

Submission to the Committee on Economic, Social and Cultural Rights – Review of Australia’s Sixth Periodic Report

January 2026

Joint submission by

People with Disability Australia

National Ethnic Disability Alliance

Acknowledging substantial contributions from

Women With Disabilities Australia



Introduction

People with Disability Australia (PWDA) and the National Ethnic Disability Alliance (NEDA) welcome the opportunity to provide this joint submission to the UN Committee on Economic, Social and Cultural Rights Committee (the Committee).

PWDA is Australia's peak cross-disability Disabled People's Organisation and is funded by the Australian Government to represent the 1 in 6 Australians with disability nationally. Our organisation is made up of, and led by, people with disability and has Consultative Status with the United Nations Economic and Social Council.

NEDA is a national Disabled People's Organisation governed by and constituted of culturally and linguistically diverse people with disability. NEDA's key purpose is to promote, protect and advance the human rights and freedoms of all people with disability from culturally and linguistically diverse (CALD), migrant, refugee, and asylum-seeking backgrounds.

We acknowledge the significant contributions by Women with Disabilities Australia to this submission, providing deep expertise in the rights and lived experiences of women and girls with disability.

This joint submission responds to Australia's Sixth Periodic Report (Australia's Report) under the International Covenant on Economic, Social and Cultural Rights (ICESCR). It provides general disability rights perspectives, as well as perspectives specific to people with disability who are from CALD backgrounds and women and girls with disability.

We would like to use this opportunity to express interest in attending the informal briefings remotely and possibly in person if funding permits.

We hope this submission will assist the Committee in preparing its review of Australia's Report. If you have any questions, please contact Lisa Ira (Expert Advisor – International & Human Rights, PWDA) at lisai@pwd.org.au.

Part 1 – Preliminary matters

1. Disability to form part of follow-up recommendations

We encourage the Committee to include disability in its priority follow-up recommendations. The ICESCR Committee previously recommended that Australia takes effective measures to prevent and address violence and abuse against people with disability.¹ As set out in this submission, these concerns remain unresolved.

Australia established a Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission) to address systemic and widespread violence, abuse and neglect. However, Australia has not fully accepted or effectively implemented many of the Disability Royal Commission's recommendations.²

In addition, the Committee on the Rights of Persons with Disabilities has identified persistent shortcomings in Australia's implementation of its obligations relating to the economic, social and cultural rights of people with disability and many of its recommendations remain unimplemented.³

Recommendation 1: The Committee should include disability in its priority follow up recommendations and recommend that Australia takes concrete, time bound and co-designed measures to address violence, abuse and neglect of people with disability and to ensure the effective enjoyment of economic, social and cultural rights by people with disability on an equal basis with others.

2. External affairs power

We note that the Australian Government has legislative power under Section 51 (xxix) of the Constitution to implement ICESCR. The Australian Government can use this power to implement treaties, including ICESCR, despite the subject matter being traditionally within a state's legislative power.⁴

Recommendation 2: The Committee should recommend that Australia uses its external affairs power under Section 51(xxix) of the Constitution to enact national legislation to implement ICESCR where action by states and territories is inadequate to ensure the effective enjoyment of ICESCR rights.

3. National Human Rights Act

The absence of a national Human Rights Act in Australia leaves ICESCR rights fragmented and weakly protected in domestic law, with disproportionate impacts on people with disability. As recognised by the Parliamentary Joint Committee on Human Rights in its 2024

¹ ICESCR Committee (2017) [Concluding observations on the fifth periodic report of Australia](#), United Nations, accessed 13 January 2026, Paras [35-36].

² Australian Government (2024) [Australian Government Response to the Disability Royal Commission](#), Australian Government, accessed 13 January 2026.

³ Committee on the Rights of Persons with Disabilities (CRPD Committee) (2019) [Concluding observations on the combined second and third reports of Australia](#), CRPD Committee, United Nations, accessed 13 January 2026.

⁴ *Commonwealth v Tasmania* (1983) 158 CLR 1.

review of Australia's human rights framework, a national Human Rights Act could incorporate immediately realisable economic, social and cultural rights obligations.

Recommendation 3: That Australia enacts a national Human Rights Act that gives domestic effect to its international human rights obligations, including immediately realisable economic, social and cultural rights obligations.

Part 2 – Disability-specific sections

a. Australian Disability Strategy [94-97]

We acknowledge the Australia's Disability Strategy's (the Strategy) national visibility and commitment to inclusion. However, the Strategy fails to consistently translate into real impact for people with disability. For example, statistics show that the unemployment gap for people with disability remains unchanged and social participation has regressed.⁵ We are also concerned that the Strategy is not aligned with the CRPD nor framed within the human rights model of disability.⁶

People with disability from CALD backgrounds and women with disability

The Strategy does not adequately address the intersectional discrimination experienced by people with disability from CALD backgrounds. Without culturally-disaggregated disability data,⁷ the Strategy cannot effectively identify or address the specific barriers facing people with disability from CALD backgrounds and develop targeted policy responses. The Strategy is also deficient in its gender responsiveness, which limits its capacity to address inequalities affecting women and gender-diverse people with disability.

Recommendation 4: That Australia strengthens Australia's Disability Strategy 2021-2031 by ensuring it is aligned to the CRPD and is framed within the human rights model of disability; and ensuring that it translates into measurable improvements in outcomes for people with disability, including through the systematic collection and use of disaggregated data by disability, cultural and linguistic background, sex and gender.

b. Disability Royal Commission [98]

Australia's Report outlines that the Disability Royal Commission was established in 2019 as a response to community concerns about violence, neglect, abuse and exploitation of people with disability.⁸ In 2023, the Disability Royal Commission released its final report, containing recommendations which address many ICESCR rights, such as the right to work, education and participation in cultural life.⁹

5 Australian Institute of Health and Welfare (AIHW) (2025) [Australia's Disability Strategy 2021–2031 Outcomes Framework](#), AIHW, accessed 13 January 2026.

6 Australian Human Rights Commission (AHRC) (2025) [Review of Australia's Disability Strategy 2021-2031](#), AHRC, accessed 13 January 2026, pp 4-6.

7 Social Policy Group and Migrant and Refugee Health Partnership (2025) *Towards Better CALD Health Data: A National Opportunity Policy Brief*, Social Policy Group and Migrant and Refugee Health Partnership, accessed 12 January 2026.

8 Department of Foreign Affairs and Trade (DFAT) (2023) [Sixth periodic report submitted by Australia under articles 16 and 17 of the Covenant](#), DFAT, Australian Government, accessed 13 January 2026.

9 Disability Royal Commission (2023) [Final Report](#), Disability Royal Commission, accessed 13 January 2026.

In 2024, the Australian Government responded to the Disability Royal Commission's report, fully accepting only 13 of the 172 recommendations that were within its remit.¹⁰ After years of tireless advocacy, and sharing traumatic experiences publicly, many in the disability community were deeply disappointed by the Australian Government's response.¹¹ We are concerned about the Australian Government's lack of progress on many recommendations, including:

Ending segregation

The CRPD Committee has criticised Australia's continued segregation of people with disability in education, work and housing.¹² Segregated settings isolate individuals from community life, restrict autonomy and choice, entrench low expectations and are associated with heightened risks of violence, abuse, neglect and exploitation.¹³

Recognising segregation itself as a structural driver of harm, some Commissioners of the Disability Royal Commission recommended phasing out segregated education (recommendations 7.14-7.15),¹⁴ ending subminimum wages and segregated employment (recommendations 7.31-7.32) and the phasing out of group homes (recommendation 7.43).

Unfortunately, the Australian Government noted recommendations 7.14-7.15 to phase out segregated education.¹⁵ In its December 2025 Disability Royal Commission Progress Update, recommendations 7.31-7.32 to end subminimum wages and segregated employment remain 'subject to further consideration', although we acknowledge that the Government commenced consultations on the way forward for supported and open employment in 2025.¹⁶ Recommendation 7.43 to phase out group homes within 15 years remains 'subject to further consideration', with a note that Governments have not yet commenced working together on the recommendation, but that 'all governments remain committed to considering this recommendation further'.¹⁷

Recommendation 5: That Australia fully accepts and provides a timebound, transparent and co-designed plan to implement Disability Royal Commission recommendations 7.14-7.15 (ending segregated education), recommendations 7.31-7.32 (ending subminimum wages and segregated employment) and recommendation 7.43 (phasing out group homes).

Disability discrimination

The Australian Government's review of the *Disability Discrimination Act 1992* (Cth) commenced in 2025.¹⁸ However, we are concerned about the lack of clear timeframes for

10 Australian Government (2024) [Australian Government Response to the Disability Royal Commission](#), Australian Government, accessed 13 January 2026.

11 PWDA (2024) [PWDA Reacts To The Australian Governments Response To The Disability Royal Commission](#), PWDA, accessed 13 January 2026.

12 CRPD Committee (2019) [Concluding observations on the combined second and third reports of Australia](#), CRPD Committee, United Nations, accessed 13 January 2026.

13 Disability Royal Commission (2023) [Final Report: Volume 7, Inclusive education, employment and housing, Disability Royal Commission](#), accessed 13 January 2026, p 55.

14 Disability Royal Commission (2023) [Final Report: Executive Summary - Our Vision Inclusive Australia And Recommendations](#), DRC, accessed 13 January 2026.

15 Australian Government (2024) [Australian Government Response to the Disability Royal Commission](#), Australian Government, accessed 13 January 2026.

16 Department of Health, Disability and Ageing (DHDA) (2025) [Disability Royal Commission Progress Report 2025](#), DHDA, Australian Government, accessed 13 January 2026.

17 DHDA (2025) [Disability Royal Commission Progress Report 2025](#), DHDA, Australian Government, accessed 13 January 2026.

18 Attorney-General's Department (AGD) (2025) [Review of the Disability Discrimination Act](#), AGD, Australian Government, accessed 13 January 2026.

the review's finalisation and subsequent development of legislation. Urgent reform is needed, as the current legislation relies heavily on burdensome individual complaints processes and is compromised by broad exceptions for duty-holders.¹⁹

Recommendation 6: That the Australian Government provides a transparent timeframe for the finalisation of the *Disability Discrimination Act 1992* (Cth) Review and development of legislation. The legislation must be developed in co-design with people with disability and our representative organisations.

Violence against people with disability

The Australian Government's has recently commenced work to develop a Disability Support Quality and Safeguarding Framework (the Framework) and Disability Support Ecosystem Safeguarding Strategy (the Strategy) to prevent and address violence, abuse and neglect against people with disability.²⁰

Recommendation 7: The Framework and Strategy must be co-designed with people with disability, embed a human rights approach to safeguarding and expressly reference the CRPD and Australia's other core human rights treaties.

People with disability from CALD backgrounds

The Disability Royal Commission found that people with disability from CALD backgrounds are at higher risk of experiencing violence and abuse when compared to the general population of people with disability, and are also less likely to have access to support.²¹

We are concerned that the Australian Government's response to the Royal Commission (July 2024) does not include specific measures to address the heightened vulnerability of people with disability from CALD backgrounds.

Recommendation 8: That the Australian Government ensures that national safeguarding frameworks are accessible in community languages and delivered through culturally competent services; and ensures that violence prevention and response systems address intersectional discrimination through culturally-informed, trauma-responsive approaches.

c. National Disability Insurance Scheme (NDIS) [99-108]

We recognise the Government's emphasis on co-design in NDIS reforms, however, the momentum for genuine co-design has waned. Recent NDIS reforms have led to many being exited from the scheme. We are concerned that government-funded supports outside the NDIS, known as 'foundational supports', have not been properly established, leaving some people in limbo.²²

19 PWDA (2025) ['Fight for Me Instead of Making Me Fight' - Submission to the Attorney-General's Department's Disability Discrimination Act 1992 \(Cth\) Review](#), PWDA, accessed 13 January 2026.

20 DHDA (2025) [Disability Safeguards Consultation](#), Department of Health and Aged Care, accessed 13 January 2026.

21 Bates S, Kayess R, Giuntoli G, Rengel-Gonçalves A, Li B, Fisher K, Golding D, Ramirez B and Katz I (2023) [Towards best-practice access to services for culturally and linguistically diverse people with a disability](#), Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, Australian Government, accessed 13 January 2026.

22 Women with Disabilities ACT, WWDA and Women with Disabilities Victoria (2024) [Survey Report: Foundational Supports](#), WWDA, accessed 13 January 2026.

Recommendation 9: That the Australian Government engages in genuine co-design in all NDIS reforms and ensures that foundational supports are established before exiting people from the NDIS.

People with disability from CALD backgrounds

People with disability from CALD backgrounds are also underrepresented in NDIS participation statistics. Australia's report states that '[a]s at 31 March 2023, there were 592,059 participants in the scheme, including 44,689 participants identifying as Aboriginal and Torres Strait Islander and 54,201 participants identifying as culturally or linguistically diverse'.²³ This translates to approximately 9.2% of the total NDIS participants identifying as being from CALD backgrounds.²⁴ However, one in every four people with disability in Australia is culturally and linguistically diverse.²⁵ This means CALD representation in the NDIS should be approximately 25%, but is actually less than half of that expected level.

Low participation rates can be explained by the multiple barriers that people with disability from CALD backgrounds face, including language barriers and literacy issues, lack of awareness of available supports and eligibility criteria, cultural preferences for family care over formal support systems and lack of cultural competence among service providers.²⁶

We note the development of the NDIS Cultural and Linguistic Diversity (CALD) Strategy 2024-2028 (NDIS CALD Strategy), which was co-designed with over 800 people from CALD backgrounds. The NDIS CALD Strategy commits to improving systems and processes to support CALD participants. The NDIA has committed to publishing annual reports on actions delivered under the CALD Strategy and Action Plan.²⁷

Recommendation 10: That the NDIS develops and implements a comprehensive action plan addressing the CALD participation gap, with measurable targets to achieve proportional representation. All NDIS data reporting must include disaggregation by cultural and linguistic background to enable monitoring of intersectional outcomes.

Women and girls with disability

Disability prevalence in the male and female population is almost identical,²⁸ yet female participation rates have remained steady at 37% - 38% since the inception of the NDIS.²⁹ From age 15, male access approvals outpace those for women (and applicants recorded as 'other'), and the gap widens in every age band through to 64.³⁰ Alarming, data recently revealed under a Freedom of Information request indicates that female participants are

23 DFAT (2023) [Sixth periodic report submitted by Australia under articles 16 and 17 of the Covenant](#), DFAT, Australian Government, accessed 13 January 2026.

24 AIHW (2024) [Australian Institute of Health and Welfare \(AIHW\) \(2024\)](#), AIHW, accessed 13 January 2026.

25 PWDA, NEDA and Federation of Ethnic Communities' Councils of Australia (FECCA) (2021) [The Experiences and Perspectives of People with Disability From Culturally and Linguistically Diverse Backgrounds](#), PWDA, NEDA and FECCA, accessed 13 January 2026.

26 Department of Child Safety, Youth and Women (n.d.) [Culturally and Linguistically Diverse Families in Australia](#), Queensland Government, accessed 13 January 2026.

27 National Disability Insurance Agency (NDIA) (2024) [NDIS Cultural and Linguistic Diversity \(CALD\) Strategy and Action Plan 2024-2028](#), NDIA, Australian Government, accessed 12 January 2026.

28 Australian Bureau of Statistics (ABS) (2024) [Disability, Ageing and Carers, Australia: Summary of Findings](#), ABS, accessed 13 January 2026.

29 WWDA (2024) [WWDA Position Statement NDIS Gender Strategy](#), WWDA, accessed 13 January 2026.

30 Piantedosi, Diana K., Raelene Wilding, Maya G. Panisset, Léna I. Molnar, Chloe Bryant, El Gibbs and Anne-Maree Sawyer. 2025. "The Presence and Absence of Gender and Intersectionality in the 2023 NDIS Review: A Content Analysis." *International Journal for Equity in Health* 24:140.

exiting the NDIS at higher rates than male participants.³¹ Public government reporting, however, has not acknowledged or explained this phenomenon.

d. Disability employment [109-115]

As mentioned earlier, we support a phasing out of segregated employment. This must of course be accompanied by measures to increase the employment of people with disability in mainstream workplaces. We note that prejudicial attitudes are a key barrier to inclusive employment and further work is needed to change attitudes in the private, public and community sectors.

People with disability from CALD backgrounds

We are concerned about the lack of disaggregated data on employment of people with disability from CALD backgrounds. Australia's report does not provide disaggregated data on employment rates for people with disability from CALD backgrounds, making intersectional disadvantage invisible.

Paragraph 110 of Australia's report states that '[i]n the 2023–24 Budget, the Australian Government committed \$52.7 million over 4 years to create ongoing employment opportunities for people with disability with high support needs'.³² However, there is no data on how people with disability from CALD backgrounds will benefit from this investment. Similarly, paragraph 113 of Australia's report states that '[t]he proportion of Australian Public Service employees with disability has increased over time, with 4.9% of Australian Public Service employees identifying as living with disability as at December 2022', but does not provide data on people with disability from CALD backgrounds.³³

People with disability from CALD backgrounds experience compounded barriers to employment.³⁴ People with disability from CALD backgrounds are not a homogenous group. They include people with varied cultural identities, migration pathways, languages, and family and community structures. Research shows that disadvantages do not arise simply from cultural or linguistic difference alone, but from how systems are shaped by structural barriers, restrictive migration regimes and institutional norms.³⁵

People with disability from migrant and refugee backgrounds, in particular, experience low workforce participation rates and face numerous structural and social barriers to obtaining meaningful employment.³⁶

Recommendation 11: That Australia ensures all employment data and reporting is disaggregated by variables capturing information about cultural and linguistic background to identify and address intersectional employment barriers. Employment programs must be

31 Villamanta Disability Rights and Legal Service (2025) [Performance of the National Disability Insurance Scheme](#), Villamanta Disability Rights and Legal Service, accessed 13 January 2026.

32 DFAT (2023) [Sixth periodic report submitted by Australia under articles 16 and 17 of the Covenant](#), DFAT, Australian Government, accessed 13 January 2026.

33 DFAT (2023) [Sixth periodic report submitted by Australia under articles 16 and 17 of the Covenant](#), DFAT, Australian Government, accessed 13 January 2026.

34 PWDA, NEDA and Federation of Ethnic Communities' Councils of Australia (FECCA) (2021) [The Experiences and Perspectives of People with Disability From Culturally and Linguistically Diverse Backgrounds](#), PWDA, NEDA and FECCA, accessed 13 January 2026.

35 Hayduk R (2020) 'Migration and Inequality: A Structural Approach', *Cosmopolitan Civil Societies: an interdisciplinary journal*, 12(1):1–18, doi:10.5130/ccs.v12.i1.7026, accessed 13 January 2026.

36 NEDA (n.d.) [Policy Engagements](#), NEDA, accessed 12 January 2026.

culturally responsive and address the specific barriers faced by people with disability from CALD backgrounds.

Women and girls with disability

In a recent survey by WWDA, 98.7% of respondents who were women with disability reported barriers to finding or keeping work, including discrimination and ableism.³⁷ While we note the progress towards Australian Public Service disability employment targets, Australia's report does not provide gender-disability disaggregation or data on seniority. Without this, there is no visibility of whether women with disability are accessing leadership or secure roles.

Recommendation 12: Australia must ensure that all elements of employment reform are co-designed with women and gender-diverse people with disability to ensure that the unique forms of discrimination and abuse against this cohort are properly addressed.

e. Forced sterilisation [116-117]

We are concerned that the practice of forced sterilisation continues in Australia. We reject the use of 'non-therapeutic' terminology because it maintains a pathway for sterilisation to be approved under a 'therapeutic' label, despite the absence of immediate medical necessity. Contrary to the connotation of 'therapeutic' encompassing clinical grounds, these procedures are routinely justified through gendered and ableist assumptions, including that disabled women cannot manage menstruation, should not become pregnant or would be unfit parents.

The Disability Royal Commission recommended that the Australian Government, states and territories should legislate by the end of 2024 to prohibit non-therapeutic sterilisation of people with disability, except where there is a threat to the life of the person with disability where the procedure not performed or where an adult with disability has given voluntary and informed consent, with support for decision-making if required.³⁸ Unfortunately, two years after the Disability Royal Commission, the Australian Government's Progress Report states that the Government continues to consider the recommendation, with no commitment to its implementation.³⁹

Recommendation 13: That the Australian Government develops national legislation to prohibit all forms of forced sterilisation, forced contraception and non-consensual menstrual suppression without a person's free, prior and informed consent. This must be accompanied by embedding supported decision-making and accessible reproductive healthcare across systems to ensure that sexual and reproductive autonomy is upheld in practice.

Part 3 – General sections

a. Social security [229–234]

With the cost of living on the rise, people with disability who rely on social security payments struggle to maintain an adequate standard of living, with many living below the poverty

37 WWDA (2025) [Disability Discrimination Act Review](#), WWDA, accessed 13 January 2026.

38 Disability Royal Commission (2023) [Final Report: Executive Summary - Our Vision Inclusive Australia And Recommendations](#), DRC, accessed 13 January 2026.

39 DHDA (2025) [Disability Royal Commission Progress Report 2025](#), DHDA, Australian Government, accessed 13 January 2026.

line.⁴⁰ People with disability bear extra costs associated with disability and income support and associated payments must be increased to reflect this.

We also note that people with disability face barriers in meeting the Disability Support Pension's (DSP) restrictive eligibility criteria, including the requirement for conditions to be 'diagnosed, treated and stabilised', which is incompatible with many chronic and episodic disabilities, where symptoms may fluctuate.

Recommendation 14: That Australia ensures that its social security measures, including JobSeeker, the Disability Support Pension and Rent Assistance are fit for purpose for all people with disability. Payment rates must be increased to ensure people with disability have financial stability and can live above the poverty line.

People with disability from CALD backgrounds

In describing the DSP, Australia's report does not mention documented barriers⁴¹ for people from CALD backgrounds accessing DSP, including:

- Complex application processes requiring high English literacy
- Medical evidence requirements that disadvantage people whose medical providers have limited English proficiency
- Assessment processes that do not account for cultural expressions of disability or pain
- Lack of adequate information and supports to inform and empower people with disability from CALD backgrounds to access services.

In addition, Australia's Report discusses poverty measurement using various indicators, but provides no data specific to people with disability from CALD backgrounds.⁴² People with disability from CALD backgrounds are at higher risk of experiencing violence and abuse when compared to the general population of people with disability.⁴³ They are also less likely to have access to support.⁴⁴

The absence of culturally-disaggregated poverty and social security data obscures the extent of economic hardship among people with disability from CALD backgrounds and prevents targeted policy responses.

Recommendation 15: That Australia ensures that all social security data is disaggregated by cultural and linguistic background and DSP application processes are made accessible in community languages, with culturally competent support. Poverty measurement frameworks must include intersectional analyses of disability and cultural background.

40 Australian Council of Social Service (ACOSS) (2023) [Poverty In Australia 2023: Who Is Affected](#), ACOSS, accessed 13 January 2026.

41 NEDA (2021) *Submission in response to Senate Community Affairs References Committee Inquiry into the Purpose, intent and adequacy of the Disability Support Pension*, NEDA.

42 DFAT (2023) [Sixth periodic report submitted by Australia under articles 16 and 17 of the Covenant](#), DFAT, accessed 13 January 2026.

43 Bates, S, Kayess, R, Giuntoli, G, Rengel-Gonçalves, A, Li, B, Fisher, KR, Golding, D, Ramirez, B and Katz, I. (2022). Towards best-practice access to services for culturally and linguistically diverse people with a disability. Prepared by the Social Policy Research Centre and the National Ethnic Disability Alliance for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

44 1800RESPECT(2026) [Supporting people from CALD, migrant and refugee experiences of violence](#), 1800RESPECT, accessed 13 January 2026.

b. Migrants and multiculturalism [275]; Refugee and Asylum Seekers [332]

Australia's Report states that '[t]he Australian Government invested \$21.1 million over 4 years (2020-2024) to support CALD communities during the COVID-19 vaccine rollout'.⁴⁵ However, Free Interpreting Services for eligible privately employed allied health professionals, mentioned in paragraph 275 of the report, only commenced in October 2022 as mentioned in the reporting.⁴⁶ This meant that free interpreting services were not available during the most critical period of the pandemic when people with disability from CALD backgrounds faced severe health access barriers.

Barriers to accessing services include language and communication difficulties, lack of culturally safe and appropriate services, inability to choose the type of professional interpreter (male/female, face-to-face/telephone) and lack of awareness about available services.⁴⁷ People with disability from CALD backgrounds may need both language interpreters and disability communication supports simultaneously, which is rarely provided by the healthcare system. Other challenges include waitlists for culturally appropriate mental health services and insufficient allied health providers who can work effectively with both interpreters and disability communication supports.⁴⁸

Recommendation 16: That Australia ensures all health services are resourced to provide multilingual health materials and onsite interpreters as standard practice, rather than as optional additions, with particular attention to supporting people with disability from CALD backgrounds who require both language and disability communication supports simultaneously.

Recommendation 17: That Australia implements a whole-of-government policy framework to address the social determinants of health affecting CALD populations with disability, including improving living and working conditions, reducing socioeconomic disparities through targeted measures and ensuring equitable access to education, employment, and social security.

Migration and disability

People with disability and their families face significant discrimination when attempting to migrate to Australia, with migrants with disability typically denied permanent residency because they cannot meet health requirements.⁴⁹ These health requirements⁵⁰ are discriminatory, view disability through a medical lens and fail to consider the economic and social contribution of applicants.

45 DFAT (2023) [Sixth periodic report submitted by Australia under articles 16 and 17 of the Covenant](#), DFAT, accessed 13 January 2026.

46 DFAT (2023) [Sixth periodic report submitted by Australia under articles 16 and 17 of the Covenant](#), DFAT, accessed 13 January 2026.

47 Khatri RB and Assefa Y (2022) '[Access to health services among culturally and linguistically diverse populations in the Australian universal health care system: issues and challenges](#)', *BMC Public Health*, 22(1):880, doi:10.1186/s12889-022-13256-z.

48 Khatri RB and Assefa Y (2022) '[Access to health services among culturally and linguistically diverse populations in the Australian universal health care system: issues and challenges](#)', *BMC Public Health*, 22(1):880, doi:10.1186/s12889-022-13256-z.

49 WWDA (2019) [Discrimination against migrants and refugees with disability](#), WWDA, accessed 13 January 2026.

50 *Migration Act 1958* (Cth) and *Migration Regulations 1994* (Cth).

Additionally, migrants with disability must wait over a decade before meeting residency requirements associated with eligibility for the DSP.⁵¹ Australia's Report understates the severity and human rights implications of these discriminatory visa policies, which directly violate Article 18 of the CRPD regarding liberty of movement and nationality.

Australia's Report states that '[t]he English Language Proficiency loading assists with the costs of language tuition and support for students who need assistance with English language skills. This includes recently settled migrants and refugees.⁵² The report treats English Language Proficiency loading and Disability loading as separate streams, but does not address how schools support students who need both simultaneously. Service providers may lack cultural competence, disability assessment processes are not done in a way that is culturally sensitive and diagnoses from overseas may not be clear to Australian services or providers.

Recommendation 18: That Australia removes the exemption in the DDA as it applies to the Migration Act to ensure that Australia's migration arrangements and treatment of disability satisfy the equal protection obligations under CRPD Article 5; enhances consistency, transparency and administrative fairness for migrants and refugees with disability applying for an Australian visa and removes the 10-year qualifying period for migrants to access the Age and Disability Support Pensions.

c. Housing [253-266]

We are concerned about the lack of affordable, accessible housing for people with disability in Australia.⁵³ A key way to address this problem is to expand the supply of accessible housing by requiring that all new buildings meet minimum accessibility standards.

Recommendation 19: Australia must mandate the "Liveable Housing Design Silver Standard" in the National Construction Code across all states and territories and commit to a national housing plan that meets the needs of people with disability.

People with disability from CALD backgrounds

Australia's Report details various housing initiatives, including the \$10 billion Housing Australia Future Fund and Commonwealth Rent Assistance, but provides no data on housing outcomes for people with disability from CALD backgrounds.⁵⁴ Without disaggregated data, it is impossible to assess whether housing initiatives are reaching people with disability from CALD backgrounds or addressing their specific needs.

People with disability from CALD backgrounds face compounded discrimination in housing markets and experience intersectional discrimination in institutional and residential settings, domestic and community settings, and mainstream workplaces and recreational settings.⁵⁵

51 WWDA (2019) [Discrimination against migrants and refugees with disability](#), WWDA, accessed 13 January 2026.

52 DFAT (2023) [Sixth periodic report submitted by Australia under articles 16 and 17 of the Covenant](#), DFAT, Australian Government, accessed 13 January 2026.

53 Disability Royal Commission (2023) [Final Report Volume 7, Inclusive Education, Employment And Housing Part C](#), Disability Royal Commission, accessed 13 January 2026.

54 DFAT (2023) [Sixth periodic report submitted by Australia under articles 16 and 17 of the Covenant](#), DFAT, accessed 13 January 2026.

55 PWDA, NEDA and Federation of Ethnic Communities' Councils of Australia (FECCA) (2021) [The Experiences and Perspectives of People with Disability From Culturally and Linguistically Diverse Backgrounds](#), PWDA, NEDA and FECCA, accessed 13 January 2026.

Current bundled Supported Independent Living (SIL) from Specialist Disability Accommodation (SDA) arrangements disproportionately harm CALD participants by locking them into mainstream providers lacking cultural competence in areas such as dietary practices, religious observance, gender preferences for personal care, and family-centred approaches, while preventing them from advocating for better services without risking housing security.⁵⁶

Despite government commitments to 'explore' this reform through design consultations, no implementation timeline or policy mechanism has been established. This separation is particularly urgent for CALD people with disability, who face severe NDIS underrepresentation (9.2% participation vs ~25% expected) and compounded barriers to exercising choice and control due to language barriers, lack of culturally appropriate services and limited availability of bilingual and bicultural support workers.

Recommendation 20: That Australia ensures correct and accurate disaggregated data on housing outcomes and commits to the legal and practical separation of SIL from SDA to ensure independent providers deliver housing and support services.

d. Education [332], [335-341]

As outlined in the Disability Royal Commission section of this submission, we oppose the continued segregated education model in Australia and urge Australia to end segregation. We also note that students with disability generally experience lower satisfaction with tertiary education compared to students without disability. This results from poor understandings of disability, a lack of reasonable adjustments and a lack of sense of belonging.⁵⁷

Recommendation 21: That Australia amends the Disability Discrimination Act 1992 (Cth) to create a stand-alone duty to provide adjustments and establish a positive duty to prevent discrimination, which would apply to higher education institutions.

People with disability from CALD backgrounds

In addition, we note that Australia's Report states that 'In 2023, the Australian Government is providing around \$3.1 billion for Australian schools through the Schooling Resource Standard loading for students with disability.'⁵⁸ The report does not acknowledge that students with disability from CALD backgrounds face compounded barriers - both language and disability discrimination simultaneously.⁵⁹ Schools may attribute learning difficulties to language issues rather than identifying disability needs, and diagnoses from overseas may not be clear to Australian services or providers.⁶⁰

Recommendation 22: That Australia ensures that its funding models recognise and resource the intersectional needs of students with disability from CALD backgrounds; that

56 PWDA, NEDA and Federation of Ethnic Communities' Councils of Australia (FECCA) (2021) [The Experiences and Perspectives of People with Disability From Culturally and Linguistically Diverse Backgrounds](#), PWDA, NEDA and FECCA, accessed 13 January 2026.

57 People with Disability Australia (PWDA) (n.d.) [Pwda Submission Into New South Wales University Sector](#), PWDA, accessed 13 January 2026.

58 DFAT (2023) [Sixth periodic report submitted by Australia under articles 16 and 17 of the Covenant](#), DFAT, Australian Government, accessed 13 January 2026.

59 Barker, B (2023) 'EAL/D or an additional need? A cycle of learning, teaching and assessment to discern if an EAL/D student has additional needs to learning English', *Studies in Language Assessment*, 12(2):272, University of Melbourne, accessed 12 January 2026.

60 Nationally Consistent Collection of Data on School Students with Disability (NCCD) (n.d.) [Learning Differences, Learning Difficulties, Learning Disabilities and the NCCD](#), NCCD, Australian Government Department of Education, accessed 12 January 2026.

schools have capacity to simultaneously support language acquisition and disability-related needs; that disability assessment processes in education are culturally responsive and account for linguistic diversity; and that professional development for teachers includes an intersectional understanding of disability and cultural diversity.

e. Artificial Intelligence (AI) [355-361]

We are concerned about the lack of AI regulation in government decision-making, particularly in the context of reports that the Government's intends to automate NDIS plans.⁶¹ As outlined in a recent joint statement by Australian disability representative organisations:

'[Australia] lacks a comprehensive legal framework regulating the use of AI and automatic decision-making in public administration. Without regulation, there is no requirement for algorithms to be transparent, reviewable, or accountable. Issues such as privacy, data integrity, system resilience, and the risks associated with commercial AI providers remain unresolved.'⁶²

Recommendation 23: That Australia mandates greater transparency when automation AI is used in government decision-making and co-designs algorithms and processes with people with disability.

Recommendation 24: That all decision-making related to essential (housing, healthcare, NDIS, income support, education) must include human-in-the-loop with the authority to review and alter decisions that are contrary to wellbeing.

Recommendation 25: That Australia introduces regular expert human audits of issues raised by customers, especially those from marginalised communities, and evaluates automated decisions to improve automation AI performance and that annual audit reports of AI and automated systems are published.

People with disability from CALD backgrounds

People with disability from CALD backgrounds are among the most excluded from digital participation.⁶³ Most assistive technologies are available only in English and screen readers and communication devices rarely support community languages.⁶⁴ The intersection of language barriers and disability accessibility requirements creates severe digital exclusion.

Further, AI hiring systems offer employers a faster and cheaper way to screen candidates. However, a new study from the Melbourne Law School researcher Dr Natalie Sheard warns that these systems could unintentionally be entrenching discrimination against women, people with disability, and culturally diverse applicants.⁶⁵

61 Lyons, Kate (2025) '[NDIS plans will be computer-generated, with human involvement dramatically cut under sweeping overhaul](#)', *The Guardian*, 2 December 2025

62 Disability Royal Commission (DRC) (2023) [Final Report Volume 7, Inclusive Education, Employment And Housing Part C](#), DRC, accessed 13 January 2026.

63 Soldatic K, Lee M, Tunggal E, Liao A and Magee L (2025) '[Rethinking digital and AI inclusion: participatory and intersectionality-informed methods for disability and migrant justice](#)', *Frontiers in Sociology*, 10:1593330, doi:10.3389/fsoc.2025.1593330.

64 Amery R, Thirumanickam A, Barker R, Lowell A, Theodoros D and Raghavendra P (2022) '[Developing augmentative and alternative communication systems in languages other than English: a scoping review](#)', *American Journal of Speech-Language Pathology*, 31(6):2900–2919, doi:10.1044/2022_AJSLP-21-00396.

65 Sheard N (2025) 'Algorithm-facilitated discrimination: a socio-legal study of the use by employers of artificial intelligence hiring systems', *Journal of Law and Society*, 52(2):269–291, doi:10.1111/jols.12535.

Recommendation 26: That Australia ensures that its AI ethics frameworks explicitly address intersectional discrimination, that AI systems must undergo accessibility and cultural safety audits, that digital inclusion strategies must address CALD-specific barriers and that assistive technologies are multilingual.

Women and girls with disability

We are similarly concerned about the gendered impacts of artificial intelligence on women and gender-diverse people with disability, particularly in employment and healthcare. AI systems used in recruitment, workplace monitoring, and performance assessment are producing patterned exclusion of women and gender-diverse people with disability through biased productivity metrics, inaccessible assessment tools, and algorithmic interpretations of work histories that penalise disability-related interruptions or flexible work arrangements.⁶⁶

WWDA's evidence also shows that AI used to draft patient notes emphasises men's health needs and minimises symptoms more common among women, which is particularly harmful for women with disability who already face diagnostic overshadowing and delayed care.⁶⁷

The absence of enforceable, gender-responsive regulation risks entrenching discrimination against women with disability, undermining Australia's obligations under the ICESCR, including the rights to equality, work, and health.

⁶⁶ WWDA (2025) [Disability Discrimination Act Review](#), WWDA, accessed 13 January 2026.

⁶⁷ WWDA (2025) [Disability Discrimination Act Review](#), WWDA, accessed 13 January 2026.