The United Nations Convention on the Rights of Persons with Disabilities: An assessment of Australia's level of compliance*.<sup>72</sup> A further research paper was prepared for the Royal Commission by Rosemary Kayess and Therese Sands, *Convention on the Rights of Persons with Disabilities: Shining a light on social transformation*.<sup>73</sup> The *CRPD* has also been raised in submissions, private sessions and responses to issues papers.

## Public hearing 19, 'Measures taken by employers and regulators to respond to the systemic barriers to open employment for people with disability'

Public hearing 19, 'Measures taken by employers and regulators to respond to the systemic barriers to open employment for people with disability' was a virtual hearing. It was held from 22 to 26 November 2021 before the Chair and Commissioners Galbally and Ryan. Kate Eastman AM SC, Elizabeth Bennett SC and Cathy Dowsett appeared as Counsel Assisting at the hearing.

Counsel Assisting's oral submissions and submissions of parties with leave to appear were presented on 10 March 2022.

Public hearing 19 was the follow up to Public hearing 9, 'Pathways and barriers to open employment for people with disability'. The earlier hearing sought to examine the low rates of employment of people with disability in the open labour market. It explored the barriers they experience in finding and maintaining employment. Public hearing 19 continued our inquiries into those barriers to open employment from the perspective of public and private sector employers, unions and regulators.

Forty witnesses gave evidence. These included representatives from 12 Australian companies; representatives from public sector unions, regulators and legal centres; public sector commissioners and representatives from public sector agencies; and policy and leadership experts. The former Disability Discrimination Commissioner, Mr Graeme Innes AM, gave evidence.

The hearing examined public and private sector employers' policies and practices for employment and retaining employees with disability.

The hearing heard what employers are doing to build inclusive workplaces and to support career opportunities and advancement for employees with disability. The hearing considered policies and practices for engaging and retaining employees with disability and the effectiveness of the Australian Government's overarching strategy for increasing their employment opportunities. It also looked at laws for protecting workers with disability in the workplace.

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In addition, the hearing considered the impact of community attitudes on the ability of people with disability to participate in the workforce. The responses to issues papers suggested that many people have negative and stereotypical attitudes towards people with disability, including that they are incapable of performing their jobs.<sup>74</sup>

The evidence suggested employers need better awareness of the rights of people with disability in the workplace, including their right to reasonable adjustments. The evidence also emphasised the importance of practical guidance for current and prospective employees with disability on how to exercise their workplace rights. The hearing examined employers' policies and practices for providing reasonable adjustments and considered the role of workplace regulators in providing relevant information and support to workers with disability.

The evidence suggested many employers have inconsistent or ineffective data collection practices. There was a need for better data on the experiences of people with disability in open employment and measures taken by employers to improve their workplace experiences.

In oral submissions, Counsel Assisting focused on addressing systemic issues arising from the evidence rather than proposing factual findings against individuals, employers or government agencies. The submissions included recommendations and suggestions about addressing systemic barriers to inform this *Final report*.

## Public hearing 20, 'Preventing and responding to violence, abuse, neglect and exploitation in disability services (two case studies)'

Public hearing 20, 'Preventing and responding to violence, abuse, neglect and exploitation in disability services (two case studies)' was held virtually from 7 to 14 December 2021. It was held before the Chair and Commissioners Galbally and McEwin. Counsel Assisting at the hearing were Patrick Griffin SC, Belinda Baker and Ben Fogarty. An additional day for oral submissions from Counsel Assisting and parties with leave to appear was held on 28 April 2022.

This public hearing was the third to examine the role of disability service providers in preventing and responding to violence against, and abuse, neglect and exploitation of, people with disability. This hearing also inquired into the role funding systems and oversight mechanisms had in protecting people with disability.

The hearing examined two case studies involving people with disability who received accommodation and supported independent living services from the service provider, Life Without Barriers (LWB).

The first case study considered the experiences of 'Sophie'<sup>75</sup> and 'Natalie'<sup>76</sup> who received accommodation and support services from LWB in Lismore, New South Wales until 2019 and 2020 respectively. Sophie was sexually assaulted while living at the Lismore home. We received evidence about alleged sexual misconduct by a support worker towards Natalie. The hearing examined the supports provided by LWB to Sophie and Natalie before and following these incidents.

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The second case study focused on the experiences of ‘Robert’<sup>77</sup> and ‘Rebecca’<sup>78</sup> who lived in a group home operated by LWB in Melbourne from 2011 to 2020. It examined conflict and resident-to-resident violence at the home over several years and LWB’s responsibility for preventing and responding to the violence. The Victorian Department of Families, Fairness and Housing gave evidence about its responsibilities for the Melbourne house and its residents.

The Commissioners heard evidence about how NDIS funding of residents’ services may have made them vulnerable to violence and abuse within their home.

The hearing examined other issues, including:

- quality of care provided to residents at the homes operated by LWB
- LWB’s response when its clients were abused by a support worker and/or a third party, including whether it took adequate steps to prevent that abuse
- LWB’s response to resident-to-resident violence in its homes and its reaction to concerns expressed by families and community visitors
- whether LWB’s governance, structures, systems and culture may have affected the services and supports provided to the people with disability in the case studies
- whether residents had choice and control over where they lived and who they lived with
- the responses of external oversight bodies, the NDIS Commission and others to allegations of violence, abuse, neglect and exploitation, and measures taken to prevent such maltreatment of residents.

In oral submissions, Counsel Assisting drew specific attention to the role played by senior management of LWB and to the complexity and opacity of its management structure.<sup>79</sup> Counsel Assisting outlined various proposed findings adverse to LWB. These were about the care LWB provided to its residents, its staffing levels and turnover of support workers at LWB homes, the adequacy of supervision and oversight, and LWB’s communication with residents’ families.<sup>80</sup>

Appearing at the hearing, LWB Chief Executive, Ms Claire Robbs, publicly apologised to the residents in the homes and their families. Ms Robbs acknowledged the several areas where harm was caused and said that she was saddened that the organisation had not met its promise to change lives for the better.<sup>81</sup>

In the *Report of Public hearing 20: Preventing and responding to violence, abuse, neglect and exploitation in disability services (two case studies)*, the Commissioners made 34 findings.<sup>82</sup>

## Public hearing 21, ‘The experience of people with disability engaging with Disability Employment Services’

Public hearing 21, ‘The experience of people with disability engaging with Disability Employment Services’ took place virtually from 23 to 25 February 2022. It was held in two parts before the Chair and Commissioners Galbally and Mason, with nine witnesses giving evidence. Counsel Assisting at the hearing were Kate Eastman AM SC, Cathy Dowsett and Rebecca McMahon.

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This public hearing was the third to examine systemic barriers experienced by people with disability in finding and retaining open employment. Public hearing 9 examined these barriers from the perspective of people with disability, while Public hearing 19 examined it from an employer and regulator viewpoint. That hearing also examined employers' policies and practices for employing and retaining employees with disability.

Public hearing 21 focused on the experiences of people with disability engaging with the Australian Government DES program. It investigated instances of violence, abuse, neglect and exploitation of people with disability within the program.<sup>83</sup> The DES assists people with disability to find and retain sustainable employment in the open labour market.

The hearing examined whether current laws, policies, funding and oversight mechanisms cause, contribute to or operate to prevent violence against, and abuse, neglect and exploitation of, people with disability participating in the DES program. Representatives from the Youth Disability Advocacy Service and from the Chief Executive of Disability Employment Australia gave evidence.

The hearing focused on a case study about the experiences of 'Mzia',<sup>84</sup> a person with disability, in an employment program operated by DES provider AimBig Employment (AimBig). Evidence was given by Mzia, AimBig representatives and Australian Government representatives.

In the context of the case study, this hearing examined:

- choice and control of DES participants over employment opportunities
- services and support for DES participants to find a job and post-placement support during employment
- how funding models may impact the conduct of DES providers
- outcomes and expenditure of the DES program
- complaint handling by DES providers
- regulation, oversight and safeguard mechanisms, including the role of the Department of Social Services.

On 17 January 2023, the Royal Commission released its *Report of Public hearing 21: The experience of people with disability engaging with Disability Employment Services. Mzia case study.*<sup>85</sup>

## Public hearing 22, 'The experience of people with disability working in Australian Disability Enterprises'

Public hearing 22, 'The experience of people with disability working in Australian Disability Enterprises' took place virtually from 11 to 13 April 2022. It was held before the Chair and Commissioners Galbally and Mason. Kate Eastman AM SC, Cathy Dowsett, Andrew Fraser and Rebecca McMahon were Counsel Assisting at the hearing.

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This public hearing was the Royal Commission's fourth to examine systemic barriers people with disability experience in finding and retaining employment. It focused on the experiences of people with disability working in supported employment in Australian Disability Enterprises (ADEs). ADEs are described by the Australian Government as organisations that provide 'supported employment opportunities to people with moderate to severe disability across Australia'.<sup>86</sup> They have their origins in the 'sheltered workshops' of the 1950s.

Fourteen witnesses gave evidence. They included people with disability who work or have worked in ADEs, their family members, representatives of an ADE, an advocacy organisation, a peak body for disability service providers and Australian Government representatives.

The public hearing considered various issues, including:

- whether there is choice and control in relation to employment, including opportunities for progression, training and transition to open employment
- the payment of supported wages
- social and financial inclusion
- oversight of ADEs.

The key themes arising during the hearing that directly affect people with disability who work in ADEs are:

- the application of human rights principles and the rights of people with disability working in ADEs
- genuine choice and control
- vulnerability to and experiences of violence, abuse, neglect and exploitation in ADEs
- payment of sub-minimum wages.<sup>87</sup>

## Public hearing 23, 'Preventing and responding to violence, abuse, neglect and exploitation in disability services (a case study)'

Public hearing 23, 'Preventing and responding to violence, abuse, neglect and exploitation in disability services (a case study)' took place at the International Convention Centre in Sydney from 16 to 20 May 2022. It was held before the Chair and Commissioners Bennett and McEwin, with Patrick Griffin SC, Catherine Gleeson and Ben Fogarty appearing as Counsel Assisting at the hearing. Ten witnesses gave evidence at the hearing.

This was the fourth hearing examining the role and responsibilities of disability service providers in preventing and responding to violence, abuse, neglect and exploitation of people with disability to whom they provide services. Those previous hearings were public hearings 13, 14 and 20.



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Previous service provider hearings focused on group homes and accommodation-based services. This hearing examined day programs operated by the Australian Foundation for Disability, also known as 'Afford'. Afford is a large NDIS registered provider of disability support services, which grew from a charitable organisation founded in 1952 to having an annual revenue of \$145.6 million in 2020–2021.<sup>88</sup>

The Royal Commission examined the experiences of three young people with disability who participated in one of Afford's day programs between 2018 and 2021.

The hearing examined Afford's response to the abuse of the young participants and measures adopted to prevent and respond to similar abuse in the future. The mother of one of the young people gave evidence about the impact of the abuse on the family. She described how Afford offered no support or apology after a police investigation uncovered the abuse.<sup>89</sup> The mother of the second young person gave similar evidence.<sup>90</sup>

Commissioners heard evidence about the way Afford delivered services to its day program participants and about the quality and safety of those services. The hearing also examined Afford's response to the abuse of participants in the day program by a support worker.

The hearing also examined:

- whether Afford's structure, management, governance, policies and processes may have affected the safety and quality of the services it provided to people with disability
- Afford's systems and training for preventing, recording, reporting and responding to incidents of violence, abuse, neglect or exploitation
- how Afford handled complaints and communicated with participants' families
- recent organisational and governance changes Afford had made to prevent and respond to the maltreatment of people with disability to whom it provided services
- how Afford charged for its day program services that were paid for through participants' NDIS Plans
- external oversight and regulation by the NDIS Commission and/or NDIA of the quality of Afford's services and Afford's charging of fees to participants' NDIS Plans.

The *Report of Public hearing 23: Preventing and responding to violence, abuse, neglect and exploitation in disability services (a case study)* was released on 21 March 2023. It made 29 findings.

In February 2023, Afford said they had taken full responsibility and accountability for the failings identified by the Royal Commission from 2015 to 2021 and announced the resignation of three board directors.<sup>91</sup>



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## Public hearing 24, ‘The experience of children and young people with disability in different education settings’

Public hearing 24, ‘The experience of children and young people with disability in different education settings’ took place in Canberra from 6 to 10 June 2022. It was held before the Chair and Commissioners Galbally and Mason. Counsel Assisting at the hearing were Kate Eastman AM SC, Elizabeth Bennett SC and Cathy Dowsett. It was the Royal Commission’s third education-related hearing.

The hearing focused on the experiences of children and young people with disability across different school settings, including special education settings, from early childhood to high school. It also considered transitions after school.

Fourteen witnesses, including young people and their families and advocates, gave evidence about the barriers students with disability experience in their education, and the effects on their life course. Evidence was given about the supports for students with disability and about advancing the rights of students with disability in education.

Parents gave evidence about struggling to ensure their children obtained a quality education on an equal footing with students without disability. We heard about young people having to change schools to find learning environments that responded to their needs and could support them. Evidence was given about schools not working with parents to develop individual learning plans and a lack of supports such as assisted technology. Witnesses also gave evidence of schools using restrictive practices to manage ‘behaviours of concern’ and the impact of conflict.

Representatives from education authorities gave evidence about the education options and special education settings for children and young people with disability in Western Australia and South Australia.

Commissioners received evidence about the consequences for children and young people with disability and their families when schools could not meet their educational, social, developmental or other needs. One witness described being ‘an easy target ... for teasing and bullying’ and watching ‘other disabled students go through similar experiences’.<sup>92</sup>

The hearing also examined whether and how the right to education informs the education policies and practices of the NDIA and those of the Western Australian and South Australian governments.

## Public hearing 25, ‘The operation of the NDIS for First Nations people with disability in remote and very remote communities’

Public hearing 25, ‘The operation of the NDIS for First Nations people with disability in remote and very remote communities’ took place in Alice Springs from 11 to 15 July 2022. It was held before the Chair and Commissioners Mason and McEwin. Patrick Griffin SC, Avelina Tarrago and Rebecca McMahon were Counsel Assisting at the hearing.

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Building on public hearings 8 and 16, which focused on First Nations people with disability, this hearing examined the operation of the NDIS in remote and very remote First Nations communities. It also examined the experiences of First Nations people with disability in remote and very remote communities when accessing and using NDIS supports and services. Approximately 66,360 First Nations people live with profound or severe disability. Close to 10 per cent of First Nations NDIS participants (or about 4,000 people) live in remote and very remote areas.<sup>93</sup>

Public hearing 25 examined the key barriers experienced by First Nations people with disability living in remote communities who are accessing disability supports and services through the NDIS. The hearing explored whether and how these barriers contribute to violence, abuse, neglect and exploitation of First Nations people with disability.

The Royal Commission heard evidence from 28 witnesses from across the country including First Nations people with disability and their family members. These witnesses live and work in remote areas including Tennant Creek, the NPY Lands and Gunbalanya in the Northern Territory, Thursday Island in the Torres Strait Islands, Aurukun and Lockhart River in Queensland and the Fitzroy Valley in Western Australia. Other witnesses included representatives from Aboriginal Community Controlled Organisations (ACCOs), First Nations peak bodies and the Australian government.

Commissioners heard evidence about the difficulties First Nations people have had accessing the NDIS. They also heard evidence about the complexity of the NDIS and the lack of flexibility in how the NDIS currently operates for First Nations people in remote communities.

The hearing examined:<sup>94</sup>

- the accessibility of the NDIS to First Nations people living in remote and very remote communities. This includes whether information about the NDIS was being communicated effectively to, and understood by, participants in the scheme.
- the planning processes and funding decisions of the NDIA, including whether funding and pricing arrangements take proper account of local factors and possible solutions
- the limited availability of NDIS providers in remote communities, and the experiences of First Nations people with disability who have to move away from Country to receive NDIS services and supports
- cultural competence and safety of NDIA staff, Partners in Community and NDIS providers, and the experience of cultural safety in service provision and interactions with the First Nations community. This includes the impacts of cultural incompetence and absence of cultural safety, what standards of cultural competency training should apply, and how those standards should be assessed.
- the role of ACCOs in delivering the NDIS, including the preference of First Nations peoples with disability for ACCO support and the need for capacity building of ACCOs to deliver culturally competent services in remote communities

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- whether relevant NDIA policies and programs have been effective in addressing barriers faced by First Nations people living in remote communities to accessing NDIS services and supports
  - whether (and how) the existence (or absence) of advocacy and self-advocacy impacts First Nations NDIS participants in these communities in navigating barriers to accessing NDIS services and supports.

## Public hearing 26, 'Homelessness, including experience in boarding houses, hostels and other arrangements'

Public hearing 26, 'Homelessness, including experience in boarding houses, hostels and other arrangements' took place in Paramatta from 29 August to 2 September 2022. It was held before the Chair and Commissioners Galbally and Ryan. Counsel Assisting at the hearing were Kate Eastman AM SC, Elizabeth Bennett SC, Cathy Dowsett and Ben Fogarty.

Public hearing 26 focused on people with disability who have experienced homelessness, including living in boarding houses and in other forms of insecure or inadequate housing in New South Wales and Victoria.

The first part of this hearing considered the experiences of homelessness or insecure housing that people with disability have faced in New South Wales. The second part of the hearing examined Supported Residential Services (SRSs) in Victoria. SRSs are privately operated businesses licensed to provide accommodation and support for people in Victoria, many of whom have disability and need help with everyday activities.

Twenty-seven people gave evidence including 12 people with disability. Other witnesses included representatives of the Australian, New South Wales and Victorian governments, service providers and peak bodies.

The hearing examined many issues concerning people with disability, including:

- their experiences of homelessness, including rough sleeping and couch surfing
- their experiences living in boarding houses or other types of insecure accommodation
- pathways to and out of homelessness
- barriers to finding, securing and retaining safe and accessible housing
- the importance of safe, secure and accessible housing, including its role in promoting social inclusion
- the role of specialist homelessness services and other wrap-around support services
- best practice models to support people with disability who are homeless or at risk of homelessness
- accessing emergency accommodation and support services after a natural disaster
- lessons from the response to the COVID-19 pandemic.

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Representatives of the Australian and New South Wales governments gave evidence about how housing and homelessness policies and programs address the needs of people with disability. NDIA representatives were asked about the NDIA's policies and practices with respect to participants experiencing or being at risk of homelessness.

The Royal Commission heard from residents of SRSs and their families and the proprietor of an SRS in Victoria. Residents gave evidence about unsanitary living conditions, the lack of appropriate regulation of SRSs and about an SRS that was padlocked at night.

Representatives of the Australian and Victorian governments and the NDIS Commission also gave evidence about the SRS sector generally and the relevant regulatory frameworks.

## Public hearing 27, 'Conditions in detention in the criminal justice system'

Public hearing 27, 'Conditions in detention in the criminal justice system' was a five-day hearing that took place in Perth from 19 to 21 and on 23 September 2022. The hearing did not sit on 22 September 2022. The hearing reconvened as a virtual hearing from our Sydney hearing room on 6 October 2022. The hearing was held before the Chair and Commissioners McEwin and Mason. Patrick Griffin SC, Georgina Wright SC and Rebecca McMahon appeared as Counsel Assisting at the hearing.

This hearing examined conditions in detention for people with disability in the criminal justice system, largely focusing on Western Australia. It examined conditions in both youth detention and adult prisons. Twenty-six witnesses gave evidence. They included eight people who have lived experience of disability, legal advocates, representatives of prisoner, human rights and advocacy organisations, and medical experts.

Witnesses described experiences of people with disability spending lengthy periods in isolation, their difficulties in accessing necessary medication and the lack of access to mental health support. They also described a poor understanding of disability within youth detention centres and prisons.<sup>95</sup>

The hearing included examination of the treatment of young people with disability at Banksia Hill Detention Centre, the only youth detention centre in Western Australia.<sup>96</sup> Six witnesses from the Western Australian Government gave evidence, including the Commissioner for Corrective Services and the Director-General of the Western Australian Department of Justice.

## Public hearing 28, 'Violence against and abuse of people with disability in public places'

Public hearing 28, 'Violence against and abuse of people with disability in public places' was held from 10 to 14 October 2022 in Brisbane before the Chair and Commissioners Galbally and Ryan. Counsel Assisting at the hearing were Elizabeth Bennett SC, Andrew Fraser and Cathy Dowsett.

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Public hearing 28 focused on violence and abuse experienced by people with disability in public places, generally from people unknown to them. Public places include streets, shopping centres, public transport, bars, entertainment venues and online platforms.

Several witnesses with disability, including five women of short stature, shared their experiences of violence and abuse in public places. Their experiences included verbal abuse and harassment, intimidation, threatening behaviour, and sexual and physical assault. Many witnesses gave evidence that these incidents are a common occurrence, so much so that they have come to expect abuse whenever they leave their homes.<sup>97</sup> Expert witnesses described such violence and abuse as endemic in the lives of people with disability as they go out and about in their local communities.<sup>98</sup>

Witnesses with disability and two expert witnesses gave evidence that violence against and abuse of people with disability in public places is an under-reported and under-recognised problem in Australia. They described some of the barriers to reporting incidents. These included:

- not knowing where to report violence and abuse<sup>99</sup>
- the impact of trauma, feelings of shame or fear of getting into trouble<sup>100</sup>
- lack of trust in reporting bodies<sup>101</sup>
- thinking they will not be taken seriously or believed if they do report<sup>102</sup>
- previous reporting not having been effective.<sup>103</sup>

The hearing also examined the impacts of violence and abuse in public places. Witnesses described how it can have significant long-term and compounding detrimental effects on people with disability, particularly on their health and wellbeing. Violence and abuse can lead to people with disability avoiding particular types of public places or going out alone. This can lead to people with disability withdrawing from participation in social, community, health related and economic activities.

The witnesses gave evidence about the need for cultural and attitudinal change towards people with disability. They said there needed to be clear, safe and supported avenues for reporting incidents of violence and abuse, including where the actions involved may not breach criminal laws.<sup>104</sup> The evidence from lived experience witnesses and expert witnesses indicated that increased reporting of incidents and the collection and analysis of data about them would permit necessary research to devise policies and responses.<sup>105</sup>

## Public hearing 29, 'The experiences of violence against, abuse, neglect and exploitation of people with disability from culturally and linguistically diverse communities'

Public hearing 29, 'The experiences of violence against, abuse, neglect and exploitation of people with disability from culturally and linguistically diverse communities' took place in Melbourne from 24 to 28 October 2022. It was held before the Chair and Commissioners

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McEwin, Bennett and Galbally, with Kate Eastman AM SC, Gillian Mahoney and Mary Ann Ryan appearing as Counsel Assisting at the hearing.

Commissioners heard from 28 witnesses including people with lived experience of disability from a range of ethnic backgrounds. They also heard from the Deaf community (including d/Deaf, deafblind and hard of hearing people) who identify as culturally and linguistically diverse. Australia's Race Discrimination Commissioner and representatives from peak organisations, advocacy bodies, the Victorian Multicultural Commission, the NDIA and the Australian Government Department of Home Affairs also gave evidence.

This hearing built on the evidence from our previous public hearings that have examined the multiple forms of discrimination and intersectional experiences of people with disability from culturally and linguistically diverse backgrounds, and the exercise of choice and control for people with disability through communication and the provision of information in appropriate and accessible formats.

The hearing examined issues around identity and communication, the concept of 'intersectionality' and the impact of multiple forms of discrimination. 'Intersectionality' refers to a way of understanding a person with disability's unique experience of multi-layered and intersecting discrimination and disadvantage based on their personal characteristics. Witnesses described living with different identities, different languages and cultures.

Commissioners heard from people with disability from culturally and linguistically diverse communities about:

- different cultural attitudes and understanding of disability
- intersectionality and identity for people with disability from culturally and linguistically diverse backgrounds
- the language and other barriers experienced by culturally and linguistically diverse people with disability when accessing and interacting with different systems and services in Australia
- the importance of language acquisition and the impact of language deprivation experienced by the d/Deaf, Deafblind and hard of hearing community.

The first two days of the hearing focused on the Deaf community. Witnesses gave evidence about the importance of Auslan and Deaf identity and the role of interpreters in helping those from culturally and linguistically diverse communities to access services.<sup>106</sup> The hearing also examined the early intervention and education options available for deaf children.<sup>107</sup>

The other three days of the hearing examined the experiences of people with disability from culturally and linguistically diverse communities and migrant and refugee communities. The evidence covered many issues affecting people with disability from culturally and linguistically diverse backgrounds, including the effect language barriers had on being able to access services. Commissioners also heard about cultural attitudes towards disability. For example,

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witnesses explained how in some cultures disability is perceived as shameful and carries a stigma, which can create barriers for, and lead to discrimination against, people with disability.<sup>108</sup>

## Public hearing 30, ‘Guardianship, substituted and supported decision-making’

Public hearing 30, ‘Guardianship, substituted and supported decision-making’ took place in Sydney Olympic Park from 21 to 25 November 2022. It was held before the Chair and Commissioners McEwin and Ryan. Counsel Assisting at the hearing were Kate Eastman AM SC, Catherine Gleeson and Avelina Tarrago with assistance from Winnie Liu.

The hearing followed the *Roundtable – Supported decision-making and guardianship: Summary report*, which outlines the key outcomes from roundtables held on 31 May and 1 June 2022.<sup>109</sup>

Commissioners heard from 26 witnesses. People with disability and their family members gave evidence about their experiences of guardianship and administration in Western Australia, Queensland, Victoria and New South Wales. Advocates, public guardians and trustees, and representatives of the NDIA also gave evidence.

The scope and purpose of this public hearing was to:

- listen to the experiences of people with disability who have been the subject of guardianship or financial administration orders
- examine the assumptions about capacity and decision-making, including fluctuating capacity at different times of a person’s life
- explore the barriers for people with disability participating in guardianship and administration proceedings and the impact of the decisions on their lives
- consider why substituted decision-making (such as guardianship and financial administration) appears not to be used as a last resort, and why models of supported decision-making are not more widely used as an alternative to substituted decision-making
- examine supported decision-making models for people with disability
- consider what safeguards may be appropriate to reduce violence, neglect and exploitation of people with disability in the context of both substituted and supported decision-making.

The hearing examined the experiences of people with disability, in particular people with intellectual disability or cognitive impairment, with the guardianship and administration regimes in force in jurisdictions across Australia. The hearing had a particular focus on how substituted decision-making affects the rights of people with disability.



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## Public hearing 31, ‘Vision for an inclusive Australia’

Public hearing 31, ‘Vision for an inclusive Australia’ took place in Brisbane from 12 to 16 December 2022. All six Commissioners sat on the hearing, with Kate Eastman AM SC, Andrew Fraser, Simone Fraser and Avelina Tarrago appearing as Counsel Assisting. It examined what should be done to create a more inclusive society that supports people with disability to live independently and free from violence, abuse, neglect and exploitation.

The hearing examined innovative models and ways to enhance inclusion of people with disability in Australian society and the realisation of their human rights. Thirty witnesses including people with disability, their family members, academics, expert witnesses, organisations and advocates gave evidence on a variety of topics, including:

- co-design, consultation and disability leadership
- challenging ableist attitudes and behaviours
- universal design, accessibility and technological innovation
- the power of media, sports and community representation
- reforming mainstream systems and services to be more accessible and inclusive.

Representatives of the Australian Government and Queensland Government gave evidence about their respective actions to implement the Australian Disability Strategy.

## Public hearing 32, ‘Service providers revisited’

Public hearing 32, ‘Service providers revisited’ took place in Brisbane from 13 to 17 February 2023. It was held before the Chair and Commissioners Bennett and McEwin. Kate Eastman AM SC and Cathy Dowsett were Counsel Assisting at the hearing, with Lisa Doust and Kate Beattie assisting.

The hearing provided an opportunity to revisit the service providers who had participated in earlier public hearings, including Yooralla, Sunnyfield, Life without Barriers and Afford.

Thirty-eight witnesses gave evidence at the hearing, including representatives of service providers, peak bodies representing workers, and providers and regulators in Victoria and the Commonwealth. The hearing examined non-government disability service providers’ policies and practices to prevent violence against, and abuse, neglect and exploitation of, people with disability, and to deliver high quality and safe disability services. The hearing also examined best practice responses to incidents or allegations of violence, abuse, neglect and exploitation of people with disability using disability services.



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The hearing inquired into:

- the extent to which people with disability using disability services have choice and control in the way those services are delivered (including in respect of matters such as where and with whom they live)
- how service providers are implementing supported decision-making
- the circumstances in which service users self-advocate or access independent advocacy where required, or do both
- the extent to which service providers give effect to inclusive design principles in all aspects of their services
- the extent to which service providers deliver services in a culturally responsive and trauma-informed manner
- how the policies and regulations governing the disability support workforce support the provision of high-quality disability services, including in relation to remuneration, conditions, training and worker screening arrangements
- how internal governance arrangements of disability service providers can reduce risks of violence, abuse, neglect and exploitation of service users
- how service providers respond to, manage and investigate complaints and incidents particularly those that involve violence, abuse, neglect and/or exploitation, and provide options for redress.

### Public hearing 33, 'Violence, abuse, neglect and deprivation of human rights: A case study'

Public hearing 33 took place in Brisbane from 8 to 10 May 2023. Commissioner McEwin presided at the hearing, which was held before him and Commissioners Mason and Ryan. Counsel Assisting at the hearing were Kate Eastman AM SC and Gillian Mahoney.

The hearing drew together a number of themes examined in the Royal Commission's work to date. In particular, the nature and extent of violence, abuse and neglect experienced over the life course of people with disability, and the failure of natural safeguards and government departments and agencies to prevent violence, abuse and neglect.

The hearing examined these themes by focusing on the systemic neglect of two young men living with disability who, after their father's death in May 2020, were found locked in a bedroom in squalid conditions, unclothed and malnourished.

The hearing explored how and why the two brothers experienced violence, abuse, neglect and the deprivation of human rights in their lives and examined:

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- the nature and extent of the violence, abuse, neglect and deprivation of their human rights they experienced whilst in their father's care
  - whether Queensland departments and agencies that engaged with the family could or should have acted to prevent the violence, abuse, neglect and deprivation of their human rights
  - whether the NDIA could or should have acted to facilitate access to NDIS funding and the delivery of disability supports to mitigate against risks of the two brothers experiencing violence, abuse, neglect and deprivation of their human rights
  - the investigations and reviews Queensland government departments and agencies, and the NDIA, did or did not undertake to identify failings to prevent the nature and extent of violence, abuse, neglect experienced by the two brothers, and the measures needed to avoid like-situations in the future
  - the practices and policies of Queensland government departments and agencies to include a human rights approach to promote access and deliver services to young people with disability and their families, and in decision-making concerning young people with disability.

In exploring these issues, the Royal Commission heard evidence from a neighbour of the two brothers along with representatives of the relevant departments and agencies who were involved in the young men's lives. The Queensland Human Rights Commissioner gave an overview of the *Human Rights Act 2019*, the key changes in Queensland and addressed how public entities apply the *Human Rights Act 2019* (Qld) in exercising their functions. Evidence was also heard from the brothers' current service provider who told the Commissioners of the improvement in the young men's lives since having access to appropriate and necessary support services.

In September 2023, the Royal Commission released its *Report of Public hearing 33: Violence, abuse, neglect and deprivation of human rights: A case study*.

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- 92 Transcript, Gi Brown, Public hearing 24, 7 June 2022, P-80 [33–34].
- 93 Submission of Counsel Assisting the Royal Commission following Public hearing 25, 11 November 2022, [22–23]; Australian Bureau of Statistics, *National Aboriginal and Torres Strait Islander Health Survey, 2018–19*, Catalogue number 4715.0, 11 December 2019.
- 94 Submission of Counsel Assisting the Royal Commission following Public hearing 25, 11 November 2022, [8].
- 95 See, for example: Exhibit 27-009, 'Statement of Nathan', 14 September 2022, at [17], [19], [22], [34], [70], [96], [99], [109]; Transcript, 'Jasmin', Public hearing 27, 19 September 2022, P-31 [39–45], P-32 [9–21], P-33 [23–38], [40–47], P-34 [17–20], P-35 [35–45], P-36 [1–7], [14–19], P-37 [40–45], P41 [6–8], P-43 [1–7].
- 96 Transcript, Paul Griffin (Counsel Assisting), Public hearing 27, 19 September 2022, P-9 [35–40].
- 97 See, for example: Transcript, 'Jenni', Public hearing 28, 11 October 2022, P-88; Exhibit 28-5, 'Statement of Jenni', 12 September 2022, at [8]; Exhibit 28-7, 'Statement of Maree Jenner', 17 September 2022, at [39].

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- 98 Exhibit 28-8, 'Statement of Gwynnyth Llewellyn', 22 September 2022, at [69].
- 99 Exhibit 28-5, 'Statement of [Jenni]', 12 September 2022, at [49]; Transcript, 'Jenni', Public hearing 28, 11 October 2022, P-89-90; Exhibit 28-6, 'Statement of Peta Stamell', 16 September 2022, at [50]; Exhibit 28-7, 'Statement of Maree Jenner', 17 September 2022, at [70(a)]; Exhibit 28-11, 'Statement of Ashleigh', 7 September 2022, at [13]; Exhibit 28-36, 'Statement of Carly Findlay', 28 September 2022, at [53]
- 100 Exhibit 28-7, 'Statement of Maree Jenner', 17 September 2022, at [70(b)]; Exhibit 28-12, 'Statement of Marie', 20 September 2022, at [27]; Transcript, Julie Butler, Public hearing 28, 12 October 2022, P-214
- 101 Exhibit 28-1, 'Statement of Debra Keenahan', 12 September 2022, at [40]; Exhibit 28-2, 'Statement of Tracy Barrell', 13 September 2022, at [81]; Exhibit 28-10, 'Statement of Julie Butler', 26 September 2022, at [65]; Exhibit 28-12, 'Statement of Marie', 20 September 2022, at [27].
- 102 Exhibit 28-1, 'Statement of Debra Keenahan', 12 September 2022, at [41]; Exhibit 28-7, 'Statement of Maree Jenner', 17 September 2022, at [70(b)]; Exhibit 28-10, 'Statement of Julie Butler', 26 September 2022, at [45], [69(c)].
- 103 Exhibit 28-2, 'Statement of Tracy Barrell', 13 September 2022, at [76], [80]; Exhibit 28-6, 'Statement of Peta Stamell', 16 September 2022, at [49]; Exhibit 28-15, 'Statement of Ricki Spencer', 30 August 2022, at [24]; Exhibit 28-36, 'Statement of Carly Findlay', 28 September 2022, at [54].
- 104 See, for example: Transcript, Gwynnyth Llewellyn, Public hearing 28, 11 October 2022, P138–139; Exhibit 28-6, 'Statement of Peta Stamell', 16 September 2022, at [32]; Transcript, Nicole Asquith, Public hearing 28, 12 October 2022, P-176; Exhibit 28-14, 'Statement of Nicole Asquith', 23 September 2022, at [114]; Submission of Counsel Assisting the Royal Commission, Public hearing 28, 9 December 2022, p 86.
- 105 Submission of Counsel Assisting the Royal Commission, Public hearing 28, 9 December 2022, [287].
- 106 See, for example: Transcript, Jen Blyth, Public hearing 29, 24 October 2022, P-50 [8–9]; Transcript, Dominic Golding, Public hearing 29, 26 October 2022, P-192 [11–14]; Transcript, 'Muzhgan', Public hearing 29, 27 October 2022, P-317 [44–46].
- 107 See, for example, Transcript, Jen Blyth, Public hearing 29, 24 October 2022, P-52 [42]–P-53 [3], P-54 [7–21], P-55 [26–40]; Transcript, Natalie Sandon-Stanhope, Public hearing 29, 24 October 2022, P-30 [25–26]; P-31 [36] – P-32 [1]; Transcript, Breda Carty, Public hearing 29, 25 October 2022, P-126 [21–27], [37–40].
- 108 Transcript, 'Eman', Public hearing 29, 27 October 2022, P-312 [42–43]; Transcript, 'Zara', Public hearing 29, 27 October 2022, P-317 [3–4]; Transcript, 'Cindy', Public hearing 29, 26 October 2022, P-207 [5–35].
- 109 Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, Roundtable: Supported decision-making and guardianship, Summary report, October 2022.





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## Appendix C. External support services

A range of support services were available for people who engaged with or were affected by the Royal Commission. Although these services operated independently of the Royal Commission, we regularly shared information about them and referred people who came into contact with the Royal Commission to them.

### Blue Knot Foundation

The Blue Knot Foundation is also known as the National Centre of Excellence for Complex Trauma. It advocates for and provides support to people who have experiences of complex trauma, and those who support them personally and professionally.

Blue Knot was funded by the Australian Government Department of Social Services. It offered specialty, trauma-informed and independent, national telephone counselling and referral services to people who engaged with or were affected by the Royal Commission inquiry process. This included people with disability, their families and support people.

People could access the [Blue Knot Foundation, National Counselling and Referral Service \(Disability\)](#) webpage and connect by:

- phone
- video conference
- webchat
- SMS.

Blue Knot operated a national phone line (1800 421 468) between 9 am and 6 pm, Monday to Friday (AEST), and 9 am to 5 pm on weekends and public holidays.

Those who were deaf or had a hearing or speech impairment could telephone the National Relay Service on 133 677 and give 02 6146 1468 as the number they wanted to call. Those who needed support in another language could:

- call Blue Knot's national telephone line (1800 421 468) and ask for an interpreter, or
- use the free Translating and Interpreting Service (TIS) by calling 131 450 and ask to be connected to Blue Knot's national telephone line (1800 421 468).

For more information: [www.blueknot.org.au](http://www.blueknot.org.au).

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## Beyond Blue Support Service

Beyond Blue Support Service provides free short-term counselling, advice and referral services.

Beyond Blue may be contacted by:

- telephone 1300 224 636 (24 hours/7 days)
- chat online (3 pm to 12 am AEST/7 days) or
- email.

For more information: [The Beyond Blue Support Service](#).

## Lifeline Crisis Support

Lifeline Crisis Support provides support for people who are feeling overwhelmed, having difficulty coping or thinking about suicide. A crisis support worker can be contacted by:

- telephone on 13 11 14 (24 hours/7 days)
- online chat (7 pm – midnight, seven nights per week).

For more information: [Lifeline Crisis Support](#).

## 1800-RESPECT

1800-RESPECT offers support for people affected by sexual assault or domestic and family violence or abuse. Contact can be made by:

- telephone on 1800 737 732
- online chat

(both 24 hours, seven days).

For more information: [1800respect](#).

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## Your Story Disability Legal Support

Your Story Disability Legal Support (Your Story) provides free legal advisory services to anyone engaging with the Royal Commission. These include offering free legal advice to First Nations people within a community-controlled setting.

Your Story can be accessed:

- by telephone on 1800 771 800 (9 am to 5 pm (AEST), Monday to Friday)
- online.

For more information: [Your Story Disability Legal Support](#).

## Free counselling support services listed by state and territory

### Australian Capital Territory

Relationships Australia Canberra & Region

### New South Wales

Interrelate Limited

Relationships Australia New South Wales

### Northern Territory

Danila Dilba Biluru Butji Binnilutlum Health Service Aboriginal Corporation

Relationships Australia Northern Territory

### Queensland

Cape York/Gulf Remote Area Aboriginal and Torres Strait Islander Child Care Advisory Association Inc

Micah Projects

Sexual Violence Prevention Association, WWILD

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## South Australia

Nunkuwarrin Yunti of South Australia

Relationships Australia South Australia

## Tasmania

Relationships Australia Tasmania

## Victoria

Drummond Street Services

Relationships Australia Victoria

## Western Australia

Kimberley Stolen Generation Aboriginal Corporation

Relationships Australia Western Australia

Yorgum Healing Services Aboriginal Corporation

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## Free advocacy support services listed by state and territory

### Australian Capital Territory

ACT Disability, Aged and Carer Advocacy Service (ADACAS)

Advocacy for Inclusion

### New South Wales

Disability Advocacy NSW

Family Advocacy

Illawarra Advocacy

Intellectual Disability Rights Service

Multicultural Disability Advocacy Association of NSW (MDAA)

Newell Advocacy

People with Disability Australia (PWDA)

Regional Disability Advocacy Service (RDAS)

Spinal Cord Injuries Australia (Northern Rivers)

Self Advocacy (Sydney)

Side By Side Advocacy

Sydney Region Aboriginal Corporation

### Northern Territory

Darwin Community Legal Service (DCLS)

Disability Advocacy Service Inc (DAS)

Ngaanyatjarra Pitjantjatjara Yankunytjatjara Women's Council (NPY Women's Council)

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## Queensland

Aged and Disability Advocacy Australia (ADA Australia)

Disability Rights Advocacy Service (DRAS)

Independent Advocacy in North Queensland

Mackay Advocacy

People with Disability Australia (PWDA)

Queensland Advocacy for Inclusion

Rights In Action

Speaking Up For You (SUFY)

TASC National

## South Australia

Advocacy for Disability Access and Inclusion Inc.

Disability Advocacy and Complaints Service of South Australia Inc (DACSSA)

Disability Rights Advocacy Service (DRAS)

Independent Advocacy SA Inc.

## Tasmania

Advocacy Tasmania

Speak Out Association of Tasmania (Speak Out)

## Victoria

Action for More Independence & Dignity in Accommodation (AMIDA)

Action on Disability within Ethnic Communities (ADEC)

AED Legal Centre (AED)

Colac Otway Region Advocacy Service (CORAS)

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Disability Justice Australia Inc.

Gippsland Disability Advocacy (GDA)

Grampians disAbility Advocacy

Leadership Plus

Melbourne East Disability Advocacy (MEDA)

North East Citizen Advocacy

Regional Disability Advocacy Service (RDAS)

Rights Information and Advocacy Centre (RIAC)

Southern Disability Advocacy

Southwest Advocacy Association (SWAA)

Victorian Mental Illness Awareness Council (VMIAC)

Villamanta Disability Rights Legal Service

## Western Australia

Advocacy WA

Ethnic Disability Advocacy Centre

Midland Information, Debt & Legal Advocacy Service (MIDLAS)

People With Disabilities WA (PWdWA)

Sussex Street Community Law Service Inc.





# Appendix D. Community engagements

## Engagements

The lists below contain just a representative sample of community engagements held during the life of our inquiry. For details about the more than 700 engagements held, see section 2.5 Engagements.

### Commissioner speeches and presentations

Engagement details	Organisation	Date
Commissioner Atkinson made a presentation to the meeting of Australian & New Zealand Children's Commissioners and Guardians.	Australian & New Zealand Children's Commissioners and Guardians	12 November 2019
Commissioner Galbally was a speaker at the Disability Services Consulting National Disability Conference.	Disability Services Consulting	June 2020
Commissioner McEwin was a speaker at the Law Society of NSW Council Planning Conference.	Law Society of NSW	2020
Commissioner Ryan made a presentation to the Multicultural Disability Advocacy Association.	Multicultural Disability Advocacy Association	28 January 2020
Commissioner Galbally was a speaker at the Equitable Education Funding (EEF) Meeting.	Equitable Education Funding (EEF)	10 July 2020
Commissioner Galbally was a panellist at a Family Advocacy NSW Q&A.	Family Advocacy NSW	3 September 2020
Commissioner Atkinson was a speaker at the Community Legal Centres Queensland Conference.	Community Legal Centres Queensland	12 November 2020
Commissioner Galbally was a speaker at the Speak Out Conference	Speak Out	November 2020
Commissioner Galbally was a speaker at a Children and Young People with Disability Australia (CYDA) Information Session	Children and Young People with Disability Australia (CYDA)	December 2020
Commissioner Galbally was a speaker at a CYDA Information Session	Children and Young People with Disability Australia (CYDA)	28 April 2021

Engagement details	Organisation	Date
Commissioner Mason was a speaker at the National Summit on Women's Safety.	Department of Social Services Canberra	6 September 2021
Commissioner Galbally was a speaker at the Speak Out Conference	Speak Out	16 September 2020
Commissioner Galbally was a speaker at the Short Statured People Australia (SSPA) National Virtual Convention	Short Statured People Australia (SSPA)	28 September 2021
Commissioner Mason was a speaker at the SNAICC - National Voice for our Children National Conference.	SNAICC – National Voice for our Children	6 December 2021
Commissioner McEwin was keynote speaker at the 2022 Annual Community Legal Centres Queensland Conference.	Community Legal Centres Queensland	12 May 2022
Commissioner Bennett presented at the 2022 Youth Futures Summit virtual event.	Youth Futures Summit 2022	9 June 2022
Commissioner McEwin was keynote speaker at the 2022 Australian Network on Disability annual conference: The Accessibility Awakening.	Australian Network on Disability	9 June 2022
Commissioner Galbally was a speaker at the Australian Group on Severe Communication Impairment (AGOSCI) Conference	Australian Group on Severe Communication Impairment (AGOSCI)	5 September 2022
Commissioner Ryan was a guest speaker at the 2022 annual conference for Speak Out Advocacy Tasmania.	Speak Out Advocacy Tasmania	2 November 2022

## First Nations people with disability

Engagement details	Organisation/s	Date and platform
Focus groups on challenges experienced by First Nations people living with disability in remote and very remote areas.	Green River Aboriginal Corporation, Northern Territory Miriam Rose Foundation, Northern Territory	26 May 2020 Face to face
Stakeholder focus groups on challenges experienced by First Nations people living with disability, and the issues faced regarding the judicial system, racism, education, accessibility to services, housing and employment.	Your Story Disability Legal Support Queensland Indigenous Family Violence Legal Service Aboriginal Corporation (QIFVLS) Remote Area Aboriginal & Torres Strait Islander Child Care (RAATSICC) The Advocacy and Support Centre National (TASC National) Speaking Up For You (SUFY) Rights in Action (RIA) Mackay Advocacy WWILD Sexual Violence Prevention Association. Micah Projects Blue Knot Foundation First Peoples Disability Network (FPDN) Independent Advocacy in the Tropics Inc, North Queensland (NQ	18 July 2020 Virtual
Stakeholder information session with NACCHO staff regarding First Nations cultural safety, public hearings, key issues and recommendations.	National Aboriginal Community Controlled Health Organisation (NACCHO), Australian Capital Territory	22 July 2020 Virtual
Engagement meeting with First Nations people with disability, on the barriers experienced in living remotely.	JMJ Disability Services, Northern Territory	24 May 2021 Face to face
First Nations engagement meeting and information session with health support workers.	Mawarnkarra Health Service, Western Australia	15 June 2021 Face to face

Engagement details	Organisation/s	Date and platform
Culturally diverse engagement meeting, introduction and planning session for Torres Strait Island engagement.	Synapse, Queensland	21 February 2022 Virtual
Focus group on challenges experienced by First Nations people living with disability in remote and very remote areas, and the issues faced regarding housing, employment and guardianship.	Office of the Public Advocate, Western Australia	19 April 2022 Face to face
Stakeholder and community engagement session to discuss challenges faced by First Nations people living with disability regarding the judicial system, racism, accessibility to services, housing, employment and the possibility of appearing as a witness at future public hearings.	Valued Lives, Western Australia Red Dust Healers, Western Australia	04 May 2022 Face to face
Culturally diverse engagement meeting with stakeholders regarding First Nations LGBTIQ+ people with disability and the challenges faced within the education system.	Edith Cowan University, Western Australia	04 May 2022 Face to face
Culturally diverse engagement meeting with stakeholders regarding First Nations people including LGBTIQ+ people with disability and the challenges within the judicial system.	Sisters Inside, Queensland	15 May 2022 Virtual
Stakeholder and community engagement session to discuss challenges faced by First Nations people living with disability who are involved in the judicial system.	Gallawah, Victoria	06 June 2022 Face to face
Stakeholder and community engagement session to discuss challenges faced by First Nations people living with disability in remote and very remote areas.	Tullawon Health Service Inc., South Australia	23 June 2022 Face to face
Stakeholder and community focus group on challenges experienced by Torres Strait Islander people living with disability in remote and very remote areas, and the issues faced regarding segregation, housing, employment, accessibility to services and providers, health, education and isolation.	ITEC Group, Thursday Island, Torres Strait	17 August 2022 Face to face

## Culturally and linguistically diverse people with disability

Engagement details	Organisation/s	Date and platform
Culturally and linguistically diverse engagement meeting, and introduction session.	Migrant Resource Centre, Victoria	27 November 2019 Face to face
Focus groups on COVID-19's challenges and impacts on young people from culturally and linguistically diverse backgrounds.	Multicultural Youth Advocacy Network, Australia (MYAN), national	30 March 2020 Virtual
Engagement forum with Commissioners, and refugee and asylum seeker experts.	The Forum of Australian Services for Survivors of Torture and Trauma (FASSTT), national Queensland Program of Assistance to Survivors of Torture and Trauma (QPASTT) New South Wales Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS) Victorian Foundation for Survivors of Torture (Foundation House)	06 April 2021 Virtual
Culturally and linguistically diverse engagement meeting and information session with bicultural health support workers.	Ethnic Communities Council of Queensland (ECCQ), Queensland	18 October 2021 Face to face
Stakeholder meeting with culturally and linguistically diverse people with disability.	Queensland Alliance for Mental Health (QAMH), Queensland	10 November 2021 Virtual
Facilitated discussion with people with disability and carers from new and emerging culturally and linguistically diverse communities.	Australian Refugee Association (ARA), South Australia	22 November 2021 Face to face
Facilitated discussion with people with disability and carers from new and emerging culturally and linguistically diverse communities.	Multicultural Communities Council of South Australia (MCCSA)	22 November 2021 Face to face
Facilitated discussion with people with disability and carers from new and emerging culturally and linguistically diverse communities.	Australian Migrant Resource Centre (AMRC), South Australia	30 November 2021 Face to face

Engagement details	Organisation/s	Date and platform
Engagement meeting with people with disability from the Bhutanese Community.	Red Cross, New South Wales	16 March 2022 Face to face
Engagement meeting with people with disability from new and emerging culturally and linguistically diverse communities.	Multicultural Council of Tasmania (MCOT)	28 March 2022 Face to face
Focus group on settlement experiences with Myanmar, Ethiopian, Afghan and Bhutanese refugees who identify with disability and have children and family members that identify with disability.	Catholic Care, Tasmania	31 March 2022 Face to face
Engagement with culturally and linguistically diverse community with disability organisation representatives.	Victorian Mental Illness Awareness Council (VMIAC), Victoria	23 May 2022 Face to face
Engagement with culturally and linguistically diverse people with disability accessing treatment in forensic settings, including detention focus.	Queensland Transcultural Mental Health Centre, Queensland	07 June 2022 Face to face
Engagement meeting with stakeholders assisting people with disability from culturally and linguistically diverse communities, complexities accessing the NDIS and barriers accessing support.	Ballarat Regional Multicultural Council, Victoria	19 July 2022 Face to face
Engagement discussion with culturally and linguistically diverse people on language as a barrier to accessing services, and lack of interpreter support with accessing services.	Multicultural Services Centre Western Australia (MSCWA)	16 August 2022 Face to face
Engagement panel discussion with disability stakeholders on support for people with disability from culturally and linguistically diverse communities engaging with and making submissions to the Royal Commission.	Department of Social Services (DSS) National Ethnic Disability Alliance (NEDA), Victoria	18 October 2022 Virtual
Engagement with people with disability from culturally and linguistically diverse communities to share their lived experiences and provide submissions to the Royal Commission.	Action on Disability within Ethnic Communities (ADEC), Victoria	14 November 2022 Virtual

## Women and girls with disability

Engagement details	Organisation/s	Date and platform
Introduction session, and culturally and linguistically diverse engagement principles roundtable.	Multicultural Centre for Women's Health, Victoria	17 February 2020 Face to face
Meeting with culturally and linguistically diverse women with disability affected by domestic and family violence in New South Wales.	New South Wales Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS)	1 November 2021 Face to face
National forum with culturally and linguistically diverse women with disability that have experienced domestic and family violence.	Community Engagement team facilitated a forum with culturally and linguistically diverse women with disability that have lived experienced domestic and family violence.	11 November 2021 Virtual
Art workshop with culturally and linguistically diverse women with disability affected by domestic and/or family violence.	Immigrant women support services, Romero Centre, Amparo Advocacy, Queensland	6 December 2021 Face to face
Focus group session and co-designed engagement between organisations and women with disability.	Service for the Treatment and Service for the Rehabilitation of Torture and Trauma Survivors (STARTTS, New South Wales) New South Wales and Families in Cultural Transition (FICT) Program, New South Wales	23 February 2022 Virtual
Engagement with women with disability from culturally and linguistically diverse communities to hear views on the future for people with disability.	Mission Australia Victoria Park, Western Australia	20 August 2022 Face to face and virtual
Engagement with disability stakeholders that support people affected by domestic and family violence to provide submissions to the Royal Commission.	Domestic Violence Crisis Service, Australian Capital Territory	14 September 2022 Face to face

## People with cognitive and intellectual disability

Engagement details	Organisation	Date and platform
Community participation and targeted engagement (CPTE) meeting, introduction session and focus discussion on decision making, personal choice and autonomy.	Speak Out, Launceston, Tasmania	18 March 2020 Face to face
CPTE meeting.	Developmental Disability WA (DDWA), Western Australia	27 October 2021 Virtual
CPTE meeting, initial engagement planning, and meeting with peer groups and people that identify with cognitive disability.	STAR Victoria Inc., Independent Community Organisation, Victoria	8 February 2022 Virtual
CPTE meeting and introduction session with advocacy group and peers with intellectual disability.	Council for Intellectual Disability (CID), New South Wales	24 February 2022 Virtual
CPTE meeting and co-designed planning meeting with peer groups and people with acquired brain Injury.	Synapse: Australia's Brain Injury Organisation, New South Wales	2 March 2022 Virtual
CPTE meeting, planning meeting for youth focus groups, peer groups and people with autism.	Amaze, the peak body for Autistic people and their supporters, Victoria	7 March 2022 Virtual
Targeted engagement and co-designed focus group with peer groups.	Synapse: Australia's Brain Injury Organisation. New South Wales	23 March 2022 Virtual
Targeted engagement with stakeholders supporting people with cognitive disability.	STAR Victoria Inc. Independent Community Organisation Victoria	4 May 2022 Virtual
Targeted engagement, co-design engagement	Developmental Disability Western Australia (DDWA) Side by Side peer group	7 July 2022 Virtual
Targeted engagement focus group for people who identify with cognitive and intellectual disability to hear their lived experiences and share their vision for the future.	DDWA, Western Australia People With disabilities Western Australia (PWdWA)	22 August 2022 Face to face



## Young people with disability

Engagement details	Organisation	Date and platform
Culturally and linguistically diverse introduction session and community forum.	Save the Children, Hobart, Launceston and Burnie, Tasmania	20 November 2019 Face to face
Culturally and linguistically diverse information session.	National Youth Commission Australia, national	2 June 2020 Virtual
Discussion on issues for culturally and linguistically diverse young people with disability.	Multicultural Youth South Australia (MYSA)	23 November 2021 Face to face
Community participation and targeted engagement (CPTE) meeting, planning engagements for youth that identify with disability.	yourtown, national	11 February 2022 Virtual
Meeting with staff that support culturally and linguistically diverse young people with disability.	Centre for Multicultural Youth (CMY), Victoria	2 March 2022, Virtual
Targeted community engagement with young people with disability to share their lived experiences and vision for the future.	Story Factory, Parramatta, New South Wales	28 April 2022 Face to face
CPTE meeting and introduction session with youth peer group.	Queenslanders With Disability Network (QDN)	10 May 2022 Virtual
CPTE planning and co-design meeting with Positive Powerful Parents 'Reinforce' Project group members, and STAR Inc.'s executive officer and advocacy staff.	Positive Powerful Parents, Victoria STAR Victoria Inc., independent community organisation, Victoria	11 May 2022 Virtual
Targeted community engagement with young people with disability to share their lived experiences and vision for the future.	Children and Young People with Disability Australia (CYDA), Victoria	7 July 2022 Face to face

Engagement details	Organisation	Date and platform
Targeted focus group with young people to share their vision for the future and create a group artwork mural submission led by artist instructor and group mural facilitator, Dawn Meader.	Youth Disability Advocacy Network (YDAN), Western Australia Youth Led Services (YLS), Western Australia People With disabilities Australia Western Australia (PWdWA) CYDA, WA Valued Lives, Peer Led Community Organisation School Network Youth Program, Western Australia	19 August 2022, Face to face
Engagement with young people with disability to share their views on their lived experiences of disability and contribute to a submission to the Royal Commission.	CYDA, national	28 September 2022 Virtual
Targeted engagement with disability stakeholders and youth with disability to share their lived experiences of disability and vision for the future.	Inclusive Industry stakeholders and Youth with Disability, Victoria	26 October 2022 Face to face

## People with disability who identify as LGBTIQ+

Engagement details	Organisation	Date and platform
Meeting with culturally and linguistically diverse LGBTIQ+ young people with disability and their advocates.	Open Doors Youth Service Inc. (ODYS), Queensland	26 October 2021 Face to face
Engagement and yarning session with First Nations people, LGBTIQ+ community members and disability stakeholders to share their lived experiences of disability.	Yarning session with Queensland Council for LGBTI Health	14 March 2022 Virtual
Engagement with First Nations people, LGBTIQ+ community members and disability stakeholders to share their lived experiences of disability.	BlaQ Aboriginal Corporation, NSW Black Rainbow, national	17 March 2022 Virtual
Engagement with First Nations people, LGBTIQ+ community members and disability stakeholders to share their lived experiences of disability.	Yarning circle with Western Australian LGBTIQ+ community, Western Australia	04 May 2022 Face to face
Engagement with refugee LGBTIQ+ people with disability in new and emerging culturally and linguistically diverse communities, with a focus on intersectional experiences and cultural safety.	New South Wales Service for the Treatment and Rehabilitation of Torture and Trauma Survivors (STARTTS) Auburn, New South Wales	16 May 2022 Face to face
Focused engagement with culturally and linguistically diverse LGBTIQ+ people with disability, on intersections of culture, disability, community, belonging, and experiences of abuse and discrimination.	ACON, Surry Hills, New South Wales	19 May 2022 Face to face
Engagement meeting with disability stakeholders providing support services to LGBTIQ+ people with disability.	Meridian, Australian Capital Territory	12 September 2022 Face to face
Co-designed engagement workshop with First Nations people that identify with disability and people with disability from the LGBTIQ+ community to create an artwork submission to share their experiences and vision for the future, including choice and control for housing, and participation in community.	UNTITLED gallery+studio, Northern Territory	11 October 2022 Face to face



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## Appendix E. List of policy consultations

### Workshops

Theme	Location	Date
Advocacy workshop	Melbourne, Victoria	18 June 2019
Legal workshop	Sydney, New South Wales	1 July 2019
Legal workshop	Brisbane, Queensland	3 July 2019
Legal workshop	Melbourne, Victoria	9 July 2019
Disability service providers workshop	Melbourne, Victoria	18 July 2019
First Nations people and communities workshop	Sydney, New South Wales	6 August 2019
First Nations people and communities workshop	Darwin, Northern Territory	15 August 2019
Justice workshop	Melbourne, Victoria	2 September 2019
Education and learning workshop	Melbourne, Victoria	3 October 2019

### Roundtables

Theme	Location	Date
Culturally and linguistically diverse national roundtable	Virtual	26 May 2020
A national supported decision-making framework	Canberra, Australian Capital Territory/Virtual	31 May 2022
Best practice models of guardianship	Canberra, Australian Capital Territory/Virtual	1 June 2022



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## Appendix F. Past reports and inquiries

The Royal Commission's terms of reference required us to have regard to the findings and recommendations of previous relevant reports and inquiries. One way we did this was through the past inquiries project. The project was an important source of information for our final report, and for developing recommendations that would be practical, implementable and lead to lasting change.

We used the following criteria to identify the inquiries and reports most relevant to our terms of reference:

- The report contained findings and recommendations that addressed violence against, and abuse, neglect and exploitation of, people with disability.
- The report addressed specific aims and articles of the *Convention on the Rights of Persons with Disabilities (CPRD)* or other relevant international human rights instruments.
- The report was published under the authority of a statutory or non-statutory body at state/territory, federal or international level.
- The report was published during or after 1995. However, most reports that were relevant to the terms of reference were produced within the decade preceding the Royal Commission.

The past reports and inquiries are listed below by jurisdiction and in date order.

### National

Report no	Report citation
1	Australian Institute of Health and Welfare, <u><i>Australia's Disability Strategy 2021-2031 Outcomes Framework</i></u> , First annual report, February 2023.
2	NDIS Quality and Safeguards Commission, <u><i>Own motion inquiry into aspects of supported accommodation</i></u> , Final inquiry report, January 2023.
3	Productivity Commission, <u><i>Report on government services 2023: Part F, Section 15. Services for people with disability</i></u> , Final report, Steering Committee for the Review of Government Service Provision data Report, January 2023.
4	Productivity Commission, <u><i>Review of the National School Reform Agreement</i></u> , Study report, December 2022.
5	Australian Government Department of Social Services, <u><i>Final Progress Report 2017–2021 National Disability Strategy 2010-2020</i></u> , December 2022.

Report no	Report citation
6	Australian Government, Response to Select Committee on Autism report: <u><i>Services, support and life outcomes for autistic Australians</i></u> , December 2022.
7	Sarah Johnson & David Gifford, for the National Disability Insurance Scheme, <u><i>Annual Financial Sustainability Report 2021-22</i></u> , Annual report, October 2022.
8	Productivity Commission, <u><i>In need of repair: The National Housing and Homelessness Agreement</i></u> , Study report, August 2022.
9	Australian Institute of Health and Welfare, <u><i>People with disability in Australia 2022</i></u> , Web report, AIHW Report catalogue number DIS 72, July 2022.
10	Centre of Research Excellence in Disability and Health, <u><i>Disability and wellbeing monitoring framework: Baseline indicator data for Australians aged 18–64 years</i></u> , Baseline data report, April 2022.
11	Michael D’Rosario & Matt Lloyd-Cape, for Per Capita, <u><i>False economy: The economic benefits of the National Disability Insurance Scheme and the consequences of government cost-cutting</i></u> , Analysis report, November 2021.
12	Nicole Aimers, Alecia Rathbone, Di Winkler, Cornelia Wellecke & Peter Mulherin, for The Summer Foundation, <u><i>Specialist disability accommodation Supply in Australia</i></u> , Report, November 2021.
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358	United Kingdom House of Commons Petitions Committee, <i>Online abuse and the experience of disabled people</i> , First report of session 2017–19, January 2019.
359	Law Commission of Ontario, <i>Legal capacity, decision-making and guardianship</i> , Final report, March 2017.
360	United Kingdom Equality and Human Rights Commission, <i>Hidden in plain sight: Inquiry into disability-related harassment</i> , August 2011.

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# Appendix G. List of Royal Commission publications

The publications listed below can be accessed through the Royal Commission's Documents library, which links to electronic (PDF and DOCX) versions of reports, issues papers, research reports and other publications relevant to our work. In most cases, they are accessible in an Easy Read format and via an Auslan translation.

## Part 1: Reports

### Interim report

- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Interim report*, October 2020 (encompasses the work of the Royal Commission from 5 April 2019 to 31 July 2020)

### Progress reports

- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *First progress report*, December 2019
- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Second progress report*, August 2020
- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Third progress report*, February 2021
- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Fourth progress report*, August 2021
- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Fifth progress report*, February 2022
- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Sixth progress report*, August 2022
- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Seventh progress report*, March 2023

### Reports of Public hearings

- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Report of Public hearing 2: Inclusive education in Queensland – preliminary inquiry*, October 2020

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- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, Report of Public hearing 3: The experience of living in a group home for people with disability, September 2020
  - Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, Report of Public hearing 4: Healthcare for people with cognitive disability, October 2020
  - Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, Report of Public hearing 5: Experiences of people with disability during the ongoing COVID-19 pandemic, November 2020
  - Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, Report of Public hearing 6: Psychotropic medication, behaviour support and behaviours of concern, June 2021
  - Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, Report of Public hearing 7: Barriers experienced by students with disability in accessing and obtaining a safe, quality and inclusive school education and consequent life course impacts, November 2021
  - Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, Report of Public hearing 10: Education and training of health professionals in relation to people with cognitive disability, March 2022
  - Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, Report of Public hearing 12: The experiences of people with disability, in the context of the Australian Government's approach to the COVID 19 vaccine rollout – Commissioners' draft report, September 2021
  - Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, Report of Public hearing 12: The experiences of people with disability, in the context of the Australian Government's approach to the COVID 19 vaccine rollout, October 2021
  - Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, Report of Public hearing 13: Preventing and responding to violence, abuse, neglect and exploitation in disability services (a case Study), April 2022
  - Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, Report of Public hearing 14: Preventing and responding to violence, abuse, neglect and exploitation in disability services (South Australia), June 2022
  - Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, Report of Public hearing 20: Preventing and responding to violence, abuse, neglect and exploitation in disability services (two case studies), February 2023
  - Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, Report of Public hearing 21: The experience of people with disability engaging with Disability Employment Services: Mzia case study, January 2023

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- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Report of Public hearing 23: Preventing and responding to violence, abuse, neglect and exploitation in disability services (a case study)*, March 2023
  - Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Report of Public hearing 17: The experiences of women and girls with disability with a particular focus on family, domestic and sexual violence: Niky case study*, May 2023.
  - Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Report of Public hearing 33: Case study*, September 2023.

## Part 2: Other publications

### Issues papers

- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Education and learning issues paper*, October 2019
- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Group homes issues paper*, November 2019
- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Health care for people with cognitive disability issues paper*, December 2019
- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Criminal justice system issues paper*, January 2020
- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Emergency planning and response issues paper*, April 2020
- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Rights and attitudes issues paper*, April 2020
- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Employment issues paper*, May 2020
- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Restrictive practices issues paper*, May 2020
- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *The experience of First Nations people with disability in Australia issues paper*, June 2020
- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Safeguards and quality issues paper*, November 2020
- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Violence and abuse of people with disability at home issues paper*, December 2020
- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Promoting inclusion issues paper*, December 2020

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- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *The experiences of culturally and linguistically diverse people with disability issues paper*, March 2021
  - Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *The impact of and responses to the Omicron wave of the COVID-19 pandemic for people with disability issues paper*, March 2022.

## Overviews of responses to issues papers

- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Overview of responses to the Employment issues paper*, May 2020
- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Overview of responses to the Education and learning issues paper*, July 2020
- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Overview of responses to the Group homes issues paper*, September 2020
- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Overview of responses to the Health care for people with cognitive disability issues paper*, August 2020
- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Overview of responses to the Criminal justice system issues paper*, December 2020
- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Overview of responses to the Emergency planning and response issues paper*, February 2021
- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Overview of responses to the Rights and attitudes issues paper*, April 2021
- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Overview of responses to First Nations People with disability issues paper*, August 2021
- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Overview of responses to the Safeguards and quality issues paper*, September 2021
- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Overview of responses to the Promoting Inclusion issues paper*, October 2021
- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Overview of responses to the Culturally and linguistically diverse people with disability issues paper*, November 2021
- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Overview of responses to Violence and abuse of people with disability at home issues paper*, March 2022



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- Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, Overview of responses to the impact of and responses to the Omicron wave of the COVID-19 pandemic for people with disability issues paper, September 2022

## Research reports and commissioned research

- Rosemary Kayess and Therese Sands, Convention on the Rights of Persons with Disabilities: Shining a light on social transformation, Report prepared for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, September 2020
- Matthew Stubbs, Adam Webster and John Williams, Persons with disability and the Australian Constitution, Report prepared for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, October 2020
- Ron McCallum, The United Nations Convention on the Rights of Persons with Disabilities – An assessment of Australia’s level of compliance, Report prepared for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, October 2020
- Purple Orange, Examining language and vocabulary used by people living with disability, Report prepared for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, October 2020
- Scott Avery, Something stronger: Truth-telling on hurt and loss, strength and healing, from First Nations people with disability, Report prepared for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, October 2020
- Shane Clifton, Hierarchies of power: Disability theories and models and their implications for violence against, and abuse, neglect, and exploitation of, people with disability, Report prepared for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, October 2020
- Australian Government Solicitor, Report on the key elements of the legislative framework affecting people with disability, Report prepared for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, December 2020
- Centre of Research Excellence in Disability and Health (CRE-DH), Nature and extent of violence, abuse, neglect and exploitation against people with disability in Australia, Report prepared for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, March 2021.
- Australian Institute of Criminology, Experiences of domestic violence among women with restrictive long-term health conditions, Report prepared for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, May 2021
- Samuel Murray, Legislation and regulation in Australia: Children and young people with disability in primary and secondary education settings, Report prepared for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, July 2021

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- Centre for Evidence and Implementation and Monash University, *Rapid evidence review: Violence, abuse, neglect and exploitation of people with disability*, Report prepared for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, August 2021
  - Eileen Baldry, Leanne Dowse, Simone Rowe & Michael Baker, *Police responses to people with disability*, Report prepared for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, October 2021
  - Lorna Hallahan and Flinders University, *Disability in Australia: Shadows, struggles and successes: A usable socio-cultural history of disability in Australia*, Report prepared for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, November 2021
  - Anonymous, *Agents of our own destiny: Activism and the road to the Royal Commission*, Report prepared for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, November 2021
  - University of New South Wales and Flinders University, *Changing community attitudes to improve inclusion of people with disability*, Report prepared for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, May 2022
  - University of Sydney, University of Melbourne and University of Technology Sydney, *Complaint mechanisms: Reporting pathways for violence, abuse, neglect and exploitation*, November 2022
  - Australian Research Centre in Sex, Health and Society and Living with Disability Research Centre, La Trobe University, *Violence, abuse, neglect and exploitation of LGBTQA+ people with disability*, Report prepared for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, November 2022
  - C Bigby, T Carney, S-N Then, I Wiesel, C Sinclair, J Douglas & J Duffy, Living with Disability Research Centre, La Trobe University, *Diversity, dignity, equity and best practice: a framework for supported decision-making*, January 2023
  - Taylor Fry, *The economic cost of violence, abuse, neglect and exploitation of people with disability*, Report prepared for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, February 2023
  - University of Melbourne, *Outcomes associated with 'inclusive', 'segregated' and 'integrated' settings for people with disability*, Report prepared for the Royal Commission into Violence, Abuse, Neglect and Exploitation with Disability, March 2023
  - University of Technology Sydney, *Parents with disability and their experiences of child protection systems*, Report prepared for the Royal Commission into Violence, Abuse, Neglect and Exploitation with Disability, July 2023
  - Curtin University, *Wangkiny Yirra "Speaking Up" project: First Nations women and children with disability and their experiences of family and domestic violence*, Report prepared for



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the Royal Commission into Violence, Abuse, Neglect and Exploitation with Disability, June 2023

- Deloitte, *Options to improve service availability and accessibility for First Nations people with disability*, Report prepared for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, June 2023
- Western Sydney University, *People with disability transitioning from prison and their pathways into homelessness*, Report prepared for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, May 2023
- Social Policy Research Centre and National Ethnic Disability Alliance, *Toward best-practice access to services for culturally and linguistically diverse people with disability*, Report prepared for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, April 2023
- Monash University, *Care criminalisation of children with disability in child protection system*, Report prepared for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, May 2023
- University of Melbourne, University of Technology Sydney and University of Sydney, *Restrictive practices: a pathway to elimination*, Report prepared for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, September 2023
- University of NSW, *Reducing restrictive practices: a review of evidence-based alternatives*, Report prepared for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, September 2023

## Roundtables

- *Supported decision-making and guardianship – proposals for reform roundtable* (3 June 2022)
- *Roundtable Supported decision-making and guardianship: Summary report* (October 2022)

## Statements of concern

- *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, Statement of concern – The response to the COVID-19 pandemic for people with disability*, 20 March 2020
- *Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, Statement of ongoing concern – The impact of and responses to the Omicron wave of the COVID-19 pandemic for people with disability*, 17 February 2022.



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## Appendix H. Royal Commission finances

### Summary of costs / expenditure breakdown for the period April 2019 to March 2023<sup>a</sup>

The Royal Commission was appropriated \$310.912 million in total for the 2019-20, 2020-21, 2021-22, 2022-23 and 2023-24 financial years. This comprises of \$294.664 million in operational funding and \$16.248 million in capital funding.

As part of the Mid-Year Economic and Fiscal Outlook 2021–22, the Government quarantined \$11.051 million of the Royal Commission’s budget. This reduced the Royal Commission’s overall budget to \$299.861 million.

As at 31 March 2023, the Royal Commission’s total expenditure over its life is estimated to be \$274.243 million. This comprises of \$234.163 million in actual expenditure to 31 March 2023 and an estimated \$40.08 million for the remaining three months of the 2022–23 financial year and seven months of the 2023–24 financial year.

Tables 2.3 and 2.4 show the total cost of the Royal Commission’s expenditure by major categories (actual expenditure) for 2019–20, 2020–21, 2021–22 and 2022–23 (to 31 March 2023) financial years, and forecast expenditure for the 2022–23 (April to June) and 2023–24 (July to January) financial years.

**Table 2.3 Royal Commission finances: Summary of costs for the period 4 April 2019 to 31 March 2023**

Expense	Total cost (\$m)
Commissioners	\$14.43
Counsel Assisting	\$15.43
Solicitor Assisting	\$22.62
Senior Advisors	\$2.92
Staff costs (including labour hire)	\$85.28
Research and policy program <sup>b</sup>	\$5.56
Financial assistance to witness and support persons (non-legal costs) <sup>c</sup>	\$0.26
Information and communication costs including electronic courts and document management	\$21.15
Travel and accommodation	\$2.18
Venue hire <sup>d</sup>	\$2.80
Office administration	\$4.56
General administration <sup>e</sup>	\$30.02
Corporate support <sup>f</sup>	\$16.71
Capital expenditure <sup>g</sup>	\$10.24
<b>Total expenditure</b>	<b>\$234.16</b>

**Table 2.4. Royal Commission finances: Estimate of total costs including actual expenditure to 31 March 2023 and estimated costs from April 2023 to end of Royal Commission**

Expense	Total cost (\$m)
Total expenditure 4 April 2019 to 31 March 2023	\$234.16
Estimated expenditure April 2023 to end of Royal Commission (including winding down and decommissioning costs)	\$40.08
<b>Estimated expenditure for the life of the Royal Commission</b>	<b>\$274.24</b>

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- a. The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability delivered its Final Report on 29 September 2023. The expenditure reflected above includes actual costs incurred from 4 April 2019 to 31 March 2023 as well as estimates of the costs of the final six months of operation to 29 September 2023 and winding down and decommissioning costs to 31 January 2024.
  - b. Includes payments made to external research and policy contractors.
  - c. Includes travel and loss of wages entitlements to witnesses appearing before a public hearing. The Attorney-General's Department offered financial assistance to witnesses requiring legal assistance to prepare witness statements, which is not included here.
  - d. Includes venue hire and associated costs to hold public forums and hearings.
  - e. Balance of expenditure excluding major categories expenses, including communication devices & service charges, annual software subscriptions, printing, advertising, stationery, security, conferences, training.
  - f. Attorney-General's Department provided corporate services to the Royal Commission.
  - g. Costs associated with fit-out and information and communication technology (ICT) infrastructure.



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# Appendix I. List of Royal Commission practice guidelines

## Practice guidelines

Practice guidelines shaped the way in which the Royal Commission undertook its work, in particular on conducting public hearings. These guidelines were revised in August 2020 and included:

- Practice guideline 1 – General guidance (10 August 2020)

This guideline sets out general guidance about the practice and procedures of the Royal Commission in conducting its inquiry. It covers matters including participating in a private session or a public hearing, making a submission, what happens if a person is given a notice to produce a document or information to the Royal Commission, and how to produce a document.

- Practice guideline 2 – Legal professional privilege (10 August 2020)

This guideline covers how the Royal Commission received and considered a claim of legal professional privilege made under s 6AA(1) of the *Royal Commissions Act 1902* (Cth).

- Practice Guideline 3 – Witnesses (10 August 2020)

This guideline sets out general guidance about appearing as a witness before the Royal Commission. Solicitors Assisting the Royal Commission and Counsel Assisting the Royal Commission were responsible for selecting people to appear as witnesses at its public hearings.

- Practice Guideline 4 – Conduct of hearings (10 August 2020)

This guideline provides general guidance about the conduct of hearings before, and the production of certain documents to, the Royal Commission. The hearings were an inquisitorial rather than adversarial process. This means that the Royal Commission inquired into issues within its terms of reference and did not consider or resolve disputes between litigants.

- Practice Guideline 5 – Private sessions (10 August 2020)

This guideline deals with how the Royal Commission conducted private sessions. A private session provided an opportunity for people to confidentially share their experiences with a Commissioner. People were supported as much as possible in sharing their experiences at a private session.

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- Practice Guideline 6 – Leave to appear (10 August 2020)

This guideline sets out guidance about applying for ‘leave to appear’ at a public hearing. A person must have a ‘direct and substantial interest’ in the subject matter of the hearing and have permission or leave to appear before appearing other than as a witness. Leave is granted only in limited circumstances, such as where a person or an organisation is likely to have allegations of inappropriate conduct made against them during the hearing.

- Practice Guideline 7 – Virtual public hearings (10 August 2020)

This guideline deals with the conduct of virtual public hearings. The Royal Commission conducted virtual public hearings in response to the COVID-19 pandemic. These hearings were virtual because the Chair determined that the Commissioners sitting in the hearing should be located in a hearing room or hearing rooms separate from other participants. They included witnesses for the hearing, their representatives and parties with leave to appear, who appeared at the hearing from remote locations through a combination of audio and/or visual technology links. The Royal Commission could allow for participants to appear in the hearing room(s) as it deemed appropriate.

- Document production guideline (September 2019)

This guideline helps with how documents were provided to the Royal Commission. Generally, the Royal Commission preferred electronic production of documents by uploading them to the Royal Commission’s file-sharing platform.











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