



Supported Employment

Submission to the Department of Social Services

Acknowledgements

Inclusion Australia pays our respects to the Traditional Owners of the lands on which this submission was written and throughout Australia. We recognise their continuing connections to land, waters and skies and pay our respects to Elders past and present.

We acknowledge and thank all the people with an intellectual disability and families who shared their stories and ideas in this submission. This submission has been possible because of your generosity in sharing your experiences.

We also recognise and stand in solidarity with self-advocates who have courageously told their stories and worked hard over many years for equality and human rights for all.

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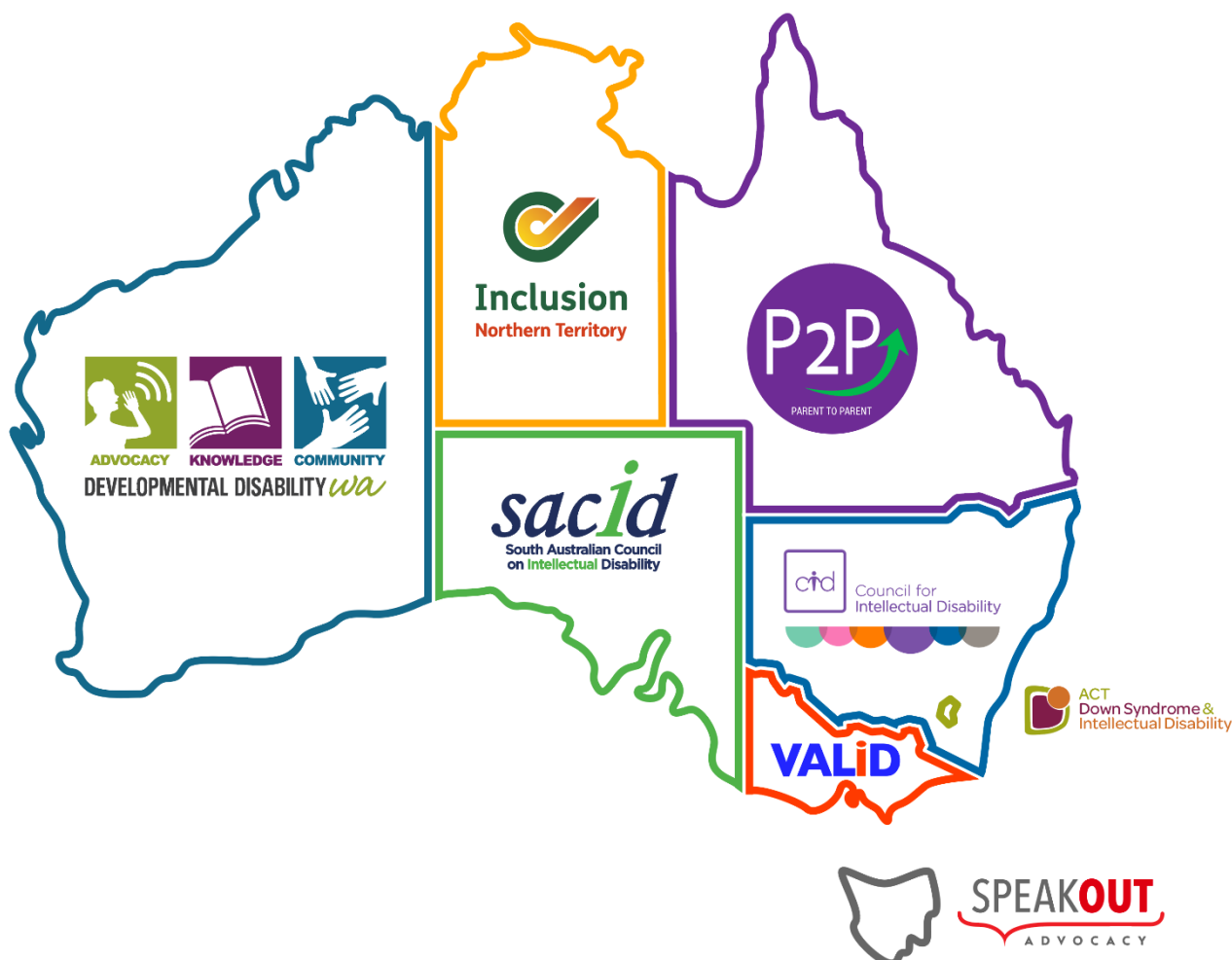
About Inclusion Australia

Inclusion Australia (IA) is the national peak organisation representing the rights and interests of Australians with an intellectual disability and their families. Founded more than 70 years ago in 1954, our mission is to work with people with an intellectual disability, their families and our members to make positive change.

Our strength is in our national representation and our connection to our community. We have a member organisation in every state and territory across Australia:

- ACT Down Syndrome and Intellectual Disability (ACT DSID)
- Council for Intellectual Disability (NSW)
- Developmental Disability WA (DDWA)
- Inclusion Northern Territory (Inclusion NT)
- Parent to Parent (P2P, Queensland)
- South Australian Council on Intellectual Disability (SACID)
- Speak Out Advocacy (Tasmania)
- Victorian Advocacy League for Individuals with Disability (VALID).

Our systemic advocacy draws on the deep, collective experience of our members, who have spent decades advancing the rights of people with intellectual disability and their families in their jurisdictions. Their expertise in peer support, individual and systemic advocacy, and community engagement—combined with their trusted, long-standing relationships with their communities—ensures that the voices of people with intellectual disability are heard and acted on.



About this submission

Inclusion Australia and our members spoke with 50 people with an intellectual disability around Australia to inform this submission. Our member organisations consulted with 41 people, and IA talked with an additional 9 people through our Policy Reference Group (PRG), which includes experienced advocates with an intellectual disability.

We also drew on the expertise of Inclusion Australia's Complex Needs Family Reference Group – a network of family members providing self-managed support to loved ones with high support needs. Their consultation focused specifically on employment supports for people with complex needs, including those interested in self-employment and microenterprise opportunities.

We were heavily involved in the work of the Disability Royal Commission throughout its life, preparing our own submissions, commissioning research, providing case studies, supporting witnesses, sharing information with our community, and providing accessibility advice to the Commission's team and its support services. Inclusive employment was a central focus of this work.

The recommendations provided in this submission draw closely on our involvement with the Disability Royal Commission and have been developed through a human rights lens, reflecting Australia's international obligations under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). We extend our sincere thanks to everyone who contributed. Your openness, ideas, and lived experiences are the foundation of this submission, and we are deeply grateful for your generosity in sharing them.

Table 1: Consultation participants with an intellectual disability and their families

Location	Organiser	People with an intellectual disability
Various	Inclusion Australia	9
ACT	ACT Down Syndrome and Intellectual Disability	5
Queensland	Parent 2 Parent (P2P)	4
South Australia	South Australian Council on Intellectual Disability (SACID)	6
Tasmania	Speak Out Advocacy	10
Victoria	Victorian Advocacy League for Individuals with Disability (VALID)	10
Western Australia	Developmental Disability WA (DDWA)	6
Total participants with an intellectual disability		50
Location	Organiser	Family members
Various	Inclusion Australia via the Complex Needs Family Reference Group	5
Total consultation participants		55

Our approach to this consultation

This submission directly addresses all seven consultation questions posed in the discussion paper. However, we have also raised broader systemic issues that extend beyond the immediate scope of supported employment services, and we want to be transparent about why we have taken this approach.

Why we address broader aspects of the disability employment ecosystem

People with an intellectual disability face multiple, interconnected barriers to inclusive employment. Our extensive consultation with people with intellectual disability and their families has consistently shown that supported employment cannot be reformed in isolation if we are to achieve genuine inclusive employment outcomes. The Discussion Paper also acknowledges this "interconnected disability employment ecosystem" and invites feedback on the ecosystem mapping.

Specifically, we address broader issues because:

- **Question 3 of the Discussion Paper asks about "additional actions to increase employment in open/inclusive settings"** – we believe this requires addressing barriers across the entire employment pathway, including the quality and accessibility of Disability Employment Services (DES) / Inclusive Employment Australia (IEA).
- **Question 4 asks what should be "included in a plan/roadmap"** – we believe this must encompass the whole employment ecosystem, in addition to supported employment settings.
- **The Royal Commission's recommendations also recognise** that employment outcomes depend on coordinated reform across multiple service systems.

THERE ARE TWO KEY AREAS WHERE WE EXTEND BEYOND THE ISSUES DISCUSSED DIRECTLY IN THE DISCUSSION PAPER:

1. **Supported Decision-Making:** This is critical for ensuring people with intellectual disability can exercise genuine choice and control across all employment settings.
2. **DES/IEA Quality and Accessibility:** This includes what we see as being the essential infrastructure for ensuring the new program is fit-for-purpose for our community and meets the needs of those with the highest employment and decision support needs.

A note on terminology

The concept of 'supported employment' has become closely associated in Australia with Australian Disability Enterprises (ADEs), which does not reflect global usage, evidence or best practice.

Internationally, supported employment refers to a range of approaches designed to assist people with an intellectual disability to gain and maintain work in open employment. Originating in the United States in the 1980s, supported employment has since been adopted and adapted across many countries to promote inclusive employment opportunities in mainstream settings.

We note that the Centre for Social Impact at Swinburne University of Technology (CSI Swinburne) sets out a glossary of terms in their submission to this consultation, which we believe should guide terms and definitions used by the Department of Social Services going forward.



Our recommendations

Fair wages

1. Establish a [Ministerial Implementation Working Group](#) to take immediate action on Disability Royal Commission Recommendation 7.31 by providing evidence-based policy advice to address the sub-minimum wages paid to people with an intellectual disability.
2. Ensure the National Panel of Assessors (NPA) performance framework used to undertake Supported Wage Assessments and Ongoing Support Assessment – including its KPIs – are updated to reflect the supported decision-making principles set out in the [Disability Royal Commission Recommendation 6.6](#), and to ensure consistency with the existing DES Quality Framework; the *Disability Service and Inclusion Act 2023* (Cth) (DSI Act) Code of Conduct; the National Standards for Disability Services (NSDS); and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

Phasing the transition of Australian Disability Enterprises (ADEs)

3. Establish a dedicated, time-limited Taskforce, with explicit connection to the Ministerial Implementation Working Group in Recommendation 1, to advise government on how to leverage ADE expertise for system-wide change, acknowledging that people with an intellectual disability need access to ongoing, specialist employment supports, and currently this expertise lies almost exclusively within ADEs.
 - a) The Taskforce should be explicitly linked to the broader system reform agenda overseen by the Ministerial Implementation Working Group, to ensure that the unique insights, risks and opportunities related to transitioning ADEs are embedded in national planning and decision-making around addressing Disability Royal Commission Recommendation 7.31.
 - b) The Taskforce should bring together key stakeholders – including people with an intellectual disability, families, Disability Representative Organisations, ADEs, DES providers, and other experts to address the transition of ADEs holistically.
 - c) The Taskforce should also include specialist working groups to address specific issues and barriers experienced by people with complex support needs and their families.
4. Ensure that transitions undertaken by ADEs also take place alongside a measurable increase in the open employment positions available for people with an intellectual disability – which must be consistently tracked, per Recommendation 12a of this submission – to ensure that the evolution of ADEs does not leave people with higher support needs without other work and without support.
5. Resource ADE providers to undertake comprehensive data collection to quantify the precise number of people looking for open employment, including the extent to which workers have access to supported decision-making to explore options and make choices.
6. Clarify and strengthen the interface between ADEs and Disability Employment Services (DES) / Inclusive Employment Australia (IEA) to support more effective, seamless and flexible pathways into open employment. This includes improving coordination between services, defining clear roles and responsibilities, and enabling blended or transitional models of support – particularly for people with high support needs.
 - a) This work should align with the proposed ADE Transition Taskforce and contribute to the broader reform agenda led by the Ministerial Implementation Working Group, as well as reforms to DSP in Recommendations 8 – 11 of this submission.
 - b) Barriers that disincentivise DES/IEA participation or limit choice and control at key transition points, as discussed in this submission on page 12 – 22, must be removed to ensure the pathway is smooth, person-centred, and supports individualised supports and goals.
7. Require and support ADE providers to put in place an individualised employment plan for every worker, which must be

developed through supported decision-making principles in line with [Disability Royal Commission Recommendation 6.6](#).

A DSP System that incentivises work

8. Reform the DSP through targeted consultation and codesign with the disability community to give people confidence in Australia's safety net, so they can access the dignity of real work for real wages. Key reforms must include increasing the income threshold; reducing the taper rate from 50 to 30 cents per dollar so people can keep more of what they are entitled to; and extending eligibility retention from two to ten years.
9. Ensure accessible information about the DSP – developed through the Disability Employment Advocacy and Information Program – is available and proactively provided by Services Australia via Centrelink, and the NDIS via Local Area Coordinators (LACs), when people with an intellectual disability first access the DSP at 16 or beyond.
10. Review and reform all legislation that uses hours-based work capacity definitions (such as the "unable to work more than 7 hours per week" proxy for significant disability in special disability trusts) to ensure the intent of legislation is maintained without the unintended consequence of creating barriers to employment. This review must examine how these definitions interact with employment support systems and remove contradictory policy signals that disincentivise workforce participation.
11. Streamline DSP income reporting requirements to reduce administrative burden and improve accuracy by:
 - a) Utilising Single Touch Payroll data to automatically report regular employment income, reducing or eliminating the need for manual fortnightly reporting.
 - b) Adding functionality to the myGov app to allow users to easily indicate if income is a one-off payment rather than ongoing employment income.
 - c) Establishing a threshold below which income from micro or nano enterprises is treated as tax-exempt income and does not require reporting.
 - d) Providing clear, accessible information that distinguishes between reportable income (wages) and non-reportable income (uniform allowances, reimbursements) to prevent confusion and incorrect reporting.

More jobs

12. Set clear, disaggregated targets for employing people with an intellectual disability across the public sector, [in line with Disability Royal Commission Recommendation 7.18](#).
 - a) Department of Social Services (DSS); Department of Health, Disability and Ageing; the National Disability Insurance Agency (NDIA) and the NDIS Commission lead this work and model best practice across the public sector, including by building on what works. For example, the NDIA's SA pilot for employing people with an intellectual disability, and adapting DSS's [Ability Apprenticeship Program](#) for people with an intellectual disability.
13. Establish targeted social procurement measures to increase employment opportunities for people with an intellectual disability by:
 - a) Establishing specific procurement targets and employment incentives for this cohort across major government contracts.
 - b) Supporting inclusive employment practices through funded capacity-building for employers and ongoing support for workers.
 - c) Establishing public reporting and accountability mechanisms to track quotas and the inclusivity and sustainability of employment outcomes.

Pathways to employment for young people with an intellectual disability

14. Reform Youth Employment Assistance (formally the School Leaver Employment Supports program) to increase flexible NDIS employment supports to be available from age 14. This should include:
 - a) Update information about the Youth Employment Assistance on the NDIS website, including in accessible formats like Easy Read
 - b) Allow support for work experience to be used while at school
 - c) Ensure specific transition to employment planning support to be available from Year 11
 - d) Transition to employment supports to be approved and implemented from the week young people leave school, including travel training
 - e) Introduce 'client capture' by NDIA as part of the participant risk assessment
 - f) Ensure provider specific data is available publicly and in accessible formats.

Ongoing and accessible support for workers through JobAccess and Inclusive Employment Australia (IEA)

15. Expand Job Access Employment Assistance Fund coverage to include workplace supports specifically needed by people with intellectual disability, such as job coaching, workplace mentoring, simplified task instructions, and structured workplace orientation programs. This expansion must recognise that people with intellectual disability often require human support rather than equipment-based modifications to succeed in employment.
16. Improve accessibility of Job Access services for people with an intellectual disability by ensuring all information materials, application processes, and assessment procedures are available in Easy Read format and supported decision-making principles are embedded throughout the Employment Assistance Fund process. This must include training Job Access staff to understand and respond to the specific workplace accommodation needs of people with intellectual disability.
17. Improve accessibility of future IEA consultation processes by ensuring all information materials about the program are provided in Easy Read, which has been tested with people with an intellectual disability. Ensure all changes to IEA are communicated in timely and accessible formats, so people have the information they need to make informed decisions, in line with [Recommendation 7.16 of the Disability Royal Commission](#).
18. Establish accessible mechanisms to enable IEA participants – particularly people with an intellectual disability, who are among the furthest away from the labour market – to influence how quality and safeguarding are defined, monitored and improved in IEA over time. This must include updating the DES Quality Framework to embed a meaningful 'participant voice', ensuring participants can provide feedback in ways that are accessible, safe, and capable of shaping continuous improvement across the IEA program.
 - a. Beyond establishing accessible and meaningful mechanisms for participant feedback, pilot [the VALID8 peer review model](#) within the IEA program, employing people with an intellectual disability as quality reviewers and safeguarding specialists to strengthen participant voice and improve service quality for people with intellectual disability in IEA.
19. Ensure the new Inclusive Employment Australia (IEA) program and Meaningful Engagement policy [prioritises the needs of people with an intellectual disability](#), especially people with a work capacity of less than 8 hours, by embedding supported decision-making principles as part of Meaningful Engagement, in line with [Disability Royal Commission Recommendation 6.6](#).
20. Remove the Targeted Compliance Framework (TCF) and mutual obligations from Meaningful Engagement in IEA.
21. Require providers to meaningfully engage in IEA as part of the Meaningful Engagement policy by ensuring providers'

responsibilities are reflected the definition, and ensuring the participant and the provider agree together on what meaningful engagement looks like for the person – and that this is led by the needs and goals of the participant. Providers must then be required to provide evidence to the Department that they are meeting this commitment.

22. Establish clear accountability measures to prevent people from being unfairly moved off a meaningful engagement job plan. When a person is seen to be disengaging from IEA, immediate safeguards – such as proactive outreach or supported re-engagement – should be triggered to ensure the person is not being excluded due to unaddressed barriers.
23. Remove the requirement for Ongoing Support Assessments (OSAs) for people with an intellectual disability, ensuring that this cohort has automatic, time-unlimited, individualised support at work, to align with [Recommendation 7.16 of the Disability Royal Commission](#).

Support for nano enterprise and self-employment

24. Ensure both NDIS and IEA supports are available for people with an intellectual disability who want to seek self-employment or employment in a nano enterprise, defined on page 44 of this submission. The NDIA should publish clear evidence requirements for obtaining employment supports for nano enterprise activities, ensuring that people can access funding without requiring traditional provider quotes, and that planning practice reflects existing policy allowances.
25. Include self-employment and nano enterprise pathways in IEA and NDIS employment supports (including SLES) for people with an intellectual disability who want to explore this option. This should include support for IEA providers to understand and promote self-employment options, and to partner with disability-specific microenterprise initiatives to support the delivery of tailored support.
26. Work with people with an intellectual disability, families and DROs to adapt the 6 existing Self-Employment Assistance core services offered through the Department of Employment and Workplace Relations (DEWR) to ensure they meet the needs of workers with an intellectual disability.
27. Simplify access to business registration, licensing and compliance to streamline the process of starting a business for people with an intellectual disability, including by creating supported pathways through ASIC and ABN registration.
28. The Australian Taxation Office (ATO) should explicitly recognise nano enterprises, ensuring businesses run by individuals whose activities generate minimal income while providing meaningful engagement and skill development are exempt from tax and from complex tax reporting requirements.
29. Government, including the ATO per Recommendation 28, should formally recognise nano enterprises as a distinct business category in policy frameworks, acknowledging their unique characteristics and support needs to enable targeted policy development and support programs that reflect the reality of ultra-small scale business operations.
 - a) This must include the elimination of fortnightly reporting requirements for nano enterprises operating below the tax exemption thresholds, reducing administrative burden that can be overwhelming and present significant barriers for individuals with intellectual disabilities and their support networks.

Our recommendations have been endorsed by the following Disability Representative Organisations:



Background

Inclusion Australia and our member organisations have a long history of advocacy to improve employment outcomes for people with an intellectual disability. Over several decades, we have consulted widely with people with an intellectual disability and their families, as well as with researchers, advocates, and other experts, to build a strong evidence base for what works – and what doesn't – when it comes to inclusive employment.

This work has informed a number of major reports and submissions focused on addressing barriers and creating better employment opportunities, including:

- [Fostering employment for people with an intellectual disability: the evidence to date, 2020](#)
- [What Works: Making Disability Employment Services \(DES\) work for people with an intellectual disability, 2021](#)
- [DES Reform Submission, 2022](#)
- [Equal Pay, Equal Rights—our submission to the Disability Royal Commission, 2023](#)
- [Consultation on a new specialist disability employment program, 2024.](#)

Our extensive advocacy in this area is no coincidence: people with an intellectual disability are among the furthest from the labour market in Australia, with only 39% of people with an intellectual disability of working age in the labour force.¹ This significant gap contributes to Australia's stagnant unemployment rate for people with disability, which has not shifted in more than two decades.² Australia continues to have one of the lowest employment participation rates for people with disability in the OECD.³

Australian Disability Enterprises (ADEs) are currently one of the few places where people with an intellectual disability can get employment. As at 2022, around 16,000 people with an intellectual disability are employed in around 477 ADEs across Australia run by 147 providers, the vast majority of which are located in NSW and Victoria.⁴ Of these, 110 are Certified Social Enterprises by Social Traders.

Currently, a person employed in an ADE may be paid as little as \$3.01 per hour for work under the Supported Wage System (SWS) within the Supported Employment Services (SES) Award,⁵ which can also be applied to open employment settings.

In addition, supports in employment that should be found in a wide range of settings are often only found in ADEs.

Very few people with an intellectual disability transition from an ADE into inclusive employment settings, with research suggesting that fewer than 5% of people with disability transition to open employment from day services or ADE settings in Australia.⁶

These numbers tell a bigger story about how systems have been set up to direct people away from inclusive opportunities, long before they reach the workplace.

We call this gradual accumulation of barriers **the polished pathway** – a trajectory shaped by interlinking systems and attitudes that steer people with an intellectual disability away from open employment and into limited options and constricted choices over time. This pathway is reinforced by policy interfaces that make navigation toward segregation easier and less administratively burdensome than pursuing open employment opportunities.

The Polished Pathway

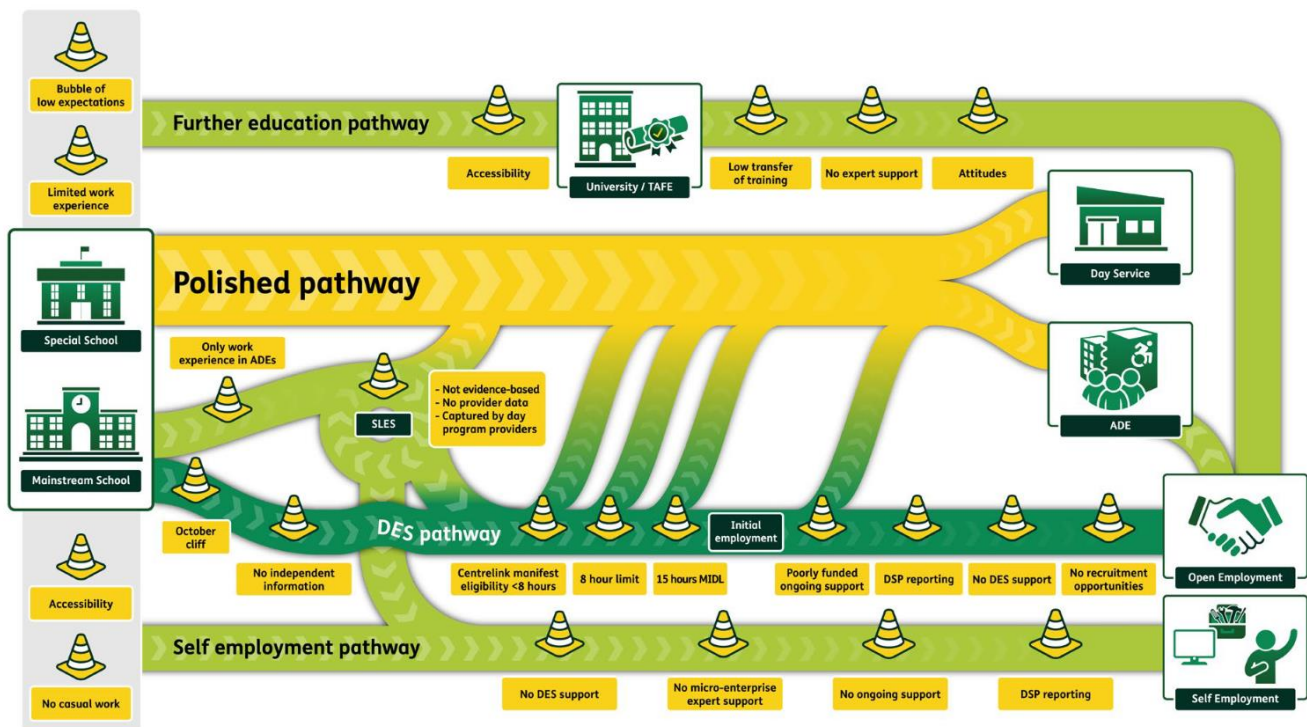
The polished pathway describes an incremental journey from childhood to adulthood that many people with an intellectual disability experience. It usually begins with small decisions in childhood, where families are trying to navigate complex, overwhelming systems to make what are perceived as safe parental choices for their child.

An example of this may be being told in early childhood intervention that “your child will never cope in mainstream school”. So, families ‘choose’ special school.

Over the next few years, supports like specialist transport – which wouldn't be offered at the local, mainstream school – make it easier to stay.

Later, when a young person becomes eligible for the Disability Support Pension (DSP), the only employment information a family is given is about ADEs. Families usually have no support to find information about

what other choices and supports might exist.



These are examples of the ‘polish’ on the pathway: systems that appear supportive but ultimately reinforce a separate and unequal life trajectory. Step by step, people with an intellectual disability are led away from their non-disabled peers – toward poorly paid or segregated work, limited opportunities, and reduced choice and control over their own lives.

The polished pathway is shaped by low community expectations and supported by interlinking systems.

The connections between these systems, from early childhood intervention to Centrelink, the NDIS and Disability Employment Services (DES), and especially from school to work, are so smooth that families don’t tend to see they are heading towards a predetermined destination.

And while people with an intellectual disability are made invisible to their peers – who experience life on an utterly different trajectory – those peers (who grow up to be potential colleagues, employers, and decision makers) forever lose the opportunity to gain experience about the strengths and similarities of their peers with an intellectual disability, and vice-versa.

As long as the polished pathway remains the dominant experience for people with an intellectual disability and their families, this cohort will continue to face limited opportunities for real choice, inclusion and self-determination over their employment options.

Economic cost

The economic exclusion of people with disability is costly for governments and communities. Research commissioned by the Disability Royal Commission⁷ examined the economic cost to governments as a result of violence, abuse, neglect and exploitation of people with disability. To do this, researchers examined the gaps in outcomes⁸ between people with and without disability and estimated the proportion that can reasonably be attributed to systemic failure and neglect. That is, areas of unequal service delivery, unequal access to economic opportunity, or systemic discrimination.

The research found that [reduced employment rates among people with disability cost governments \\$14 billion in 2021-22](#).

This cost is an outcome of a range of “additional outcomes gaps” – systemic failures not attributable based on available evidence to violence, abuse, neglect and exploitation – including unequal service delivery, unequal access to economic opportunity, lack of workplace adjustments, lower incomes, and

higher instances of workplace discrimination.

In addition, as part of their modelling, the researchers estimated the annual economic cost of violence, abuse, neglect and exploitation by measuring the rate of interpersonal maltreatment among demographic group, disability type, and level of functional impairment. The findings showed the overall cost of violence, abuse, neglect and exploitation – coupled with “additional outcomes gaps” discussed above – per person is high for people with an intellectual, learning and developmental disability.⁹ This reflects the high rates of interpersonal maltreatment and higher costs of systemic failures experienced by our community, including in relation to economic inclusion and financial security.

Disability Royal Commission findings and recommendations

As the Discussion Paper notes, following the release of the Disability Royal Commission’s Final Report there was substantial focus on recommendations which aim to phase out segregated settings, including ADEs.

The differing perspectives of the Commissioners surrounding the issues and definitions of segregation reflect the different perspectives within the disability community. As Volume 7 of the Final Report notes, the Disability Royal Commission heard reports of “very different experiences in environments that appear to be similar”,¹⁰ such as in ADEs.

Commissioners Galbally, McEwin, and Bennett describe the following definition of segregation:

“Segregation describes the deliberate and systemic separation of people with disability to live, learn, work or socialise in environments apart from people without disability. Segregation is a form of exclusion that limits or denies access to places where the community live, work, socialise or learn because of the person’s disability. It also denies full participation on an equal basis in these domains. It is enforced through laws, policies, structures, systems and social norms.”¹¹

Importantly, the Commissioners agreed on what segregation is not:

“Segregation does not occur in spaces where people with disability choose to come together voluntarily for a common purpose ... these are the same choices available to people without disability and they do not limit access to, and full participation in, society on an equal basis with others.”¹²

We agree with the nuance expressed by these Commissioners and consider segregation to mean settings in which there are different laws, rules and practice for a group of people because of a particular characteristic (in this case, intellectual disability). Such settings, whether intentionally or not, incentivise and perpetuate separation from the wider community and significantly restrict choice and control.

However, when people with an intellectual disability express a desire to want to work alongside other people with an intellectual disability, this does not in itself constitute segregation. We have learned through extensive consultation with our community that people with an intellectual disability care deeply about the social connections, peer support, and friendships they form with other people with an intellectual disability in ADEs – just like many other workers in many other jobs enjoy working with their peers.

While making friends is not the purpose of work, **it is also not the goal of inclusive employment to ensure that people with an intellectual disability only work alongside people without an intellectual disability.** Many people with an intellectual disability do not feel safe in open employment settings, or experience loneliness and isolation.

Therefore, we believe the immediate priority for governments and communities must be to remove the ‘polish on the pathway’, as outlined above. That is, to dismantle the systemic barriers that limit real choice and opportunity, and instead to smooth the pathway toward economic inclusion and belonging.

At the same time, government must invest in building the right infrastructure and supports so that people with an intellectual disability, and their families, can genuinely choose from a broader range of employment options. This includes clear, accessible information, and redesigning systems to ensure they work together seamlessly and don’t unintentionally discourage inclusive options.

Some of this work is already underway, particularly in response to the Disability Royal Commission Recommendations 7.31 and 7.32, which set out aspirations that all governments at every level around Australia, in partnership with communities, can achieve together. However, in order to achieve lasting change to employment supports more broadly, the reforms needed in the short-term must be gradual and thoughtfully phased, and guided by the following principles:

1. **EQUITABLE COLLABORATION WITH PEOPLE WITH AN INTELLECTUAL DISABILITY AND THEIR FAMILIES THROUGH PAID EMPLOYMENT OPPORTUNITIES TO LEAD AND SHAPE POLICY CHANGE.**

We know that when included early, equitably and meaningfully in systemic advocacy, people with an intellectual disability and families make highly valuable contributions to shaping policy that is fit-for-purpose and doesn't have unintended consequences.

2. **PARTNERSHIPS WITH TRUSTED ADVOCACY ORGANISATIONS WITH SPECIALIST EXPERTISE IN REPRESENTING THE RIGHTS OF PEOPLE WITH AN INTELLECTUAL DISABILITY.**

This includes organisations like Inclusion Australia and our member organisations, who have significant experience and expertise in building trusting relationships in which people – who have often experienced violence, abuse, neglect or exploitation – feel safe and supported to access information resources, share their experiences, build their skills in systemic advocacy and participate meaningfully in government processes. We are pleased to have the opportunity to work with the Disability Advocacy Network Australia (DANA) and our members on the Disability Employment Advocacy and Information Program to progress these important goals.

3. **PRIORITISATION OF PEOPLE WHO EXPERIENCE THE GREATEST BARRIERS TO INCLUSION, AND WHO IT IS LIKELY WILL EXPERIENCE THE GREATEST IMPACT BECAUSE OF REFORM.**

The Disability Royal Commission showed that people with an intellectual disability experience some of the most frequent and severe human rights abuses, and face some of the biggest barriers to an inclusive life. A [snapshot of these findings can be found on our website](#).

The design and implementation of employment reforms must be commensurate to the level of impact they will have for this cohort. At every step of the way, comprehensive risk assessment and mitigation strategies must be implemented to avoid the unintended consequence of leaving anyone worse off because of reforms – especially people with high support needs, including complex communication support needs.

The following sections show what good employment support can look like in practice through the experiences shared with us by people with an intellectual disability and families: when it's tailored to individual needs, upholds self-determination, and enables workers with an intellectual disability to earn real wages in jobs of their choosing.

The views and experiences of people with an intellectual disability

This section captures the voices of people with an intellectual disability through the targeted consultations run by our member organisations, Inclusion Australia's Policy Reference Group (PRG) and Complex Needs Family Reference Group. The experiences, issues and ideas for change raised here are expanded on in detail, with accompanying recommendations, in the Discussion Section of this submission.

This recent consultation complements our has a long history of consulting people with an intellectual disability and their families about experiences with employment. In our report as part of the Equal Pay, Equal Rights project,¹³ we documented a consistent set of themes:

- Wages are too low: people with an intellectual disability need to be paid a proper wage.
- There are not enough jobs for people with an intellectual disability in open employment.
- People need ongoing, individualised support to find and sustain employment.
- Employer attitudes and low expectations can be a barrier.
- The system is too complex: individuals and families who use Disability Employment Services, NDIS, Centrelink and other governmental agencies are overburdened with the significant administrative workload and inaccessibility of these systems. By contrast, pathways to segregated employment opportunities are less administratively burdensome, demonstrating how administrative load incentivises more limited options and disincentivises open employment.
- People with an intellectual disability want - and have a right - to feel safe at work, and to be included and belong in a meaningful way.



Participants in recent consultations organised by Inclusion Australia and its members shared many of the same types of observations about their experiences and views on supports for open employment.

Working within their local communities and in mainstream settings was highly valued by participants, when they received the right supports.

“Many years ago, people with disabilities were hidden away, not noticed. I think the government and other people are stepping up slowly to realise that we are there and we need help, and we need work, and we need to be in a community with everybody else.”

For open employment to work well, people need to feel safe and included. Yet this can be very difficult in mainstream work settings. Participants highlighted a number of ways that people with an intellectual disability could be supported to work in open employment.

“We need a good system where people get their voices heard and we all work together.”

Enable access to early supports to prepare for employment

Many people talked about their ideal jobs being ones that matched their interest and where conditions are fair. An important part of early exploration about employment involves career counselling. This is the kind of support that all young people require as they develop their aspirations and plans for employment. This should be provided in an accessible way over time and encourage high expectations.

“Have a list of jobs. Would you like to do this job, or would you not like to do this job? And they could figure out stuff from, what are you like? Maybe another one for, what are your skills? What are your strengths, what are the areas you need to improve on?”

Share accessible information about employment options

Participants indicated that it is difficult to find information about jobs. This was also something that emerged in our interviews and surveys with people with an intellectual disability, as part of the Equal Pay, Equal Rights project. Accessible communication is necessary across the cycle of searching for, interviewing, starting and keeping a job. Participants said that to apply for jobs, they need to understand what needs and skills are suited to the role, what employment supports are available to them (including through DES and the NDIS) and for the application process accessible. This includes providing information and applications in Easy Read. Providing accessible formats for interviewing is also important – in addition to in-person interviews, participants suggested being able to do interviews by video conferencing.

“The government would have to make a space that is accessible to people with disabilities to find the information about what jobs are available and what needs suit. The government would have to make the application process easier for people with disabilities.”

Provide information on employment rights

It is important for participants to know their rights at work. Participants shared how important it is for them to understand their rights, such as to superannuation. They shared problems they experienced when they didn't understand their rights, such as not knowing about their entitlement to breaks. For people with an intellectual disability, information on employment and rights should be made available in Easy Read. Inclusion Australia's project, Disability Employment Advocacy and Information Program, responds to this gap and will generate resources that can contribute to the ongoing support of people with an intellectual disability in employment.

“I've never had a job where I was told about my rights.”

Connect people with the supports they need

Participants were clear on the need for ongoing support needs to be integrated in open employment. This should be available through DES in a time-unlimited way, and may be complimented through NDIS employment supports – and that information about these supports needs to be provided to people with an intellectual disability and their families.

“The employer for my apprenticeship, got paid extra money so that they could support me better. And I know that government, that business, used the money properly because they knew what they needed to do, because they felt that if they if I left, or they weren't doing things properly, that they would lose that money.”

Provide necessary supports and tools for the job

People with an intellectual disability need customised supports to do their jobs. These supports include having more time for

tasks, someone specific they can contact for questions and support and information provided in different formats, such as how to videos. Having a daily work plan is a tool used by many participants, which they can review with their manager or support worker. Another example is using voice-to-text software, to help people who may have low-literacy. While JobAccess can provide some assistive technology and supports, they do not provide support workers, which many people with intellectual disability will need to provide on-the-job support.

“Each week I sit down with my team leader, and we go through a work plan that we create together, that I do every week, and we put a whole bunch of jobs on there that I can do. Yeah, so that's what good support is, by working closely with your team leader, or, you know, and getting the proper equipment to help you with your job.”

Create inclusive work cultures

In our Equal Pay, Equal Rights consultation, family members of people with an intellectual disability identified employer attitudes to people with a disability as the most significant barrier. Creating inclusive environments where people with an intellectual disability feel welcome is critical. As people enter a workplace and learn about their roles, it is important that they can ask questions and receive support from colleagues, as well as their designated supporters. Several participants gave examples from their employment experiences of not knowing what to do in particular situations and turning to colleagues. When they received information and assistance, that helped them feel reassured and clear about their role.

“I felt like I could go to my manager at my last work, for anything, and I felt like they they'd asked me, Oh, do you need a break? Do you need things to do? Do you want to keep going?”

Encourage employers to put policies and procedures in place to prevent exclusion and bullying

Several participants shared stories of ways that they felt excluded or misunderstood in open employment settings. This was also a key theme in our Equal Pay, Equal Right consultations. Feeling this way made their roles difficult and in some cases unsustainable. Having clear workplace policies that cover people's attitudes and how they treat others can promote a fairer workplace. These policies and procedures should cover areas such as inclusion in staff meetings and staff social events, having a safe place or person to answer questions, and establishing clear expectations for inclusive practice across all workplace interactions.

“At my old job, they didn't include me at all. If everyone is in the staff room and I was on the other side, they just didn't welcome me into the conversation or stuff like that, social things, whatever. And so having more inclusion and understanding in workplaces is really important.”

By contrast, some participants described working in settings where they could make social connections, which made their experiences more inclusive and meaningful. The characteristics they appreciated in colleagues included being accepting and patient.

“Give the staff training on how to support and help workers at their workplace that have a disability, to be to help them be more inclusive.”

Provide flexible hours

Several participants shared that they needed to work hours that fit within their needs and capacity. One participant talked about how his disability meant that he experienced fatigue and so needed to work shorter hours. Another shared about needing to attend several weekly appointments. Flexible rostering makes sustained engagement in employment more feasible.

“I liked, how I got flexible hours, and how I was able to have a break when I wanted. There wasn't any pressure.”

Enable job carving

Job carving is an approach to customised employment where jobs can be shaped around a person's strengths. This approach is a good way to promote creation of accessible jobs for people with intellectual disabilities that build on



their interests and strengths. These jobs are also designed to align with the requirements of the employer and can uncover and address and previously unidentified and unmet employer needs.¹⁴

“Developing jobs based on that person's interests, their capabilities and their needs. So rather than just focusing on we've got to get this done, basically, work within the person's comfort zone.”

These stories show us what open employment can look like when people with an intellectual disability receive the supports they need: meaningful, flexible, and inclusive work where people feel they are valued members of the community. To make these experiences the norm for people with an intellectual disability, we need to remove the barriers that limit choice and push people into narrow, restrictive options.

In the next section, we outline our recommendations. We see these as essential first steps on a pathway toward a genuinely inclusive employment system.

Building an inclusive employment system: rationale and evidence base for our recommendations

Fair wages

Recommendation 1

Establish a [Ministerial Implementation Working Group](#) to take immediate action on Disability Royal Commission Recommendation 7.31 by providing evidence-based policy advice to address the sub-minimum wages paid to people with an intellectual disability.

Recommendation 2

Update the National Panel of Assessors (NPA) performance framework used to undertake Supported Wage Assessments and Ongoing Support Assessment – including its KPIs – are updated to reflect the supported decision-making principles set out in the [Disability Royal Commission Recommendation 6.6](#), and to ensure consistency with the existing DES Quality Framework; the *Disability Service and Inclusion Act 2023* (Cth) (DSI Act) Code of Conduct; the National Standards for Disability Services (NSDS); and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

“We need better pay for everyone.”

Person with an intellectual disability.

We consistently hear from people with an intellectual disability and their families that being fairly paid and earning more for their work is one of the most urgent issues they want addressed.

In Australia, approximately 20,000 people with an intellectual disability are legally paid less than the adult minimum wage set by the Fair Work Commission – with many earning under \$10 an hour.

The SES Award and the Supported Wage System allow employers to pay workers with an intellectual disability less than other workers. The majority (~16,000) of these people work in segregated settings in Australian Disability Enterprises (ADEs), with a further ~4000 people in open employment settings working under the Supported Wage System.

People with an intellectual disability say the low wages they get are unfair and are a barrier to being equal and to being properly included in our community. They see low wages as a clear form of disrespect. People tell us when they earn a decent income for their work, they feel respected and valued.

The impacts are financial, social, and emotional. Sub-minimum wages contribute to poverty and devalue the contributions of people with disability to Australian society. Participants in our consultations commented:

“Employers should pay people with disabilities the same amount they pay anyone else with a job. Why should I be paid less for still doing the same job?”

“Employers should increase the pay. Make sure it is at least minimum wage. Then you can pay your bills, you can make sure you live properly, you can start saving.”

This is not just unfair – it is also a human rights violation.

Australia is failing to meet its obligations under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), which guarantees the right to work on an equal basis with others, including fair pay and protection from discrimination.

The relevant UN Committee’s 2019 report on Australia called for reform to end these discriminatory employment practices, recommending that Australia “provide services to transition of persons with disabilities from sheltered employment into open inclusive and accessible forms of employment, ensuring equal remuneration for work for equal value”.¹⁵ The Australian Government will be required to report on its progress towards implementing these recommendations in 2026.

The issue of subminimum wages was a key theme addressed by the Disability Royal Commission in its Final Report and addressed in Recommendation 7.31, which calls for the government to introduce a scheme to ensure employees with disability are paid at least half the minimum wage. This would involve revising the productivity-based wages calculation, as well as a subsidy from the government to address the pay gap between the relevant awards and the minimum wage. The longer-term recommendation includes a review of the scheme by the Disability Reform Ministerial Council after five years, to inform a model and pathway to lift wages to 100% of the minimum wage by 2034.

This recommendation was marked 'subject to further consideration' in the Australian Government's response to the Disability Royal Commission. The government raised concerns that wage increases could lead to job losses and said more consultation with stakeholders is needed before any reform.

We strongly believe this recommendation needs urgent action, including a dedicated, funded approach bringing together key stakeholders to work collaboratively with government on these issues, including to ensure people with the highest support needs are prioritised and are not left worse off.

Establishing a Ministerial Implementation Working Group

We are calling for a Ministerial Implementation Working Group to be set up to provide evidence-based policy advice and options relating to Recommendation 7.31. A working group like this, bringing together different stakeholders, offers a solution for the government to address the Royal Commission's recommendation, respond to the UN Committee's call for action, and align with the government's commitment to disability employment.

The Ministerial Implementation Working Group will be made up of senior representatives from peak organisations, government agencies, employers, unions, and people with an intellectual disability and will have Ministerial involvement and support.

The Working Group will work collaboratively with government to develop sustainable solutions and a detailed implementation roadmap for transitioning to fair wages while ensuring that employment opportunities, especially for people with high support needs, are maintained.

The involvement of the range of stakeholders with a diverse range of views and experiences will ensure a collaborative and inclusive process that will lead to an outcome that is practical, supported and beneficial to all stakeholders, and avoids any unintended consequences.

The Implementation Working Group will be guided by the following overarching objectives:

FAIRNESS

All people with disability have the right to receive at least the minimum wage for their work. The Working Group is committed to developing a roadmap to achieve this goal.

OPPORTUNITIES FOR EVERYONE

Policy solutions must be designed to ensure that all people with an intellectual disability, including those with high support needs, will continue to have access to employment opportunities.

SUSTAINABILITY

Policy solutions must ensure the sustainability of specialist employment supports for people with an intellectual disability, including people with high support needs.

CODESIGN

People with an intellectual disability and their families, including people who are currently working in ADEs, will be involved in testing and designing policy solutions.

The Implementation Working Group will codesign a sustainable implementation roadmap with government to identify a staged process to achieve these goals. This will include conducting consultations, considering different policy options, providing government with different evidenced-based options, and overseeing the piloting of different approaches.

After the implementation roadmap is developed, the working group will have a critical role in supporting the implementation



process. This includes monitoring progress against milestones, ensuring accountability across all stakeholders, and providing regular updates to government and the public. The group will evaluate the effectiveness of reforms, address emerging challenges, and make recommendations for continuous improvement to ensure the transition is both effective and sustainable

For more information about the Implementation Working Group, including our cost estimate and projected timelines, [please visit our website](#). Easy Read information is also available.

Recommendation 2, listed above, is closely related to the wider systems change that is needed to achieve fair wages. The rationale for this ask is discussed on page 41 – 42 of this submission.



A phased transition of Australian Disability Enterprises (ADEs) grounded in supported decision-making

Recommendation 3

Establish a dedicated, time-limited Taskforce, with explicit connection to the Ministerial Implementation Working Group in Recommendation 1, to advise government on how to leverage ADE expertise for system-wide change, acknowledging that people with an intellectual disability need access to ongoing, specialist employment supports, and currently this expertise lies almost exclusively within ADEs.

- a) The Taskforce should be explicitly linked to the broader system reform agenda overseen by the Ministerial Implementation Working Group, to ensure that the unique insights, risks and opportunities related to transitioning ADEs are embedded in national planning and decision-making around addressing Disability Royal Commission Recommendation 7.31.
- b) The Taskforce should bring together key stakeholders – including people with an intellectual disability, families, Disability Representative Organisations, ADEs, DES providers, and other experts to address the transition of ADEs holistically.
- c) The Taskforce should also include specialist working groups to address specific issues and barriers experienced by people with complex support needs and their families.

Recommendation 4

Ensure that transitions undertaken by ADEs also take place alongside a measurable increase in the open employment positions available for people with an intellectual disability – which must be consistently tracked, per Recommendation 12a of this submission – to ensure that the evolution of ADEs does not leave people with higher support needs without other work and without support.

Recommendation 5

Resource ADE providers to undertake comprehensive data collection to quantify the precise number of people looking for open employment, including the extent to which workers have access to supported decision-making to explore options and make choices.

Recommendation 6

Clarify and strengthen the interface between ADEs and Disability Employment Services (DES) / Inclusive Employment Australia (IEA) to support more effective, seamless and flexible pathways into open employment. This includes improving coordination between services, defining clear roles and responsibilities, and enabling blended or transitional models of support – particularly for people with high support needs.

- a) This work should align with the proposed ADE Transition Taskforce and contribute to the broader reform agenda led by the Ministerial Implementation Working Group, as well as reforms to DSP in Recommendations 8 – 11 of this submission.
- b) Barriers that disincentivise DES/IEA participation or limit choice and control at key transition points, as discussed in this submission on page 12 – 22, must be removed to ensure the pathway is smooth, person-centred, and supports individualised supports and goals.

Recommendation 7

Require and support ADE providers to put in place an individualised employment plan for every worker, which must be developed through supported decision-making principles per [Disability Royal Commission Recommendation 6.6](#).



Participants in our consultations who had experienced working in ADEs talked about the challenges they experienced transitioning from those settings to open employment. For example, one participant talked about their experience of transitioning out of an ADE. The business suddenly closed, and they were not provided any information about open employment or other options. People with an intellectual disability said that anyone experiencing this transition should be well-supported and receive accessible information about job providers or advocacy where they can seek support and learn about what employment options are available.

“I think going back to the ADE, way back to my time. I didn't know there was a life after that. So we were within our own little world. The world I worked in was that sort of workshop five days a week, 365 days a year. But when that kind of closed down the eyes did open up. Ohh, there's lots of jobs out there.

Another participant said that a barrier for some people who work in ADEs is concern about how they will be treated in open employment by their colleagues:

“Lots of people in ADE's say no to open employment because they are scared that they'd get bullied.”

We have often heard that this is a real and persistent fear for many people with an intellectual disability and their families. The risk of being discriminated against, misunderstood, or left without the right support in open employment can be a strong disincentive to try. By contrast, supports in employment that should be found in a wide range of settings are often only found in ADEs for people with an intellectual disability.

Because of this, many people with an intellectual disability do not feel safe in open employment settings, or experience loneliness and isolation.

We have learned through extensive consultation with our community that people with an intellectual disability care deeply about the social connections and friendships they form with other people with an intellectual disability in ADEs – just like many other workers in many other jobs enjoy working with their peers.

People with an intellectual disability have a right to feel safe, connected and have a sense of belonging at work – just like any other worker. These elements are, for all people, closely related to job satisfaction and are even associated with increased productivity and fulfilment at work.¹⁶

ADEs are currently one of the few places where people with an intellectual disability can find employment and have access to the supports they need to work. This includes the ability to work alongside peers in an environment where people feel safe and welcome.

However, within this model workers with disability earn well below the minimum wage and have limited choice about where they work or what they do, and few longer term career options.

When a person with an intellectual disability is employed in an ADE, the system imposes rules on them that don't apply to any other worker in Australia. These include:

- Productivity assessments that set their wages, through the Supported Wage System
- Low expectations and widespread negative attitudes about the work they do
- Being legally paid very low wages, as little as \$3.01 per hour at the time of writing.

In addition, people with an intellectual disability also often only get group employment supports in their NDIS plans, rather than the individualised supports the NDIS promised. This does not apply to other people with disability who get NDIS supports.

This reflects broader systemic issues, where [planning processes are not designed to be accessible for people with intellectual disability](#). As part of our close involvement with the NDIS Review, which included extensive consultation with our community, we collected a number of case studies reflecting this issue. These case studies showed that planning meetings are frequently rushed, conducted without access to accessible information or supported decision-making,¹⁷ and often exclude participants altogether: in many cases, informal supporters such as family members or paid staff – sometimes not of the person's choosing – are left to manage the process, placing a heavy burden on them and reducing the participant's opportunity for direct engagement and self-determination.¹⁸

These failures in accessibility and engagement not only undermine the person's autonomy, but also contribute to a growing

reliance on formal substitute decision-making.¹⁹ The pressures of navigating complex NDIS systems and administrative burdens,²⁰ such as service agreements, appear to be driving an increase in guardianship arrangements – particularly among people with intellectual disability. In both Victoria and South Australia, this group has now overtaken people with dementia as the largest cohort under guardianship.²¹ This trend highlights the urgent need for reform that recognises and responds to the specific access and support needs of people with intellectual disability, ensuring this group can get access to individualised employment (and other) supports if that is their choice, on an equal basis with others.

Leveraging ADE expertise for system-wide change

People with an intellectual disability need specialised employment supports, and currently this expertise lies almost exclusively within ADEs. Government must strategically leverage this expertise to transform the broader employment landscape for people with intellectual disabilities.

This transformation requires a fundamental shift in how we conceptualise ADEs – not as endpoints for workers with intellectual disabilities, but as specialised organisations that can be reimaged to serve the broader inclusive employment system. This means enabling people to transition out of ADEs into ordinary workplaces together with the rest of the workforce, while simultaneously supporting ADEs to transition into different types of organisations that can contribute their expertise across the employment ecosystem.

Strategic transformation pathways for ADEs

SOCIAL ENTERPRISE TRANSITION

At CSI Swinburne articulate in their submission to this consultation, some ADEs are already transitioning into social enterprises while maintaining their specialised support expertise.

Government should provide clear policy frameworks and funding mechanisms to support this transition, ensuring that the valuable employment support knowledge developed within ADEs can be preserved and enhanced while workers receive fair wages and conditions.

TECHNICAL LOCAL EMPLOYMENT SUPPORT ORGANISATIONS

Many larger ADEs are conducting pilot projects supporting people with intellectual disabilities in local businesses, but sustainable business and payment models have not been established. Government needs to provide market certainty and clear guidance about the interface between transformed ADEs and existing DES providers. This requires accommodating some overlap between services to ensure continuity of support from the perspective of people with disabilities, potentially through dedicated taskforces building on existing pilot programs.

TRANSITION TO EMPLOYMENT SPECIALISTS

ADEs could explicitly transition to become specialist transition-to-employment organisations that concentrate on the school leaver market and comprehensive work preparation. This would include discovery programs, work experience outside ADE premises, and clear pathways to open employment. These organisations would help people identify their skills and interests, and develop genuine career pathways. Currently, very few providers are attempting this work, and they risk falling into the trap of retaining skilled workers rather than supporting their transition to open employment.

HIGH SUPPORT NEEDS SPECIALISTS

For people with very high support needs, ADEs could transition to become specialist support organisations that work across multiple employment settings. This requires a dedicated focus on understanding who these workers are, developing clear definitions and profiles for this cohort, exploring how technology can support them, addressing their communication support needs, and considering the relationship between employment and day programs.

The need for supported decision-making

The Disability Royal Commission's recommendations in relation to the transition away from ADEs do not mention the need for supported decision-making. We see this as a major gap.

While there are a range of significant recommendations in Volume 6 of the Disability Royal Commission's Final Report in relation to supported decision-making, we wish to emphasise to government that supported decision-making is key to achieving the Commissioners' recommendations about inclusive employment.

It is well known that people with an intellectual disability have higher decision-making support needs than other people with disability. Yet this is generally not recognised within the NDIS market (and nor in mainstream supports) and there are few resources to support people with an intellectual disability to make decisions about employment.

The NDIS Review's Final Report cited this as a key challenge:

A lack of access to tailored information and advice that is proportional to the complexity of the NDIS means many participants struggle to get the information they need to make informed decisions ... Capacity building supports for decision-making are fragmented and availability varies across jurisdictions. Many of these supports are not appropriate for people with a high level of support need or for those from diverse groups. This means they are not effective in breaking the cycle of exclusion.²²

Our recommendation is therefore that ADEs should be required to put in place an individualised employment plan for every worker, which must be developed through supported decision-making principles in line with [Disability Royal Commission Recommendation 6.6](#).

A Comprehensive Approach to Transformation

The complexity of transforming ADEs while addressing wage equity issues requires bringing all stakeholders together with a solution-focused approach. The wages issue cannot be addressed without considering all the elements outlined above – the need for specialised supports, the transformation of ADEs into new organisational models, the interface with existing employment services, and the specific needs of people with high support needs.

We therefore agree that the Disability Royal Commission Recommendation 7.30 should form the basis of the government's approach to the transition towards inclusive employment for all people with an intellectual disability. However, people with the highest support needs must be centred throughout the process of implementing these recommendations.

People with an intellectual disability, particularly people with high support needs, must be provided with tailored and fully resourced support to be able to continue working and maintain access to specialised supports such as those generally available in ADEs, if it is their choice.

The transition of and away from ADEs must also take place alongside a measurable increase in the open employment positions available, and properly supported, for people with an intellectual disability – which must be consistently tracked, per Recommendation 12a of this submission – to ensure that the move away from ADEs does not take place in a silo, leaving people with higher support needs without other work and without support – including the support that comes with working alongside peers, coupled with attitudinal shifts to create positive workplace cultures that are safe and welcoming for workers with an intellectual disability.

We recommend urgent action on Recommendations 3 – 7 of this submission as foundational steps in the first instance, towards the longer-term goal of implementing the Disability Royal Commission's vision set out in Recommendation 7.30.

A DSP system that incentivises work

Recommendation 8

Reform the DSP through targeted consultation and codesign with the disability community to give people confidence in Australia's safety net, so they can access the dignity of real work for real wages. Key reforms must include increasing the income threshold; reducing the taper rate from 50 to 30 cents per dollar so people can keep more of what they are entitled to; and extending eligibility retention from two to ten years.

Recommendation 9

Ensure accessible information about the DSP – developed through the Disability Employment Advocacy and Information Program – is available and proactively provided by Services Australia via Centrelink, and the NDIS via Local Area Coordinators (LACs), when people with an intellectual disability first access the DSP at 16 or beyond.

Recommendation 10

Review and reform all legislation that uses hours-based work capacity definitions (such as the "unable to work more than 7 hours per week" proxy for significant disability in special disability trusts) to ensure the intent of legislation is maintained without the unintended consequence of creating barriers to employment. This review must examine how these definitions interact with employment support systems and remove contradictory policy signals that disincentivise workforce participation.

Recommendation 11

Streamline DSP income reporting requirements to reduce administrative burden and improve accuracy by:

- a) Utilising Single Touch Payroll data to automatically report regular employment income, reducing or eliminating the need for manual fortnightly reporting.
- b) Adding functionality to the myGov app to allow users to easily indicate if income is a one-off payment rather than ongoing employment income.
- c) Establishing a threshold below which income from micro or nano enterprises is treated as tax-exempt income and does not require reporting.
- d) Providing clear, accessible information that distinguishes between reportable income (wages) and non-reportable income (uniform allowances, reimbursements) to prevent confusion and incorrect reporting.

New research by Deloitte Access Economics, undertaken in partnership with Disability Representative Organisations and disability employment peak bodies, confirms what our community has long known: the current DSP system actively discourages work.

Deloitte found that 28% of employed DSP recipients earn less than \$5,500 annually – just under the point where the income taper begins – and 87% earn below \$32,760, where the effective marginal tax rate can spike to 78.5%, compared to 44% for people not on the DSP. These figures show a system that drives unintended behaviours and limits progress, which contributes to keeping people in or at risk of poverty.

Based on these findings, the disability sector is calling for two urgent reforms to the DSP:

1. Lower the income taper rate from 50 cents to 30 cents per dollar earned over the \$218 fortnightly threshold, to reduce the financial disincentive for working more and allowing people to keep more



of what they're entitled to.

2. Extend the DSP suspension period from two to ten years, so people can try open employment without losing access to the safety net — including essential non-financial benefits like the Health Care Card.

Deloitte's modelling shows these changes could support between 3,200 and 14,700 more DSP recipients into work each year, delivering up to \$2.3 billion in net economic benefits over the next decade.

What our community has told us

The DSP is a lifeline for most people with an intellectual disability, who are often denied the opportunity to earn fair wages on an equal basis with others in open employment because of historic – and continuing – exclusion from the mainstream workforce. However, the design and operation of the DSP system undermines economic inclusion for people with an intellectual disability and their families.

People with an intellectual disability are among the least likely to receive an income from a wage or salary through employment: 71% of people with an intellectual disability's main source of income is the DSP.²³ Many people with an intellectual disability rely on the DSP for their whole adult lives.

In our current consultations, people have told us clearly that fear of losing the DSP is a major barrier to work. Even small increases in income can lead to anxiety about payments being reduced, cut off, or triggering a review. As one person put it:

“Because if you work, unless you work full time, you still get part of your pension. But some people don't want to work too much because they're afraid of losing the DSP.”

This was a central theme in our [Equal Pay, Equal Rights project](#), where we spoke with more than 80 people with an intellectual disability and their families about their experiences in ADEs and open employment. Many people told us they wanted to try open employment or work more hours, but felt there was too great a risk they would lose their DSP. The threat of losing income, transport concessions, healthcare cards, or other entitlements was too great.

People with an intellectual disability and families told us that they want to have the security that if they lost their job, they would have the guarantee of getting back on the DSP, without facing the intense administrative burdens associated with reapplying. Right now, our community largely does not have the confidence in the DSP system to give them the courage to try open employment; to increase their hours; or to earn more from their income.

The following aspects of the current DSP system have significant and far-reaching impacts for our community:

EXCLUSIONARY ELIGIBILITY CRITERIA

Intellectual disability is a lifelong, permanent condition usually diagnosed in early childhood. However, eligibility for the DSP requires people with an intellectual disability to (at times, repeatedly) provide current evidence of their disability from a health practitioner. In addition, having an intellectual disability is the only criterion that meets the manifest eligibility requirements of the DSP, but does not provide permanent eligibility for the DSP.

This creates significant emotional and financial strain on people with an intellectual disability and their families, who in many cases have already had to supply this kind of information in applying for the Carer's Payment.

DSP eligibility also includes access to a Pension Card, which enables a range of valuable concessions including healthcare, pharmaceutical costs and transport concessions. Remaining eligible for these important concessions is vital for people with an intellectual disability.

RULES RESTRICTING HOW MUCH A PERSON CAN WORK

People with an intellectual disability are considered to have 'manifest eligibility' for the DSP if they have an IQ of less than 70. This means they are automatically eligible without having to meet other requirements of the DSP.

People with an intellectual disability who do not meet the manifest eligibility rules – such as people with an IQ of more than 70 and

less than 85 - must not be able to work more than 15 hours per week in the next two years. Other DSP recipients cannot work more than 30 hours per week on an ongoing basis.

These 15- and 30-hour thresholds do not apply to people working in ADEs. These different, setting-specific rules work to incentivise employment in ADEs (for very low and subminimum wages) and disincentivise work for real wages in open employment settings. This is another example of the 'polish' on the pathway, discussed on page 11-12 of this submission, that smooths the pathway towards work in ADEs, while creating barriers for people to explore open employment settings

Inconsistent hours-based definitions across legislation

In addition, the current patchwork of hours-based work capacity definitions across Australian legislation creates significant barriers to workforce participation for people with disability. These inconsistent definitions not only contradict each other but also reflect outdated assumptions about disability and work capacity that undermine employment opportunities.

The DSP system uses multiple hours-based thresholds: people with intellectual disability who don't meet manifest eligibility cannot work more than 15 hours per week, while other DSP recipients cannot work more than 30 hours per week. However, other legislation uses different thresholds entirely. For example, special disability trusts use an "inability to work more than 7 hours per week" as a proxy for significant disability, creating a completely different standard for assessing work capacity.

These inconsistent definitions create several problems:

- **Artificial caps on workforce participation:** The various hours-based thresholds function as artificial ceilings that prevent people from naturally increasing their work capacity over time. For example, a person who could potentially work 12 hours per week may deliberately limit themselves to 7 hours to maintain eligibility for special disability trusts, effectively reducing their economic contribution and personal income.
- **Barriers to workforce entry:** People considering employment may be navigating multiple conflicting thresholds before even starting work, creating complexity that discourages workforce participation. The fear of inadvertently exceeding one threshold while remaining under another complicates and adds barriers to decision-making.
- **Productivity constraints:** Once employed, people face perverse incentives to limit their productivity and hours worked to maintain various supports, rather than being encouraged to develop their skills and expand their contribution. This creates an artificial constraint on both individual economic advancement and national productivity.
- **Administrative complexity:** These different thresholds create confusion for people with an intellectual disability and families about which definition applies when, and how employment decisions might affect various entitlements across multiple systems.
- **Outdated assumptions:** Hours-based proxies fail to capture the reality of flexible, supported employment arrangements that could enable greater workforce participation while maintaining access to essential supports.

INACCESSIBLE REPORTING REQUIREMENTS

Any income that a DSP recipient earns must be reported each fortnight to Services Australia. Reporting processes are inaccessible, time-consuming and administratively burdensome – especially for families, whose intensive support is often required by their family member with an intellectual disability to meet these requirements. While fortnightly reporting is intended as a safeguard against accruing debt, the lack of detail provided by the ATO does not distinguish between reportable income (e.g. wages) and non-reportable income (e.g. uniform allowances), creating confusion and potential for error.

However, if a person works in an ADE, the ADE will usually support a person to report their income, removing the administrative burden for the person and their family or other supporters. This is another example of how policy settings reinforce the status quo by making the ADE pathway easier and smoother, steering people away from the more complex pathway towards other, more inclusive options.

LACK OF INDEPENDENT, ACCESSIBLE INFORMATION ABOUT WAGES AND THE DSP

We welcome the government's acceptance of Disability Royal Commission Recommendation 7.28, and its investment in the



Disability Employment Advocacy and Information Program. This will help to address the high level of confusion and misinformation in our community, with many people with an intellectual disability who receive the DSP incorrectly believing they will lose their DSP if they work and earn an income in mainstream employment.

We also note that the Disability Royal Commission heard evidence that at times, employers capitalise on this fear, deliberately obfuscating the DSP system to justify the payment of very low wages to deceptively reassure their employee that they won't lose their DSP.²⁴

TAPER RATE AND INCOME THRESHOLD

In our view, the most pressing and impactful barrier to inclusive employment presented by the DSP system is the income threshold and taper rate at which a person begins to lose their DSP due to earning more from their wages.

Currently, the maximum basic rate for the DSP is \$525.65 per week. When people who receive the DSP earn an income, the amount of DSP they receive 'tapers off' by 50c for every dollar earned over \$212 each fortnight. While a person receiving the DSP will likely still be financially better off working and receiving less DSP, the taper rate and the threshold at which a person begins to lose DSP act as a significant disincentive to work. The DSP's taper rate is higher than the age pension taper rate, creating a form of segregation where people with disability face different – and more punitive – rules than other social security recipients based solely on the attribute of disability.

As a result, financial hardship is the norm for people with an intellectual disability. While vital, the DSP's current design traps people in poverty and limits employment opportunities, with an estimated 41% of DSP recipient households living in poverty.²⁵

The need for reform

These disincentives and risks weigh especially heavily on people in supported employment who are exploring new work opportunities – whether in social enterprises, inclusive settings, or customised roles. The administrative burdens embedded in the DSP system mean that a high proportion of claims for the DSP are rejected,²⁶ and many people with disability end up on the sorely inadequate \$56 a day JobSeeker Payment. Some of these people are then forced to do mutual obligations – which are operationalised through a system currently under investigation by the Commonwealth Ombudsman due to significant questions about its own legality – despite having a disability or chronic ill health.

The barriers above were also highlighted in the 2021 Senate inquiry into the purpose, intent and adequacy of the DSP (the DSP Senate Inquiry) – the recommendations of which have yet to be implemented.

With the exception of the review of Impairment Tables in 2023 as required by the legislation, there has been no action to address the systemic barriers that keep people locked out of the DSP or to strengthen the safety net for those who need it most, ensuring it enables people to earn real wages rather than locking people out of the open labour market.

While the Supported Employment Consultation Discussion Paper rightly highlights the need for informed choice, smoother transitions, and expanded career pathways, these goals cannot be fully realised until fundamental reforms to the DSP are made. Without such change, many will remain locked out of meaningful employment opportunities. The Government now has a clear and urgent opportunity to fix one of the most entrenched barriers in the supported employment eco-system and unlock both individual and national economic benefit. We therefore recommend urgent action on Recommendation 2 of this submission.

More jobs

Recommendation 12

Set clear, disaggregated targets for employing people with an intellectual disability across the public sector, [in line with Disability Royal Commission Recommendation 7.18](#).

- a) Department of Social Services (DSS); Department of Health, Disability and Ageing; the National Disability Insurance Agency (NDIA) and the NDIS Commission lead this work and model best practice across the public sector, including by building on what works. For example, the NDIA's SA pilot for employing people with an intellectual disability, and adapting DSS's [Ability Apprenticeship Program](#) for people with an intellectual disability.

Recommendation 13

Establish targeted procurement measures to increase employment opportunities for people with an intellectual disability by:

- a) Establishing specific procurement targets and employment incentives for this cohort across major government contracts, including in DES/IEA.
- b) Supporting inclusive employment practices through funded capacity-building for employers and ongoing support for workers.
- c) Establishing public reporting and accountability mechanisms to track quotas and the inclusivity and sustainability of employment outcomes.

Currently, the Australian Public Service Disability Employment Strategy includes a broad 7% target for people with disability but makes no mention of people with an intellectual disability, and it does not set disaggregated targets, including for people with an intellectual disability.

Years of consultation and advocacy have shown us that people with an intellectual disability – particularly people with high support needs – will continue to be excluded unless they are explicitly named and counted in any employment targets or quotas. As Christine Bigby and others have argued,²⁷ the policy trend toward de-differentiation – treating all people with disability as a single group – can obscure the specific barriers faced by people with an intellectual disability and lead to one-size-fits-all solutions that fail to meet their needs. People with an intellectual disability often require different types of support; information and communication; and job design, which must be recognised and planned for in employment strategies if inclusion is to be meaningful.

Key areas of Government responsible for disability related policy, including the Department of Social Services (DSS); Department of Health, Disability and Ageing; the National Disability Insurance Agency (NDIA) and the NDIS Commission must lead this work and model best practice across the public sector. These agencies are uniquely positioned to drive progress and demonstrate what inclusive employment can look like in practice. We strongly believe that these Departments and Agencies must set specific and ambitious targets for the employment of people with an intellectual disability, and that Parliamentary Offices more broadly are similarly well-placed to follow suit. Doing so will not only improve representation in their own workforces, but also send a clear signal to the broader public service about the importance and benefits of inclusive employment.

This work should build on successful models, such as the NDIA's South Australian pilot for employing people with an intellectual disability, and adapt existing initiatives like DSS's Ability Apprenticeship Program to better meet the needs of this cohort. These programs show what's possible when people with an intellectual disability are intentionally included in employment initiatives, and that it can be done in large organisations with set processes. Scaling and embedding these approaches will help ensure more people with an intellectual disability have access to meaningful work, career development, and fair pay.

A person with an intellectual disability who took part in our consultation talked about their experience working in the public service. They emphasised that it is critical for people in these roles to be assessed

and matched to roles that suit their strengths and have good internal and external supports that they can access as needed.

In addition, per Recommendation 13 of this submission, targeted procurement measures are another tool available to government to drive structural change in employment outcomes. By using its purchasing power to require or incentivise inclusive employment practices, government can shape the labour market in ways that directly support social and economic participation for groups historically excluded from employment – including people with an intellectual disability.

In this way, government can leverage its role as a major purchaser of services to mandate inclusive employment practices across programs like the Disability Employment Services (DES) / Inclusive Employment Australia (IEA), requiring providers to employ minimum numbers of people with disability, including specific sub-targets for people with an intellectual disability. This approach can be extended to the NDIS, where registration requirements could also demand the employment of people with disability as a condition of provider accreditation.

An inclusive approach to social procurement directly targeted at increasing the open employment positions available to people with an intellectual disability allows government to actively shape a more diverse workforce by making inclusion a condition of doing business.

Similar strategies have been used to strong effect in First Nations employment through the Indigenous Procurement Policy (IPP). While not perfect, the IPP has driven measurable increases in contracts awarded to Indigenous-owned businesses and in Indigenous employment within major projects.²⁸ A similar approach could be adapted to specifically support employment for people with an intellectual disability, ensuring that inclusion is not just encouraged but required, and that it includes those with the greatest support needs.

A targeted procurement strategy must include embedding specific employment targets, building capability among employers to offer meaningful and supported work, and involving people with an intellectual disability in the design and oversight of procurement frameworks.

This work is also linked to the transition of ADEs.

The successful transition away from this model of work depends on it taking place in-step with a measurable and appropriately tracked increase in the open employment positions available for people with an intellectual disability. This coordination is essential to ensure no one is left behind and that people currently in ADEs have real, supported pathways into open, inclusive work.

By setting disaggregated targets, investing in proven strategies, and aligning reforms across systems, the Australian Government can demonstrate leadership, drive systemic change, and ensure people with an intellectual disability are no longer excluded from the right to meaningful, fairly paid employment.

Pathways to employment for young people with an intellectual disability leaving school

Recommendation 14

Reform Youth Employment Assistance (formally the School Leaver Employment Supports program) to increase flexible NDIS employment supports to be available from age 14. This should include:

- a) Update information about the Youth Employment Assistance on the NDIS website, including in accessible formats like Easy Read
- b) Allow support for work experience to be used while at school
- c) Ensure specific transition to employment planning support to be available from Year 11
- d) Transition to employment supports to be approved and implemented from the week young people leave school, including travel training
- e) Introduce 'client capture' by NDIA as part of the participant risk assessment
- f) Ensure provider specific data is available publicly and in accessible formats.

"There's not enough inclusion in schooling ... [young people] need to be supported [when they leave school]."

Person with an intellectual disability.

As outlined earlier in this submission, the polished pathway describes how people with an intellectual disability are steered – often unintentionally – towards segregated options from an early age. This starts in childhood, when families face a series of key sliding door moments. At each point, limited information, constrained systems and low expectations combine to push children and young people with an intellectual disability away from inclusive education and employment and into separate, lower-quality options.

These moments include:

STARTING PRIMARY SCHOOL (AGE 4–5)

After inclusive early education, many children are diverted into special schools, often because families are told their child won't cope in mainstream settings. Once on this path, returning to mainstream education is rare.

STARTING SECONDARY SCHOOL (AGE 12–13)

At this time, the teaching and learning environment is very different from primary school, and the transition to high school is not easy for many students. But for students with an intellectual disability, there are very specific barriers.

Mainstream school may recommend to families that their child transition to a segregated learning centre within a mainstream school, or a fully segregated special school when they move from primary to secondary education.

FINISHING YEAR 10 (AGE 16–17)

For students with an intellectual disability in mainstream education, the end of Year 10 is a significant sliding door moment. At this point, there is an increasing emphasis on academic outcomes, and all focus is on preparing for Year 12 exams. Our community tells us the needs of students with an intellectual disability are often forgotten and not seen on an equal basis with their peers without disability.

Students with an intellectual disability can leave school at this time with an incomplete education and move to a special school. While many schools offer a Foundation Certificate of Applied Learning (CAL), CAL classes for students with an intellectual disability can often be segregated from other CAL classes.

Students with an intellectual disability also do not tend to receive the same work experience or learning opportunities as their peers in mainstream schools. During Public hearing 24 of the Disability Royal Commission, which focused on experiences of children and young people in different education settings, the Commission heard from a number of large disability service providers about how they visit special schools to advertise their day programs and ADEs to students in the final years of school. This often happens through expos in which local ADE or day program providers advertise their services, with no information about other work experience or further education options provided to families. We made a submission to the Disability Royal Commission on Public hearing 24, which includes case studies from people with an intellectual disability about their experiences

THE 'OCTOBER CLIFF' (END OF YEAR 12)

After school finishes, young people can face months with no structured activity or support. This is often referred to as the 'October cliff': the time between the end of Year 12 – which for most young people with an intellectual disability, does not include exams as it does for their peers – and the start of many post-school programs the following year.

Young people with an intellectual disability and their families suddenly face up to six months with no support, activities or employment. This period can often lead to families making decisions to enter a day program or ADE, which they are likely to have been receiving information about during the years prior.

Once a person with an intellectual disability enters a day program or ADE, they are unlikely to transition to open employment. People with an intellectual disability also often enter a day program that is marketed as training or community development but does neither.

Together, these experiences gradually narrow the scope of choice and opportunity. They set people up for life on a separate trajectory – one that leads away from inclusive work and towards environments with fewer rights, lower wages, and limited pathways out.

Employment supports for young people to address these barriers

The former School Leavers Employment Support (SLES) program – now Youth Employment Assistance – is intended to be a bridge into meaningful employment for young people with disability. But in practice, it often reinforces the same polished pathway outlined earlier in this submission. Many Youth Employment Assistance providers also operate ADEs or day programs labelled as transition to employment programs (but which largely do not result in real employment outcomes for people with an intellectual disability), creating a direct conflict of interest. Young people may be steered into internal placements rather than supported to explore genuine options in the mainstream workforce.

Many in the sector, including [Children and Young People with Disability \(CYDA\)](#) have long advocated²⁹ for the need to address the lack of information and communication about the changes to SLES. Today, it is not clear that Youth Employment Assistance has addressed these gaps or if supports reflect evidence-based approaches for employment, offering the intensity or individualisation required by many young people with an intellectual disability and those with complex needs. Previously, transparency around provider interests has been minimal, and there has been very little accountability for inclusive outcomes.

For example, some consultation participants who received took part in what was then the SLES program found work experience and volunteering to be helpful, as part of their time in school. But they wanted to make sure that work experience had meaningful outcomes that led to getting a job.

“It is good doing a work experience. It's good because you get the idea of a job but I do think that most people just want to do a paid job. I only had to do a couple of work experiences, and in my head, I'm just ready for a job.”

“The way I've gotten into open employment – I've started by volunteering first. And if you do a really good job you can actually get into open employment. I started volunteering at the school where I went and then got a job there.”

To remove the 'polish on the pathway', reforming employment supports for young people, especially school leavers, is essential. We therefore set out Recommendation 15 above to begin addressing these barriers. We also note our endorsement of Children and Youth People Australia's (CYDA) Recommendation 3a of their submission to this consultation.

Ongoing and accessible support for workers through JobAccess and Inclusive Employment Australia (IEA)

Recommendation 15

Expand Job Access Employment Assistance Fund coverage to include workplace supports specifically needed by people with intellectual disability, such as job coaching, workplace mentoring, simplified task instructions, and structured workplace orientation programs. This expansion must recognise that people with intellectual disability often require human support rather than equipment-based modifications to succeed in employment.

Recommendation 16

Improve accessibility of Job Access services for people with an intellectual disability by ensuring all information materials, application processes, and assessment procedures are available in Easy Read format and supported decision-making principles are embedded throughout the Employment Assistance Fund process. This must include training Job Access staff to understand and respond to the specific workplace accommodation needs of people with intellectual disability.

Recommendation 17

Improve accessibility of future IEA consultation processes by ensuring all information materials about the program are provided in Easy Read, which has been tested with people with an intellectual disability. Ensure all changes to IEA are communicated in timely and accessible formats, so people have the information they need to make informed decisions, in line with [Recommendation 7.16 of the Disability Royal Commission](#).

Recommendation 18

Establish accessible mechanisms to enable IEA participants – particularly people with an intellectual disability, who are among the furthest away from the labour market – to influence how quality and safeguarding are defined, monitored and improved in IEA over time. This must include updating the DES Quality Framework to embed a meaningful ‘participant voice’, ensuring participants can provide feedback in ways that are accessible, safe, and capable of shaping continuous improvement across the IEA program.

- A) Beyond establishing accessible and meaningful mechanisms for participant feedback, pilot [the VALID8 peer review model](#) within the IEA program, employing people with an intellectual disability as quality reviewers and safeguarding specialists to strengthen participant voice and improve service quality for people with intellectual disability in IEA.

We support the reforms to the Disability Employment Services (DES) system, which will roll out as Inclusive Employment Australia (IEA) in November 2025. We especially welcome the removal of the 8-hour work capacity test, which will enable many more people with an intellectual disability, especially people with higher support needs, to access employment support to find and keep a job.

We have been closely involved in many of the recent consultations on reforming employment supports, through writing submissions, consulting with our community, and by taking part on the Department’s Participant Experience Reference Group meetings, which we note are on hold at the time of writing.

This engagement has culminated in the following submissions:



- [What Works: Making Disability Employment Services \(DES\) work for people with an intellectual disability, December 2021](#)
- [DES Reform Submission, February 2022](#)
- [DES Draft Quality Framework, March 2023](#)
- [DES Quality Ratings System, December 2023](#)
- [SDEP consultation, September 2024.](#)

As the evidence in these submissions demonstrates, DES has long presented significant barriers to people with an intellectual disability to open, inclusive, and equitable employment, including the:

- Lack of evidence-based supports
- Lack of ongoing support funding
- System complexity, particularly in relation to how DES interfaces with NDIS and DSP systems
- Lack of training to build the capacity of employers and employment service providers
- Lack of accessible, supported mechanisms to ensure workers with an intellectual disability can have direct input to how the system is designed and continually improved.

As a result, **fewer than 10,000 people supported by DES (3.6% of the DES caseload) are people with an intellectual disability.**³⁰

This is one of the reasons why it is critical to ensure their experiences are captured in any consultation or reform processes: the current DES program does not work for people with an intellectual disability so many are missing out or receiving poor quality service. Any redesign or reform of the program must consider the needs of this community.

We welcome the Department's willingness to continue to engage with the sector on the current reforms, including consulting with Inclusion Australia and others on the development of communication materials and other information resources. We look forward to continuing this collaboration and we appreciate the Department's warm receptivity to our feedback.

As we have also strongly advocated, we believe that IEA will only meet the needs of people with an intellectual disability if they have a seat at the table and a real say in how it is designed.

The previous consultation held by DSS in September 2024 was not accessible to people with an intellectual disability due to [the lack of Easy Read information about Meaningful Engagement](#) and other key aspects of the new program.

If continually excluded from this process, there is a risk that instead of improving employment outcomes, IEA and many of its new policies, including Meaningful Engagement, will become barriers for workers with an intellectual disability to find and keep a job.

We see an additional role for improving and expanding JobAccess to ensure it can meet the support needs of people with an intellectual disability on an equal basis with people with other disabilities. While JobAccess can provide some assistive technology and supports to people with sensory and physical disabilities, they do not provide supports that are fit-for-purpose for our community. As such, we make Recommendations 15 and 16 in this submission to improve and expand this program as part of the broader employment supports system.

Develop inclusive feedback pathways to support the quality and continuous improvement of IEA.

We support the Department's intention to include a 'participant voice' within the Quality Framework. Recognising this has been a long-standing gap, in 2024 Inclusion Australia joined with Disability Representative Organisations and Disability Employment peak bodies to form the 'Voice of the Participant Group'. Our organisations have recognised the objective to include a 'participant voice' in the Quality Framework, but agree that this has yet to be meaningfully implemented. Our organisations have come together around the shared principle that the broad range of participant voices and co-design is central to

the design, delivery and management of DES, and now IEA.

The development of Meaningful Engagement presents an important opportunity to integrate the expertise of current DES and future IEA participants into the Quality Framework.

Feedback mechanisms should be co-designed with people with intellectual disability and include Easy Read information, advocacy support, and options to give feedback independently of providers. The voices of people who use employment services, especially those most excluded in the past, must be central to how success is measured and how IEA can improve over time.

PEOPLE WITH INTELLECTUAL DISABILITY AS QUALITY REVIEWERS

Beyond collecting participant feedback, there is significant value in employing people with intellectual disability as quality reviewers and safeguarding specialists within employment services. [The VALID8 program](#) has demonstrated particular success in gaining the trust of people with intellectual disability in services and facilitating meaningful disclosures about service quality and safety concerns. This peer-to-peer approach creates safe spaces for honest feedback that traditional quality review processes often fail to capture.

The VALID8 model provides valuable, respected paid employment for people with intellectual disability while simultaneously strengthening safeguarding and quality improvement processes. The program's success has been recognised by the NDIS Commission, which has now funded a pilot for Disability Services, demonstrating the model's potential for broader application.

This approach recognises that people with intellectual disability bring unique expertise to quality review processes - they understand the lived experience of using services, can identify barriers and issues that others might miss, and can communicate with service users in ways that build trust and encourage honest feedback. Their involvement as quality reviewers also challenges assumptions about capability and demonstrates the valuable contributions people with intellectual disability can make to service improvement.

Recommendation 19

Ensure the new Inclusive Employment Australia (IEA) program and Meaningful Engagement policy [prioritises the needs of people with an intellectual disability](#), especially people with a work capacity of less than 8 hours, by embedding supported decision-making principles as part of Meaningful Engagement, in line with [Disability Royal Commission Recommendation 6.6](#).

Recommendation 20

Remove the Targeted Compliance Framework (TCF) and ‘mutual’ obligations from Meaningful Engagement in IEA.

Recommendation 21

Require providers to meaningfully engage in IEA as part of the Meaningful Engagement policy by ensuring providers’ responsibilities are reflected the definition, and ensuring the participant and the provider agree together on what meaningful engagement looks like for the person – and that this is led by the needs and goals of the participant. Providers must then be required to provide evidence to the Department that they are meeting this commitment.

Recommendation 22

Establish clear accountability measures to prevent people from being unfairly moved off a meaningful engagement job plan. When a person is seen to be disengaging from IEA, immediate safeguards – such as proactive outreach or supported re-engagement – should be triggered to ensure the person is not being excluded due to unaddressed barriers.

The need for supported decision-making in IEA

The Disability Royal Commission’s Recommendation 6.6 called for all government systems adopt supported decision-making principles, and this must be reflected in IEA. Supported decision-making is essential to a rights-based approach and must be embedded in provider practice and workforce training across IEA.

Evidence shows that when people with an intellectual disability have access to supported decision-making, they are more likely to understand information, explore options, and make informed choices that reflect their preferences.³¹ A supported decision-making framework within the Meaningful Engagement policy will ensure that participants can actively shape their employment pathway according to their goals and decisions, and develop a stronger relationship with their provider based on trust and respect. This framework must include clear information about:

- The role of the DES / IEA service provider.
- Participant rights – including the right to support for decision making; third party attendance at all meetings; and other new rights as they emerge through the development of Meaningful Engagement policy.
- Clarity about conflict of interest and the identification of appropriate, skilled, independent decision supporters.

Our Policy Officers with an intellectual disability, who have extensive experience in supported decision-making policy development, commented:

“People have the right to speak up and have their voices heard. Supported decision-making will help people build confidence to try open employment. It’s about supporting the person to understand options and what they want – their goals, their choices.”

Recommendation 6.6 of the Disability Royal Commission recommended the following principles for supported decision-making, which we believe should be embedded in a supported decision-making framework to guide IEA and the development of job plans and other supports through the program:

PRINCIPLE 1 – RECOGNITION OF THE EQUAL RIGHT TO MAKE DECISIONS

All people have an equal right to make decisions that affect their lives and to have those decisions respected.

PRINCIPLE 2 – PRESUMPTION OF DECISION-MAKING ABILITY

All people must be presumed to be able to make decisions.

PRINCIPLE 3 – RESPECT FOR DIGNITY AND DIGNITY OF RISK

All people must be treated with dignity and respect and supported to take risks to enable them to live their lives the way they choose, including in their social and intimate relationships.

PRINCIPLE 4 – RECOGNITION OF INFORMAL SUPPORTERS AND ADVOCATES

The role of informal supporters, support networks and independent advocates who provide support for decision-making should be acknowledged, respected and encouraged.

PRINCIPLE 5 – ACCESS TO SUPPORT

People who may require supported decision-making should be provided with equitable access to appropriate support to enable the person, as far as practicable in the circumstances, to:

- make and participate in decisions affecting them
- communicate their will and preferences
- develop their decision-making ability.

PRINCIPLE 6 – DECISIONS DIRECTED BY WILL AND PREFERENCES

The will and preferences – as distinct from the perceived ‘best interests’ of a person – of people who may require supported decision-making must direct decisions that affect their lives.

PRINCIPLE 7 – INCLUSION OF SAFEGUARDS

There must be appropriate and effective safeguards where people may require supported decision-making, including to prevent abuse and undue influence.

PRINCIPLE 8 – CO-DESIGNED PROCESSES

People with disability, in particular people with decision support needs, their supporters and representative organisations, should be involved in the development and delivery of policies and practices on supported decision-making.

PRINCIPLE 9 – RECOGNITION OF DIVERSITY

The diverse experiences, identities and needs of people who may require supported decision-making must be actively considered.

PRINCIPLE 10 – CULTURAL SAFETY

First Nations people and culturally and linguistically diverse people with disability are entitled to supported decision-making that is culturally safe, sensitive and responsive. This includes recognising the importance of maintaining a person’s cultural and linguistic environment and set of values.

Remove the Targeted Compliance Framework (TCF) and ‘mutual’ obligations from IEA.

The TCF has caused significant harm to people receiving income support, including people with disability. While many people with an intellectual disability are not subject to ‘mutual’ obligations, we are aware of people who are undiagnosed or have not disclosed their disability who may be penalised under this system. We do not believe that providers should have any role in suspending income support payments or enforcing ‘mutual’ obligation regimes for people with an intellectual disability. This kind of conditionality and enforcement role of providers undermines trust related to decision support and engagement overall.

There is no evidence that ‘mutual’ obligations or payment suspension provide any incentive for people with an intellectual disability to engage with employment providers. People are more likely to engage with employment services when they feel safe, supported and respected — not when they fear losing vital income support payments.³²

Meaningful Engagement must be built on connection and trust, not compliance and punishment. Given the ongoing investigations into the legality of the TCF, including serious concerns about procedural fairness, we believe it must be removed from IEA. In addition, we believe further removing any ‘mutual’ obligations from IEA will allow providers and participants to focus on building genuine relationships, delivering personalised support, and achieving long-term outcomes based on trust and shared goals.

If any form of conditionality is considered as part of Meaningful Engagement and IEA, it must be grounded in evidence-based practice and prioritise individual rights and well-being over administrative efficiency. It must make a positive contribution to a system that is genuinely supportive and upholds human rights.

Ensure providers are supported to meaningfully engage in IEA

IEA must be grounded in the individual needs, goals, and preferences of the person receiving employment supports. It should be a collaborative process where the person and provider jointly define what Meaningful Engagement looks like for them.

Providers must be required to demonstrate how they are upholding this shared agreement, with clear evidence reported to DSS. Types of evidence may include documentation of supported decision-making processes, goal setting and review, participant feedback, and evidence of tailored support.

For Meaningful Engagement to be effective, it must be reciprocal. Engagement in employment support programs should not be reduced to attendance or activity metrics. Instead, it must reflect the quality, consistency, and responsiveness of the relationship between the provider and the person receiving support.

The definition of Meaningful Engagement must capture this relational aspect and promote active, person-led participation. Embedding this approach will enable accountability on both sides, strengthening the foundation for more positive and sustainable employment outcomes.

Inclusion Australia’s Policy Officers with an intellectual disability said:

“It’s got to be a two-way street. The Department and providers need to say what they’re going to do to meaningfully engage with the person.”

There must also be clear accountability measures to prevent people from being unfairly moved off a meaningful engagement job plan. When a person is seen to be disengaging from IEA, immediate safeguards – such as proactive outreach or supported re-engagement – should be triggered to ensure the person is not being excluded due to unaddressed barriers.

These kinds of safeguards are particularly important for people with an intellectual disability, who may have fluctuating support needs or require more intensive, tailored support to sustain engagement over time. They may also help mitigate the risk of provider misunderstanding or misinterpreting consent: people with an intellectual disability are more likely to acquiesce³³ – particularly where there is a power imbalance – without necessarily

understanding what they are agreeing to. This is even more likely in systems that lack accessible communication or enable access to supported decision-making. Without appropriate safeguarding measures, there is a risk that disengagement may be misinterpreted, and people will be moved off a job plan despite being willing and trying to engage, and experiencing barriers. We therefore recommend urgent implementation of Recommendations 12 and 13 of this submission.

Returning to Recommendation 2, with a rationale provided below.

Ensure the National Panel of Assessors (NPA) performance framework, including its KPIs, are updated to reflect the supported decision-making principles set out in the [Disability Royal Commission Recommendation 6.6](#), and to ensure consistency with the existing DES Quality Framework; the *Disability Service and Inclusion Act 2023* (Cth) (DSI Act) Code of Conduct; the National Standards for Disability Services (NSDS); and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

In its current form, we believe the National Panel of Assessors (NPA) performance framework does not contain sufficient connection to the supported decision-making principles set out in the [Disability Royal Commission Recommendation 6.6](#), and to ensure consistency with the existing DES Quality Framework; the *Disability Service and Inclusion Act 2023* (Cth) (DSI Act) Code of Conduct; the National Standards for Disability Services (NSDS); and the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

We are concerned there are significant gaps between the Key Performance Indicators (KPIs) (listed in the current NPA performance framework (V 1.4) and noted in the NPA Exposure Draft as part of the Department's consultation in September 2024 on the new DES program), and the rights-based principles of the DSI Act Code of Conduct and the NSDS. We note these KPIs also apply to other settings in which the NPA operates, including within the SES Award for the purpose of conducting Supported Wage Assessments.

For example, KPI 2.1: Accurate individualised assessments says:

Assessments are conducted in a manner that responds to the individual with disability's circumstances, measured by:

- i) *Department sampling of assessment reports*
- ii) *Taking into consideration where there is a higher-than-average level of appealed decisions (where parties to the assessment dispute the result outcome following the assessment process) that are subsequently overturned by the department.*³⁴

We would not consider this to be an effective approach to measuring or guaranteeing an individualised approach to assessments, as there is a clear disconnect with the existing instruments that the Department proposes will support performance and quality within the NPA.

By contrast, the National Standard 3 of the NSDS, 'Individual Outcomes', stipulates that:

*Services and supports are assessed, planned, delivered and reviewed to build on individual strengths and enable individuals to reach their goals.*³⁵

Similarly, the DSI Code of Conduct requires that providers delivering services:

*Act with respect for the individual rights of people with disability to freedom of expression, self-determination and decision-making in accordance with applicable laws and conventions.*³⁶

This includes the "right to choose ... how their supports and services are delivered".³⁷

Both instruments reflect a rights-based, individualised approach to service delivery, which in our view is currently missing from the current KPIs and broader NPA performance framework.

Further, the recently updated DES Quality Framework's 'Elements of good practice' similarly reflect key rights of participants. It describes the role of DES providers in supporting those rights to support the quality of services and continuous improvement of DES.³⁸

We recommend a similar approach be taken in the NPA performance framework to ensure it can effectively measure and “aid performance and continuous improvement in the delivery of quality services”.³⁹

As one of Inclusion Australia’s Policy Officers with an intellectual disability told us:

“Individualised approaches are what every person needs. We are not all the same and we all have different needs and goals. There is no one-size-fits-all approach in the workplace. Assessments need to respect the individual and respect individual human rights”.

Recommendation 23

Remove the requirement for Ongoing Support Assessments (OSAs) for people with an intellectual disability, ensuring that this cohort has automatic, time-unlimited, individualised support at work, to align with [Recommendation 7.16 of the Disability Royal Commission](#).

Most people with an intellectual disability will need support to work for the rest of their working lives, and those support needs naturally fluctuate over time.⁴⁰ Yet the current system undermines the provision flexible and secure ongoing support as it is based on a rationalisation of resources: the need to ensure value for money by confirming a participant qualifies for ongoing support through repeated assessment, and that providers are not getting funding for no action.

This means that in the current system, if a person with an intellectual disability does not use all their employment supports in a particular year, they can lose those supports. If a person with an intellectual disability is deemed to have ‘increased capacity’ because of the employment supports they receive, these supports may be withdrawn, leading to a loss of employment.

While this is not the intention of ongoing support in DES, the way it currently managed is short-sighted. Evidence shows that it is more cost effective in the long-term to increase participation of people with an intellectual disability in open employment – with secure, flexible and individualised ongoing support – than see people gain employment only to be compelled to exit the workforce when supports are withdrawn.⁴¹

For many, the risks associated with attempting open employment and potentially losing ongoing supports is a disincentive to try. These issues are demonstrated in many case studies we have gathered through extensive consultation with our community.

The fluctuating nature of support needs means ongoing support must be consistently available. As such, we believe that the time and resources used to undertake Ongoing Support Assessments (OSAs) are uneconomical. People are almost always diagnosed with an intellectual disability prior to working age and this diagnosis is not subject to change. Most people between the ages of 20–64 in Australia have already had to prove to Centrelink at least once the validity of their disability and should not have to go through additional assessment processes because they are seeking ongoing employment support.

We acknowledge that OSAs are well-intentioned, designed to ensure participants receive the appropriate level of support to meet their needs in the workplace. However, we believe they are counterproductive for people with an intellectual disability and have led to substantial funding cuts within DES.

Ongoing support policy in the new IEA program must recognise that support needs naturally fluctuate over time, and that some people will require more support than predicted, others less.

Ongoing support needs to be responsive to this and provide participants with the security and confidence of knowing their participation in the open workforce will not be destabilised by the findings of continual assessments and the potential withdrawal of supports.

Support for nano enterprise and self-employment

Recommendation 24

Ensure both NDIS and IEA supports are available for people with an intellectual disability who want to seek self-employment or employment in a micro-enterprise.

Recommendation 25

Include self-employment and nano enterprise pathways in IEA and NDIS employment supports (including SLES) for people with an intellectual disability who want to explore this option. This should include support for IEA providers to understand and promote self-employment options, and to partner with disability-specific nano enterprise initiatives to support the delivery of tailored support.

Recommendation 26

Work with people with an intellectual disability, families and DROs to adapt the 6 existing Self-Employment Assistance core services offered through the Department of Employment and Workplace Relations (DEWR) to ensure they meet the needs of workers with an intellectual disability.

Recommendation 27

Simplify access to business registration, licensing and compliance to streamline the process of starting a business for people with an intellectual disability, including by creating supported pathways through ASIC and ABN registration.

Recommendation 28

The Australian Taxation Office (ATO) should explicitly recognise nano enterprises, ensuring businesses run by individuals whose activities generate minimal income while providing meaningful engagement and skill development are exempt from tax and from complex tax reporting requirements.

Recommendation 29

Government, including the ATO per Recommendation 28, should formally recognise nano enterprises as a distinct business category in policy frameworks, acknowledging their unique characteristics and support needs to enable targeted policy development and support programs that reflect the reality of ultra-small scale business operations.

- a) This must include the elimination of fortnightly reporting requirements for nano enterprises operating below the tax exemption thresholds, reducing administrative burden that can be overwhelming and present significant barriers for individuals with intellectual disabilities and their support networks.

Self-employment and nano enterprise can offer more flexible, individualised options that allow people to define their own goals and have greater control over how they work.

A nano enterprise is an ultra-small business, typically run by one person with support from family, friends, support workers or other community members, that is built around the person's strengths, interests and goals.⁴² This definition more accurately reflects the scale and nature of businesses typically operated by people with intellectual disabilities, which often fall well below the formal thresholds for microenterprises (which employ up to 10 people and generate a higher annual income).

Importantly, because nano enterprise models are highly individualised, they are also highly adaptable: they are responsive to changing support needs and can easily adapt over time to suit the needs and goals of the person. These more tailored employment models can be flexible, local and communitarian by nature, offering a way for people to contribute, earn an income and build connections in their community on their own terms.

For some people with an intellectual disability, these models provide a way to build on strengths, interests and creativity on their own terms, with increased choice and control not always offered through DES or NDIS employment supports. Self-employment or nano enterprise models can also create opportunities for increased community inclusion, connection, and recognition as workers and contributors.

Despite this potential, people with an intellectual disability often face multiple, overlapping barriers to pursuing self-employment or nano enterprise employment models. Barriers include a lack of tailored support through existing NDIS and DES programs, limited knowledge among providers, and complex, inaccessible systems for registering and running a business.

For example, NDIS planners will not approve employment supports in a plan unless there is a quote from a provider (such as an ADE). This means people who make modest requests for employment support for a nano enterprise end up missing out entirely. While NDIA policy is clear that such support is allowable, there is no clarity about the evidence requirements needed to obtain this funding, and practice does not reflect the policy intent. This creates a significant barrier for people seeking to pursue nano enterprise opportunities, as they cannot access the NDIS employment supports they need without first having a traditional provider quote.

As a result, these non-traditional employment options are rarely seen as a viable or supported pathway. Additionally, current tax and reporting requirements create disproportionate administrative burdens for people operating these ultra-small enterprises, often requiring complex fortnightly reporting for minimal income generation. As a result, these non-traditional employment options are rarely seen as a viable or supported pathway.

But when the right conditions are in place – including tailored support, flexibility, and a focus on relationships – these kinds of employment options are achievable and sustainable.

For some people with complex support needs, self-employment and microenterprise can also offer critical safeguards. The visibility and connection to community that come with meaningful work can reduce isolation and risk. These models can also strengthen supported decision-making, giving people more say in their day-to-day lives, increasing safety, choice and control.

The example below shows what's possible when employment is designed around an individual through self-employment.

Case study: Self-employment

Michael is a young man with complex needs, who lives independently with support. His family worked with him and his support workers to establish a micro business. He collects community donations of unwanted items which he and his team upcycle and resell. They also facilitate community donations to charity shops. The micro business has become known through a Facebook page. Michael and his team use a rented space, where they process and sort donations.

The key facilitators of the microbusiness have involved having the right staff and supports. Having good support from support workers who have an established relationship with Michael has been critical. They set up the schedule and provide individualised, structured supports to complete his work plan. Visual plans have been very effective, providing Michael with images of the first step, then the next task. Supports can be increased or decreased as needed if his support needs fluctuate.

There are a number of important benefits to Michael from being employed. He has a daily routine, involving pickups and deliveries, which connects him with people he has gotten to know in the community. His vehicle and business are recognised, which encourages for social interactions and visibility and belonging in the community. He derives enjoyment from his work and it is part of a schedule that also includes time for leisure. The business is run as a not-for-profit, and generates a small amount of income, which is used to support Michael's interests. Since starting the business, Michael has been calmer and happier, knowing his schedule and getting the right supports.

This example shows the potential of self-employment and microenterprise to offer meaningful and individualised pathways into work, particularly for people with an intellectual disability and higher support needs. But right now, the lack of tailored support, accessible systems and coordinated pathways mean these options are often out of reach. While these options can open real opportunities for choice, connection and increased financial security, they often require a high level of long-term, tailored support.

For many, this support can be intensive. It requires specific conditions that often need broader resourcing to ensure sustainability. Without access to these pathways, the consequences are significant: people with higher support needs are left without access to meaningful work, isolated from their communities, and may be reliant on expensive day programs or other segregated supports which largely do not meet needs and increase the risk of neglect, abuse and poor life outcomes.

The recommendations outlined above set out the practical first steps governments can take to change this and ensure self-employment and microenterprise can be part of the solution. By building self-employment into NDIS and IEA supports, adapting existing services, and removing structural barriers, governments can unlock new employment pathways and ensure that people with an intellectual disability – and especially people with higher, more complex support needs – have genuine choice and control over how they work.

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