



# A brief guide to the *Final report*



## Acknowledgement of Country

We acknowledge Australia's First Nations peoples as the Traditional Custodians of the lands, seas and waters of Australia, and pay respect to all First Nations Elders past, present and emerging. We pay our respects to all First Nations people with disability and recognise the distinct contributions they made to the outcome of this inquiry.

## Acknowledgement of people with disability

We acknowledge 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 our recommendations.

## About this guide

This guide explains how information is organised in the *Final report* of the **Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability**. It is for a broad audience including people with disability, their families and carers, other members of the Australian community, disability advocates, service providers and people looking to quickly find the information they need.

**Note:** The 12 volumes of the *Final report* constitute the authoritative version of the *Final report* and contain the complete information about all our work, including recommendations.

## About the *Final report*

The *Final report* brings together what we learned during our inquiry from April 2019 to September 2023. It sets out the evidence and information provided to us, our conclusions and our recommendations to better prevent and respond to violence against, and abuse, neglect and exploitation of, people with disability in Australia. It also sets out a vision for a more inclusive society that supports the independence of people with disability.



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

The *Final report* is set out in 12 volumes and covers a wide range of subjects. An additional introductory volume includes the Chair's foreword, our vision for an inclusive Australia, an executive summary of the report and the full list of recommendations. These volumes are listed on the final page of this guide, with a link to our website for versions in English, Auslan and Easy Read.

**Content warning:** The *Final report* contains information about violence, abuse, neglect and exploitation that may be distressing to readers. This includes first-hand accounts of violence, abuse, neglect and exploitation. First Nations readers should be aware that some information in the *Final report* may have been provided by or refers to First Nations people who have passed away.

## About the Royal Commission

A royal commission is the highest form of public inquiry. It is independent of government and looks closely at a widely reported problem or issue. This Royal Commission was established on 4 April 2019 and followed many years of campaigning and advocacy by people with disability and their supporters and advocates. Their campaigns reflected the struggles, values and expectations of many Australians with disability.

The Royal Commission ran until 28 September 2023 when its *Final report* was delivered to the Governor-General.



**Photo: Senior Counsel Assisting Patrick Griffin SC at Public hearing 25 in Mparntwe (Alice Springs).**



## Our Commissioners

Six Commissioners with diverse backgrounds and experiences were appointed to conduct the inquiry:

- the Honourable Ronald Sackville AO KC (Chair of the Royal Commission)
- Ms Barbara Bennett PSM
- Dr Rhonda Galbally AC
- Ms Andrea Mason OAM
- Dr Alastair McEwin AM
- the Honourable John Ryan AM.

Commissioner Galbally and Commissioner McEwin are people with disability. We are fortunate to have had the benefit of their knowledge and experience, as leaders in the disability community for many years. They have long argued for reforms to address the violence, abuse, neglect and exploitation experienced by people with disability.

Commissioner Mason is a Ngaanyatjarra and Pitjantjatjara woman from Western Australia. We have greatly benefitted from her understanding of the disadvantages that First Nations people with disability experience and her commitment to improving their lives.



**Photo: From left to right – The Honourable John Ryan AM, Dr Rhonda Galbally AC, Ms Andrea Mason OAM, Chair the Honourable Ronald Sackville AO KC, Ms Barbara Bennett PSM and Dr Alastair McEwin AM.**



## Our terms of reference for the inquiry

The Royal Commission's terms of reference required us to inquire into what governments, institutions and the community should do to prevent and protect people with disability from experiencing all forms of violence, abuse, neglect and exploitation across all settings and contexts.

Our terms of reference also required us to look into what should be done to promote a more inclusive society that supports the independence of people with disability. They required us to look in particular at the experiences of people with disability from specific groups, including First Nations people and people from culturally and linguistically diverse communities.

### A strong focus on human rights

Our inquiry has been framed by the human rights of people with disability. This strong focus also came from our terms of reference, which recognise people with disability have the 'right to the full and equal enjoyment of all human rights and fundamental freedoms'.

In conducting our inquiry and developing our recommendations, we aimed to translate human rights into practical and sustainable policies and practices that change the values and standards the community expects to be upheld for people with disability. This includes the right of people with disability to live free from violence, abuse, neglect and exploitation.

## How people engaged with our inquiry

### Fast figures

- **32 public hearings** with evidence from **837 witnesses**
- **1,785 private sessions**, where over 60% of participants were people with disability
- **7,944 submissions**, 55% received from people with disability and 29% from family members
- **14 issues papers**, with 710 responses
- **700-plus community engagement activities**, with 374 events held for First Nations people with disability
- **16,940 enquiries** via phone and email by 31 December 2022
- **12 policy roundtables or workshops** with stakeholders
- **28 research reports.**



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

People with disability have been at the heart of the Royal Commission. Their voices and experiences have guided all aspects of our work. We are immensely grateful to each and every person who has been prepared to share with us their experiences, aspirations and ideas.

We used many different sources of evidence and information to reach the conclusions and recommendations in the *Final report*. We held 32 public hearings, two ceremonial sittings, three roundtables and nine workshops. We conducted more than 700 engagement activities around Australia with diverse groups and communities. We received 7,944 submissions from individuals, disability advocacy organisations, research organisations, peak bodies, government departments and agencies, and professional organisations. We produced 14 issues papers that received over 700 responses. We also commissioned a wide range of research reports.

We also held 1,785 private sessions. These sessions provided people with disability, their family members and supporters the opportunity to speak confidentially with a Commissioner about their experiences.



**Photo: Four First Nations people who are part of the Bindi Mwerre Anthurre artists group based in Mpartwe (Alice Springs). They are joined by the Chair, Ronald Sackville, and Commissioners Mason and McEwin.**

### Find out more



**Volume 1, *Voices of people with disability*** includes over 1,500 narratives that are drawn directly from the experiences people with disability shared in their private sessions and submissions. In the *Final report*, we do not use their real names or any information that can identify them.



**Volume 2, *About the Royal Commission*** has information about establishment of the Royal Commission, our terms of reference, and how we conducted our inquiry including our public hearings, private sessions, community engagement, submissions and our policy and research program.



## What we heard in our inquiry

### The violence, abuse, neglect and exploitation experienced by people with disability

I am not able to recall every time a stranger has sworn at me, accused me of faking my condition or been abusive towards me in another way, since I became vision impaired. This is because there have been too many occasions when this has happened over the years ... It is unusual for a week to pass without me encountering some form of abuse when I am simply out going about my business.

*David Gearin, a witness at Public hearing 28, 'Violence against and abuse of people with disability in public places'*

People with disability experience much higher rates of violence than people without disability. They also experience violence more frequently. These rates of violence are particularly high for women with psychological or intellectual disability, First Nations women with disability and young women with disability.

The evidence and information we received showed neglect of people with disability can occur in many different forms and across different stages of people's lives. We heard distressing accounts of people experiencing severe deprivation, including from a young age, and of people with disability dying as a result of gross neglect. We also heard many instances where people with disability were deprived of the basic necessities of life and assistance with daily activities.

People with disability also shared with us experiences of both sexual and financial exploitation.

We were told of failures to provide people with environments where they could thrive and maximise their potential. This included people having limited opportunities to develop personal relationships or friendships, actively participate in the community or build life skills.

We heard people with disability can be denied their right and freedom to make decisions, control their life and exercise choice. People with disability described facing considerable barriers to access and inclusion. These included barriers to information and to quality settings and services, such as health care, education, employment and housing.

#### Find out more



**Volume 3, *Nature and extent of violence, abuse, neglect and exploitation*** sets out information and data about the different forms of violence, abuse, neglect and exploitation people with disability experience in Australia. We also consider the experiences of different groups and communities such as women and girls with disability, LGBTIQ+ people with disability, First Nations people with disability, and people with disability from culturally and linguistically diverse backgrounds.



## Our vision for an inclusive Australia

People with disability, their families and a range of other people shared their dreams and aspirations for an inclusive Australia. While these visions varied, they rested on a common foundation. In particular, a future where:

- people with disability live free from violence, abuse, neglect and exploitation
- human rights are protected
- individuals live with dignity, equality and respect, can take risks, and develop and fulfil their potential.

The vision for an inclusive Australia in our *Final report* is of a future where people with disability:

- live, learn, work, play, create and engage together with people without disability in safe and diverse communities
- have the power of choice, independence and the dignity to take risks
- make significant contributions to communities that value their presence and treat them with respect
- are culturally safe and belong in families, communities and peer networks.

People with disability told us about positive changes that have made their lives better, and their confidence that together we can shape a society that recognises, empowers and values disability as part of human diversity.

Realising an inclusive society is the responsibility of the whole of Australia. Witnesses in our public hearings and others who engaged with us emphasised the importance of all Australians hearing the voices of people with disability, learning from their experiences and expertise, and recognising their capacity to be leaders of change. They rightly insist an inclusive society where everyone can contribute is better for everyone. When that society is shaped to include them, people with disability will thrive.



**Photo: Disability advocate Summer Farrelly speaking as a witness at Public hearing 31 in Brisbane.**

Inclusion looks different to everybody because we're all different. Inclusion means that everybody can contribute and participate in society as their authentic self without having to change who they are ... Inclusion means that we don't look at a person based on the risk factors which exist. We look at a person based on the value they provide and the right they have to be their authentic self autonomously.

*Summer Farrelly, a 15-year-old autistic disability advocate, a witness at Public hearing 31, 'Vision for an inclusive Australia'*



Disability pride and pride in who you are is so important. And it is so important that young people grow up seeing themselves as disabled and not wishing that they could change, but simply existing and understanding that they are supposed to exist.

*Chloé Hayden, an autistic disability advocate, motivational speaker, actor, performer, author, influencer and content creator, a witness at Public hearing 31, 'Vision for an inclusive Australia'*



**Photo: Witness and disability advocate Chloé Hayden speaking at Public hearing 31.**

## Our recommendations for change

The *Final report* makes **222 recommendations** about what changes are needed to ensure we live in a more inclusive and just society that supports the independence of people with disability and their right to live free from violence, abuse, neglect and exploitation.

While most of our recommendations are directed to the Australian Government, some are directed to state and territory governments. Other recommendations are directed to non-government agencies, such as service providers and professional associations responsible for training in disability and related health areas.

### Find out more



You can find a full list of our recommendations in our introductory volume – *Executive summary, Our vision for an inclusive Australia and Recommendations*.





## Realising the human rights of people with disability

Just because someone is different doesn't mean they are less than, and I think that until you have experienced it, you don't realise the discrimination.

*'Pat', in a Royal Commission private session*

The *Convention on the Rights of Persons with Disabilities* is the most important human rights treaty for people with disability. It sets out Australia's international obligations to respect, protect and fulfil the human rights of people with disability. Our inquiry concluded that current measures under domestic law do not give sufficient effect to Australia's obligations under this treaty. People with disability are not adequately protected against violence, abuse, neglect and exploitation.

We recommend an Australian Disability Rights Act be introduced to strengthen protection of the rights of people with disability. We also recommend existing legislation be amended to promote equality and enhance the right of people with disability to live free from discrimination.

### Find out more



Read our recommendations for reforms to respect, protect and fulfil the human rights of people disability in **Volume 4, *Realising the human rights of people with disability***.



**Photo: Senior Counsel Assisting Kate Eastman AM SC at Public hearing 31 in Brisbane.**



## Enabling autonomy and access for people with disability

I want everything for them ... They deserve good care. They deserve a great life ... you're so misunderstood all the time and people don't listen to mums, especially in health care, that you forget, hang on, they're entitled to this ... They have a right to have things verbally explained to them. They have a right to have a doctor who knows how to speak to them. You know, these are their basic rights.

*Jo Abi, mother of children with autism and psychosocial disability, a witness at Public hearing 4, 'Health care and services for people with cognitive disability'*

We heard people with disability can be denied autonomy and access across a range of services, settings and areas of their life. Autonomy is a person's right and freedom to make decisions, control their life and exercise choice.

We heard that reforms to laws, policies and practices are needed to ensure people with disability can make their own decisions, with support as required. Our inquiry has shown that people with disability are disproportionately subjected to substitute decision-making (such as guardianship orders) and restrictive practices (such as seclusion and physical or chemical restraints). We propose reforms to promote supported decision-making and reduce restrictive practices. Laws must also be reformed to prohibit the non-therapeutic sterilisation of people with disability.

Disability advocacy plays a critical role in providing support and should be accessible, culturally safe and well-resourced. Informal supports, including family, friends and other social networks, should be valued and promoted.

People with disability can face barriers to accessing and interacting with information, products, facilities and services. We propose reforms to address these barriers, including increased access to skilled interpreters. We also consider how to improve access to quality health care for people with disability, particularly people with cognitive disability.

### Find out more



Read our recommendations for enabling autonomy and access for people with disability on an equal basis to others in **Volume 6, *Enabling autonomy and access***.



## Achieving inclusive education, employment and housing

Education's the start. If we don't include kids in the education system, how can we include them in the community, in the workplace? Kids need to be with their peers who are then going to be, you know, their workmates or their university colleagues or TAFE colleagues or apprenticeship colleagues. It's really important that my daughter's known in her community and sits alongside her peers in her community.

*Mother of a child with Down syndrome, a witness at Public hearing 2, 'Inclusive education in Queensland – preliminary inquiry'*

As for all people, education, employment and housing are profoundly important to people with disability. They are areas with both 'mainstream' settings and services, designed for people with and without disability, and areas with disability-specific settings and services.

We concluded that mainstream systems must be significantly reformed to remove substantial barriers to people with disability accessing quality education, employment and housing. Such changes are required so people with disability are able to enjoy meaningful inclusion in society.

While Commissioners have differing views about whether education, employment and housing settings that are exclusively for people with disability should be phased out over time, they are unanimous as to the critical measures needed to bring about a more inclusive society that supports the independence of people with disability and their right to live free from violence, abuse neglect and exploitation.

We also make recommendations to increase housing accessibility and security, and improve responses to chronic homelessness for people with disability.

[People with disability] deserve the choice like everybody else to get out there and find employment. And it can be a pretty brutal landscape sometimes for a lot of people to get out there and get those opportunities that they deserve to have the choice and control over their life if they want to work.

*Dylan Alcott AO, a witness at Public hearing 31, 'Vision for an inclusive Australia'*

### Find out more



Read our recommendations for achieving inclusion in education, employment and housing settings through wide-ranging, long-term reforms in **Volume 7, *Inclusive education, employment and housing***.



## People with disability and the criminal justice system

[There] was no acknowledgement of my culture at Banksia [Hill Detention Centre], even though there were Aboriginal officers there. We were always just seen as ‘problem children’.

*‘Nathan’, a 23-year-old Noongar man with Attention Deficit Hyperactivity Disorder, a witness at Public hearing 27, ‘Conditions in detention in the criminal justice system’*

People with disability are significantly over-represented at all stages of the criminal justice system. This is particularly the case for people with cognitive disability, especially First Nations people with cognitive disability in custody. We heard that children with disability in youth detention are at increased risk of and exposure to violence, abuse, neglect and exploitation, and future enmeshment in the criminal justice system. The evidence suggests that existing diversion and early intervention programs are failing to reach people with disability when they come into contact with the criminal justice system.

The risk of indefinite detention for forensic patients with cognitive disability is unacceptable. Prolonged detention places them at risk of violence, abuse, neglect and exploitation as well as experiencing cumulative trauma.

We concluded that the responsibilities of the National Disability Insurance Scheme (NDIS) and the criminal justice system need to be clarified to provide appropriate supports for people with disability and prevent people with complex needs ‘falling through the cracks’.

Improving screening for and identification of disability in criminal justice settings is critical to make sure people with disability get the supports and services they need while in custody, and on their release.

For people with disability who are victims of crimes, alternative reporting pathways and approaches are needed to improve police response.

We heard that people with disability, especially women, experience more family and domestic violence compared with people without disability. Violence against women with disability is often inadequately addressed in relevant policy, law and practice.

### Find out more



Read our recommendations in **Volume 8, *Criminal justice and people with disability*** for a series of reforms to address the adverse experiences and outcomes for people with disability in their interactions with the justice system.



## Improving the experiences of First Nations people with disability

It would be better [to have] local services, yes. Because they would have an understanding on how we live and, you know, what we face day to day or, you know, monthly or seasonally. You know, it's just – yeah, just NDIS just doesn't understand what it's like to live remotely or on a dirt road that can be blocked off by water or by flood.

*Jazsukah, First Nations mother of children with disability, a witness at Public hearing 25, 'The operation of the NDIS for First Nations people with disability in remote and very remote communities'*

First Nations people with disability are uniquely marginalised in Australia and have challenges that are specific to First Nations people.

First Nations people with disability identified a lack of culturally safe disability services and supports across almost every system. There are also barriers to accessing the NDIS in remote areas of Australia.

Denial of or limited access to safe, inclusive, quality services and supports results in continued neglect of First Nations people with disability. Significant change is required to remove these barriers.

Reforms are also needed to address the over-representation of First Nations people with disability in the child protection system and the criminal justice system.

### Find out more



Read our recommendations for reforms to increase access to culturally safe and quality services and supports for First Nations people with disability in **Volume 9, *First Nations people with disability***.



**Photo: Senior Counsel Assisting (now The Honourable Justice) Lincoln Crowley at Public hearing 8 in Brisbane.**



## Disability services and the NDIS Quality and Safeguards Commission

While my new place isn't perfect, it is so much better. For the most part I'm respected, and that is all I was asking for. The support actually is set up for me and it's a place of my own.

*Sam Petersen, person with disability, witness at Public hearing 3, 'The experience of living in a group home for people with disability'*

We heard harrowing evidence about violence, abuse, neglect and exploitation occurring in connection with the delivery of disability services. This particularly related to experiences in supported accommodation.

Self-advocacy skills and access to independent advocacy are essential to ensure people with disability have day-to-day choice and control over the services they receive and are able to effectively raise concerns.

Disability service providers need robust and transparent policies and procedures to detect and respond to violence, abuse, neglect and exploitation. Skilled and capable disability support workers are crucial to providing safe and high-quality services. Rigorous screening and recruitment processes for disability support workers, along with effective training and supervision are required.

We examined the need for the NDIS Quality and Safeguards Commission to strengthen its regulation and oversight of NDIS-funded disability services. This is critical in preventing and responding to violence, abuse, neglect and exploitation of people with disability using these services.

### Find out more



Read our recommendations in **Volume 10, *Disability services*** on measures to more effectively prevent and respond to violence, abuse, neglect and exploitation in the delivery of disability services, and improve the quality and safety of supports and services funded through the NDIS.



## Improving independent oversight and complaint mechanisms

I felt that nothing was happening. I was making complaints, I was talking to people, I was trying to get somewhere, but I think they call it the deafening silence. When they answered, they said they would ring, they never rang. It would go ages. I didn't know what was happening, I didn't know where to go.

*'Grace', foster parent, a witness at Public hearing 16, 'First Nations children with disability in out-of-home care'*

Violence against, and abuse, neglect and exploitation of, people with disability occur in multiple settings, including public places and domestic and family contexts. These incidents are likely to be under-reported. Existing complaints systems can be too complex without appropriate assistance and support.

We concluded additional independent oversight mechanisms and pathways to make complaints are needed. All states and territories should have adult safeguarding laws, community visitors schemes, and an independent one-stop shop for reporting complaints, referrals and support. We also concluded that every state and territory needs a scheme to review the deaths of people with disability, to address the fact Australians with disability are much more likely to have a 'potentially avoidable death' before the age of 65.

The *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)* provides a means to independently and proactively monitor places where people are detained. We make recommendations to ensure Australia takes a disability-inclusive approach to implementing *OPCAT*.

Nationally consistent reportable conduct schemes should operate in all states and territories to help prevent and respond to abuse against all children, including children with disability. These schemes should include disability service providers working with children.

### Find out more



Read our recommendations in **Volume 11, *Independent oversight and complaint mechanisms*** to improve independent oversight and complaint mechanisms for people with disability.



## Strengthening governance and measuring change

Until we address the lack of leadership, the lack of presence in decision-making spaces, we will remain unequal. It will continue to be assumed that we are not able to make decisions, that we are not able to assess risk, that we do not understand what might be best for us and our broader community, and we will therefore be subjected to appalling levels of violence and abuse.

*Disability Leadership Institute, in its submission to the Royal Commission*

Wide-ranging changes to disability policy and major reforms across systems, settings and practices are needed in Australia. The scale and complexity of change will require strong national disability leadership, governance and accountability, with robust monitoring and reporting on outcomes for people with disability.

This will require a new Australian Government portfolio specifically responsible for disability, a dedicated senior ministerial position and a specific disability department responsible for national leadership on disability in the Australian Government. We also recommend establishing a new National Disability Commission as an independent statutory authority.

High quality data and research will be important for measuring the effectiveness of these policies and reforms.

### Find out more



Read our recommendations for national reform to disability governance, strategy and policy in **Volume 5, *Governing for inclusion***.



**Photo: Counsel Assisting Elizabeth Bennett SC at Public hearing 7 in Brisbane.**





## Beyond the Royal Commission – a shared commitment to reforms

We are sharing our stories so our experiences are understood and the terrible things that have happened, have been done to us, to prevent it from happening again ... so that society will think differently about disability and see a difference in bodies, mind, communication, health as just a normal part of being human ...

At the end of this Royal Commission ... we need to keep having spaces where we can share our stories, tell our truths and have avenues for making change from our expertise.

*Margherita Coppolino, a witness at Public hearing 31, 'Vision for an inclusive Australia'*

With the handover of the *Final report* to the Governor-General, our work is now complete. Australia's governments are now responsible for leading the implementation of these transformational reforms.

**We have asked the Australian Government and state and territory governments to publish written responses to our *Final report* by 31 March 2024.** In their responses, governments should tell the community which of the recommendations they plan to act on, which they do not and why, and which are subject to further consideration.

## Implementing our recommendations

We recognise that implementing our recommendations will be complex. It will require time, collaboration and coordination across governments, public and private sectors and the whole community. Throughout this process, it is critically important for governments and organisations to engage with people with disability. People with disability need to be at the heart of this work.

The responsibility for building an inclusive society is shared by the entire Australian community. It cannot occur without fundamental changes in community attitudes and behaviours towards people with disability.

Advocacy by people with disability and disability representative organisations will also have a crucial role to play in ensuring our recommendations are accepted and effectively implemented, to bring about the far-reaching changes in laws, policies and practices so badly needed.



## Monitoring progress and effectiveness of implementation

To monitor progress on the implementation of the Royal Commission's recommendations, we have proposed:

- the Disability Reform Ministerial Council oversees the implementation of the recommendations by governments
- the Australian Government and each state and territory government report to the Disability Reform Ministerial Council every six months on progress made
- from 2025, the proposed new independent National Disability Commission provides an annual assessment on the progress of implementation
- the National Disability Commission evaluates how well our recommendations have worked and their impact five and 10 years after the delivery of our report.

### Find out more



**Volume 12, *Beyond the Royal Commission*** provides more detail about the roles and responsibilities for the implementation of our recommendations and the independent monitoring and reporting of progress and effectiveness of implementation. It also sets out our recommendations for improving the collection of data about people with disability and building a stronger evidence base.



**Photo: On the left, Counsel Assisting Rebecca McMahon at Public hearing 25 in Alice Springs (Mparntwe). On the right, Commissioner Alastair McEwin AM.**

## Volume titles of the *Final report*

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Executive summary, Our vision for an inclusive Australia and Recommendations

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### Volume 1

Voices of people with disability

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### Volume 2

About the Royal Commission

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### Volume 3

Nature and extent of violence, abuse, neglect and exploitation

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### Volume 4

Realising the human rights of people with disability

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### Volume 5

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### Volume 6

Enabling autonomy and access

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Inclusive education, employment and housing

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### Volume 8

Criminal justice and people with disability

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### Volume 9

First Nations people with disability

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### Volume 10

Disability services

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Independent oversight and complaint mechanisms

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### Volume 12

Beyond the Royal Commission

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