

10 December 2025

Disability Safeguards Consultation Team
Australian Healthcare Associates

Via email: disabilitysafeguards@ahaconsulting.com.au

Dear Disability Safeguards Consultation Team

Disability Safeguards Consultation

Thank you for the opportunity to provide input to the Disability Safeguards Consultation (the Consultation). People with Disability Australia (PWDA) is Australia's peak cross-disability representative organisation and is funded by the Australian Government to represent the 1 in 6 Australians with disability nationally. Our organisation is made up of, and led by, people with disability.

PWDA will engage with our membership and community to inform further stages of the Consultation. In the meantime, this submission provides information about key safeguarding concerns that we have heard from our community in other contexts. In addition, we make the following recommendations:

- **Recommendation 1:** The Disability Support Quality and Safeguarding Framework (the Framework) and Disability Support Ecosystem Safeguarding Strategy (the Strategy) must embed a human rights approach to safeguarding and include express reference to the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and Australia's other core human rights treaties.
- **Recommendation 2:** The Department of Health, Disability and Ageing (DHDA) must ensure that all stages of the Consultation and final decisions about the content of the Framework and Strategy are co-designed with people with disability and all interested disability representative organisations.

- **Recommendation 3:** The Framework and Strategy address safeguards for people with disability who have experienced modern slavery, particularly those on temporary visas.

Our community's safeguarding concerns and the above recommendations are explained below.

Key safeguarding themes

Our members and community have expressed the following concerns and recommendations in relation to safeguarding in other contexts:

- Service provider oversight is lacking and must be strengthened to prevent violence and abuse
- People with disability need funded access to independent advocacy, peer support programs and self-advocacy resources
- Disability services must cater for the specific needs of people with intersectional identities and lived experience, particularly in regional and remote areas
- Safeguarding measures should respect dignity of risk and follow the will and preferences of people with disability
- Safeguarding bodies must include people with disability in leadership positions
- People with disability must feel safe to make complaints without the fear of repercussions or loss of supports

Our community has also highlighted that the National Disability Insurance Agency's poor communication, lack of transparency and decisions made without consultation have made them feel unsafe.

Adopting a human rights approach

As a party to the CRPD, the Strategy and Framework must adopt a human rights-based approach to safeguarding. The Australian Human Rights Commission has defined a human rights-based approach to safeguarding as:

‘...designing a system that has fundamental rights and freedoms and how to give effect to them as its core... It ensures that the system is person-focused, and is based on the needs of people with disability. Such a system empowers people with disability to participate in the process of making decisions that affect them, and engage with quality, safeguarding and oversight mechanisms.’¹

As a starting point, the Framework and Strategy must expressly reference Australia’s core human rights treaties, with a strong focus on the CRPD. Emphasis should be given to the following articles:

- Article 2 – General Principles (including, respect for inherent dignity, individual autonomy, independence, non-discrimination and participation in society)
- Article 12 – Equal Recognition Before the Law
- Article 14 – Liberty and Security of the Person
- Article 16 – Freedom from Exploitation, Violence and Abuse
- Article 17 – Protecting the Integrity of the Person
- Article 19 – Living Independently and Being Included in the Community
- Article 21 – Freedom of Expression and Opinion, and Access to Information
- Article 22 – Respect for Privacy
- Article 23 – Respect for Home and the Family
- Article 30 – Participation in Cultural Life, Recreation, Leisure and Sport

To comply with the CRPD, the Framework and Strategy must incorporate both proactive and responsive safeguarding measures. Proactive safeguarding requires empowering people with disability through rights education, capacity building, resourcing peer-support and self-advocacy initiatives. It also involves fostering inclusion and participation in the

¹ Australian Human Rights Commission (AHRC) (2018) *Quality, Safeguarding and Oversight to Prevent and Address Violence against People with Disability in Institutional Settings*, AHRC, Australian Government, 37, accessed 8 December 2025.

community, in ways that work for people with disability and respect their choice and control. These measures must operate alongside effective responsive mechanisms that are accessible, timely and trauma-informed. All safeguarding mechanisms must respect the will and preferences of people with disability and uphold their dignity of risk.

Co-design

We commend DHDA for partnering with the Australian Federation of Disability Organisations, as a starting point, to ensure inclusive engagement of people with disability in the design and delivery of the Consultation. In accordance with Article 4(3) of the CRPD, however, we urge DHDA to ensure that all stages of the consultation and decisions concerning the drafting of the Framework and Strategy are also co-designed with the disability community and our representative organisations. This involves co-design with all interested disability representative organisations, rather than one. This is particularly important to ensure the meaningful inclusion of people who experience the greatest level of intervention through safeguarding measures, including people with intellectual disability.

Safeguarding and modern slavery

The United Nations Special Rapporteur on Contemporary Forms of Slavery's recent Australia [country visit report](#) contains a section on disability, citing reports of various forms of modern slavery perpetrated against people with disability in Australia.² Areas of concern include segregated employment, forced marriage, trafficking between group homes and abuse in group homes and private residences.³

Concerningly, temporary visa holders with disability who experience modern slavery are ineligible for Medicare and cannot access National Disability Insurance Scheme funded supports, even after they have been identified as survivors. This leaves survivors who require support at risk of re-exploitation and compromises their safety in general. It is therefore crucial that the Framework and Strategy contemplate safeguarding measures for people with disability who have experienced modern slavery, especially temporary visa holders.

² Tomoya Obokata, *Visit to Australia: Report of the Special Rapporteur on Contemporary Forms of Slavery, Including Its Causes and Consequences*, A/HRC/60/28/Add.1 (UN Doc A/HRC/60/28/Add.1, 16 July 2025), 11-12, accessed 8 December 2025.

³ Ibid.

If you would like to discuss this submission further, please contact Lisa Ira (Expert Advisor – Human Rights & International) on 0493 490 759 or via email to lisai@pwd.org.au.

We look forward to engaging further during the subsequent phases of the Consultation.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Megan Spindler-Smith', with a stylized flourish at the end.

Megan Spindler-Smith
Acting Chief Executive Officer
People with Disability Australia