



NSW Disability Royal Commission Stakeholder Forum, 3 June 2024 **Communiqué**

31 July 2024

On 3 June 2024, the NSW Government partnered with the Disability Council NSW to host a third forum on the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission) final report.

The Disability Royal Commission made 222 recommendations for widespread changes to laws, policy and practices. This third forum was an opportunity to hear from stakeholders about its recommendations on justice, child protection, and housing and homelessness.

Jane Spring, Chair of the Disability Council NSW and Anne Campbell, Deputy Secretary at the Department of Communities and Justice, co-chaired the forum.

Savannah Fyn, the Metropolitan Aboriginal Land Council's first youth representative, welcomed attendees to the land of the Gadigal people. Over 150 people joined the forum in person and online. The day was attended by people with disability, disability rights and advocacy groups, Aboriginal community organisations and peaks, disability services, researchers and government agencies.

The Minister for Disability Inclusion, the Hon Kate Washington MP, joined in person for the day. In her opening, Minister Washington reflected on the unique opportunity to create significant and meaningful change. The Minister spoke about the need for collaboration across communities, governments and agencies to seize this opportunity. Minister Washington emphasised the importance of hearing disability community perspectives as the NSW Government develops its response, expected to be released mid-year, but also to build connections for the critical business of delivering change.

Over the day, four panel discussions were held covering:

- Police responses to people with disability
- Conditions in detention (in adult and youth custody settings)
- Parents and children with disability in contact with child protection
- Inclusive housing and homelessness

The following panellists generously shared their knowledge and experience:

- Taylor Budin – Educator, Intellectual Disability Rights Service
- Judy Harper – Justice Advocacy Service Program Manager, Intellectual Disability Rights Service
- Professor Emerita Eileen Baldry AO – Emeritus Professor of Criminology, UNSW
- Professor Leanne Dowse – Emeritus Professor in Disability Studies, UNSW
- Simone Rowe – PhD Candidate, Research Associate and Teaching Fellow, School of Law, Society & Criminology, UNSW
- Dr Mindy Sotiri - Executive Director, Justice Reform Initiative
- Debbie Lee – Policy Manager, NSW Coalition of Aboriginal Peak Organisations
- Dr Scott Avery – Professor of Indigenous Disability Health and Wellbeing, University of Technology Sydney
- Associate Professor Paul Gray – Jumbunna Institute for Indigenous Education and Research, University of Technology Sydney
- Kenn Clift – Solicitor, the Parent’s Project, Intellectual Disability Rights Service
- Julia Wren – Case Manager, the Parent’s Project, Intellectual Disability Rights Service
- Anthony Mulholland – Council for Intellectual Disability
- Jim Simpson – Senior Advocate, Council for Intellectual Disability
- Kelley Temple – Systemic Advocacy Manager, Physical Disability Council of NSW
- Dom Rowe – Chief Executive Officer, Homelessness NSW
- Jeramy Hope – Chief Executive Officer, SDA Alliance
- Chris Chippendale – Senior Convenor, Alliance20, and Executive Lead – Disability Engagement, Life Without Barriers

Discussions during the forum brought up a range of cross-cutting issues.

- The need to improve workforce understanding of and attitudes towards disability across systems was raised. It was advised that any training needs to be designed and delivered with people with disability. The need for workforces to adopt more empathetic approaches that respect the dignity and rights of people with disability was stressed.
- Advice about how government works with community to progress the Royal Commission's recommendations was put forward. The importance of co-design was raised, but panellists cautioned committing to co-design and co-production without addressing key elements of power-sharing, resourcing, remuneration, transparency, and allowing sufficient time to build trust and capacity. Concern was raised that systems may lapse into business as usual if there are not clear actions to address Royal Commission recommendations, backed up by accountability. It was noted

that funding is provided to identify the problems but is also required for the community to develop models and solutions. The fragmented nature of government policy spaces was identified as a challenge to be addressed in developing cohesive responses for people with disability.

- A reoccurring theme was that people with disability are not being assessed and diagnosed as early as they should be. This can mean that early support is not provided and can result in avoidable life trajectories that include contact with the criminal justice and child protection systems. It was stressed that people in contact with these systems, particularly children and young people, should be assessed much sooner and then given the support they need. Many families in touch with child protection do not have the finances to get assessed, which means many do not have access to the NDIS and do not receive the wraparound support they require.
- The development of an ecosystem of services and supports was discussed. It was reflected that some people with disability do not have supportive, wraparound ecosystems. Holistic ecosystems of supports, including mainstream and disability services are important. It was suggested that work to create a unified ecosystem must consider the fragmentation of responsibility and funding, which was seen to have increased with the individualising of funding with the NDIS. Current work to develop foundational supports was seen as a potential way to rebuild community supports for people with disability.

Police responses to people with disability

- Panellists talked about the highly varied responses that people with disability can experience. Taylor Budin from IDRS shared her firsthand experiences of police as an autistic person. Some positive responses were discussed by panellists, where people with disability were treated with dignity and humanity. Others included when NSW police reached out to Aboriginal Elders to work with them on local issues or worked with Intellectual Disability Rights Service to support people with cognitive disability in police stations. Shortcomings raised included people with disability experiencing domestic and family violence not being treated like a victim if they had previous offences, a lack of transparency about policing policy and complaints mechanisms, and a lack of accessible information about processes and rights.
- With respect to recommendation 8.20 on improving police responses, the panel discussed what authentic co-design looks like, and the potential value of dedicated disability liaison officers.
- It was suggested that for disability liaison officers to be effective, they should be independent of the police, like the Intellectual Disability Rights Service. The complexity of having multiple types of liaison officers was noted as potentially confusing, and it was suggested that all liaison officers should have an understanding of disability. Training of police was identified as a vital strategy but it was cautioned that not all training is effective and that any training should be co-designed and delivered with

people with disability.

- It was suggested that NSW could benefit from an overall policing strategy or action plan focused on disability. Professor Baldry AO said the Royal Commission recommendations in this area do not go far enough, calling for the broader recommendations in the police responses research report to be acted upon. Other academics on the panel strongly advocated for an alternative first responder model for people with disability, as detailed in their research.

Conditions in detention

- Panellists reflected that many Royal Commission criminal justice recommendations are necessary and urgent, such as those on ensuring the rights of people with disabilities are upheld in custodial environments, improving screening and access to the NDIS, ending solitary confinement and raising the age of criminal responsibility. However, there was a general view that there needs to be a focus on making sure that people with disabilities are not managed through the justice systems and in prisons.
- Taylor Budin from IDRS described her personal experiences of poor conditions of detention. Taylor described being subject to restraint and solitary confinement in response to her behaviour, instead of being provided with health care and psychological or psychiatric support. Ms Budin recounted her experience of sexual assault in prison and being told by police not to press charges, so she felt she was denied justice. Taylor stressed that people with disability in prison need to be treated with humanity and dignity.
- It was emphasised that more support is needed to prevent people with disability, many of whom are First Nations and from disadvantaged backgrounds, from ending up in prison. The previous Community Justice Program was identified as an effective model to reduce future justice contact and change pathways. The limitations of the current approach of individualised funding and compartmentalising different needs were discussed.

Parents and children with disability in contact with child protection

- The discussion highlighted ongoing systemic shortcomings, including the use of child protection frameworks that lack depth for Aboriginal families, have few references to disability and no discussion of intersectionality.
- A lack of alignment between the aspirational practice principles of child protection systems and the lived experience of parents with disability was noted. There was discussion of the new 'active efforts' legislative requirement in NSW, with some concerns about how this was being adopted in practice.
- It was stressed that both parents and children in contact with child

protection have often not had access to diagnosis and face issues having their disability-related needs supported. These issues were pronounced for Aboriginal parents and kids with disability, who face significant barriers to proper diagnosis and experience assessment tools and decision-making models with systemic bias against Aboriginal families. Ms Debbie Lee expressed the profound sense of loss in Aboriginal communities regarding child removals and the cultural disconnection experienced by the Aboriginal children involved.

- Two of the panellists provide unique advocacy support for parents with disability, helping them to access early support, including at the pre-natal stage and to overcome attitudinal, communication and other barriers when in contact with child protection. The complexity of understanding care application documentation and instructing a lawyer was noted by representatives from IDRS' Parents Project, with advocates identified as vital support to help parents understand key information and engage with the system.
- Recommendation 9.1 on parent capacity assessments was discussed. Dr Paul Gray raised concern that the recommendation assumes that parent capacity assessments are valid except for cultural competency and the need to address measurement error. It was suggested that problems run much deeper and that broader systems problematise and pathologise Aboriginal families. These issues extended beyond parenting capacity assessment but to the broader way the system constructs risk. It was suggested that current reforms do not go far enough to address structural issues and that accountability needs to be strengthened.

Inclusive housing and homelessness

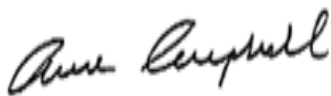
- Panellists talked about the compounding challenges that disproportionately impede people with disability from securing safe and accessible housing, which increases their risk of homelessness. Anthony Mulholland from Council for Intellectual Disability shared his experiences accessing and living in social housing. He described inaccessible bureaucratic processes, difficulties with maintenance and feeling unsafe.
- The Physical Disability Council of NSW expressed their full support for Recommendation 7.35, to increase the availability and supply of accessible and adaptive housing for people with disability through the National Construction Code, noting that NSW is lagging in this area.
- Homelessness NSW CEO, Dom Rowe expressed support for Royal Commission recommendations that call for prioritising people with disability in housing and homelessness planning and highlighted the need for increased social housing. It was also noted that finding temporary or crisis housing is difficult, particularly in regional areas, let alone if you have accessibility needs. Ms Rowe also noted that the recommendation relating to reform on reasonable grounds eviction (when landlords have to provide a reason) is very important for people with disabilities because having a reason enables you to advocate.

- Both the Specialist Disability Accommodation (SDA) Alliance and Alliance20 highlighted the importance of person-centred housing design and agreed that support services should be separated from the provision of housing services (tenancy/occupancy agreements) to increase participant safety and autonomy. Jeramy Hope, SDA Alliance CEO, talked about some of the challenges in SDA housing, including the SDA Design Standards, multiple layers of government approval and uncertainty in the sector, leading to delays. Chris Chippendale reflected on the recommendations regarding group homes and the value of taking time to ensure people currently living in group homes have access to independent support to assist them in considering options for how they want to live.

In closing, Minister Washington recognised that the issues raised through the Royal Commission go to different aspects of a person's life and that, in response, the government needs to do things differently. Minister Washington reflected that people with disability need access to assessment and diagnosis earlier. The Minister spoke about the need for collective community responses not just the individual participant model of the NDIS. In addition to developing foundational supports, the Minister stressed the need for mainstream services to have a renewed focus on inclusivity and accessibility.

A key message from the Minister was that the Government's formal response to the Royal Commission is one part of the trek and by no means the end of the journey. The Minister committed to a transparent and frank response to the final report setting out the steps we can take now and where the government needs more time.

The Minister thanked everyone for their continuing dedication and advocacy.



Anne Campbell
Deputy Secretary
Department of Communities and
Justice



Jane Spring
Chair, Disability Council NSW