



The Impact of Legislation and Conventions on Disability Employment Outcomes in Australia

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Abstract

Objectives This paper examines the impact of legislation on the employment of people with neurodevelopmental disorders within Australia with reference to the Australian and International Conventions. It examines options for employment support that respect the human rights and dignity of persons with a disability.

Methods An examination of disability employment data, legislation and policy that underpins disability employment in Australia was conducted. This was compared to outcome data from a select number of the Organization for Economic Cooperation and Development countries (OECD) to understand the current state of employment for people with a disability.

Results Disability employment data highlights little long-term change in employment rates. This is despite significant legislation supporting employment and the rights of persons with a disability to engage in employment. It suggests that legislation does not support policies and practices that promote open employment opportunities and economic citizenship for persons with a disability.

Conclusions Despite significant government investment to improve employment rates for persons with a disability, there is a disconnect between the legislation, policy and practice methods that supports the rights of persons with a disability to pursue employment justice. Measured against selected data from OECD countries, disability employment falls short of the expectations of people with a disability. There is a need to align disability employment policy and practice to ensure that disability employment systems focus on individual success rather than system outputs.

Keywords Legislation · Disability · Employment · NDIS · Australia

Employing people with a neurodevelopmental disorder is considered a human rights issue and an economic imperative. This has led to the widespread use of legislation and agreement to global conventions such as the UNCRPD, article 27 (United Nations, 2006) to facilitate and, in some ways, legitimise the employment of people with a disability. Open employment (equal wages and conditions as non-disabled persons) is seen as the gold standard for employment and has seen significant investment by governments globally in creating employment support services and incentives for employers to employ a person with a neurodevelopmental

disorder. Despite these investments, employment rates in Australia and many countries globally have yet to lead to significantly increased employment rates among people with neurodevelopmental disorders. The employment rate for working-age people with a disability (PWD) was 48% compared to people without a disability, which was 80% (Australian Institute of Health and Welfare, 2021). The comparable published data from 2009 had an employment rate of 50% for PWD and 78.6% for people without a disability (Australian Bureau of Statistics, 2009). By any measure, employment rates have stagnated for people with a disability in Australia. By comparison, employment rates for people with a disability in the UK over the past four years have stood at 53% on average, similar to Canada. Across the OECD countries (OECD, 2022), the employment rate averages 44%, with a low point of 29% in Spain, rising to 58% in Switzerland. The OECD stated that the gap between mainstream and disability employment has remained constant over the past decade (OECD, 2022). By any measure,

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employment rates reflect a failure of countries to address employment support in any meaningful way.

Employment for people with a disability in Australia has relied on two traditional pathways: the Disability Employment Service and Disability Enterprises (formerly known as sheltered employment); however, the enactment of the National Disability Insurance Scheme Act 2013 (*NDIS Act*) has seen an increase in alternative pathways to employment evolve. The NDIS is viewed as a conduit to these pathways rather than an alternative that supports choice and control, as detailed within the NDIS Act. Measured against existing employment data that highlights stagnant employment growth, it raises the question of whether our current system of measuring provider compliance (outputs) as a measure of success is appropriate policy and whether how it is measured reflects the actual employment situation.

Disability Policy, Legislation and Employment Practice

Following the landmark New Directions Report (Grimes, 1985), which recommended the establishment of open employment services, the Australian Federal Government introduced the Disability Services Act 1986 (*DSA 1986*) to provide a framework for funding and delivering disability support services, with paid employment noted as one of the outcomes. Various amendments along the way have reflected changes in government policy positions and, to a degree, maintained its currency in a changing environment. The *DSA 1986* is supported by the Disability Discrimination Act 1992 (*DDA 1992*), which covers the rights of people with a disability. One of the outcomes of the *DSA 1986* was the National Disability Service Standards which apply to all services funded through the Commonwealth State Territory Disability Agreement (*CSTDA*). At the time of its introduction, there were an estimated half a million people with a disability in Australia; today, that number exceeds four million persons.

The Developmental Disabilities Act of 1984 (*DDA, 1984*) established open or supported employment in the USA as a priority for federally funded state planning councils. It aimed to ensure that persons with developmental disabilities achieve their maximum potential through increased independence, productivity and integration into the community. Productivity is defined as an engagement in income-producing work, with the Act evolving to include aspects of an individual, such as self-determination and inclusion in all facets of community life. This now includes their families' involvement in designing and accessing needed community services, individualised support and other forms of assistance. The Workforce Innovation and Opportunity Act 2014 added further weight to efforts to support people with

disability, among others with barriers to finding and maintaining high-quality employment in the USA. The evolution of legislation and policy in Australia and the USA followed similar pathways.

The New Directions Report highlighted that the bulk of government employment support in Australia has been directed towards sheltered employment, noting that this type of employment “were assumed to be able both to train people for competitive employment and to provide long-term supported employment with reasonable wages to those who would always need to work in a sheltered environment. This has not worked” (p. 36). Transition to open employment by participants in sheltered workshops and their replacement, Disability Enterprises are essentially non-existent. Researchers have argued the need to reform laws that entrench the unequal treatment of people with a disability in these settings and support a transition that supports enhanced dignity, equality and self-determination (Steele, 2023). Measured against Convention on the Rights of Persons with Disabilities 2006, section 27 (United Nations, 2006), discrimination in employment like this should be an urgent priority for governments and the community.

The current version of the *DSA 1986* supports the promotion of services, innovation in service delivery and achieving positive outcomes such as employment, independence and community integration, all balanced against the capacity of the government to fund these objectives. The Disability Service Standards state that competitive employment training and placement services mean services (also known as open employment services) to assist persons with disabilities in obtaining and retaining or retain paid employment in the workforce and include (a) services to increase the independence, productivity or integration of persons with disabilities in work settings; (b) employment preparation and employment and vocational training services; and (c) services to assist the transition of persons with disabilities from special education or employment in supported work settings to paid employment in the workforce. This section is benchmarked against the Convention on the Rights of Persons with Disabilities 2006, section 27 (United Nations, 2006).

While the Convention on the Rights of Persons with Disabilities 2006, section 27 (United Nations, 2006) highlights a direction that supports people with a disability to pursue employment, what is missing is any reference to the knowledge and skills required by employment staff to facilitate employment. The Australian Government Bureau of Statistics does not recognise disability employment within the current Australian and New Zealand Standard Classification of Occupations (*ANZSCO*). It is currently grouped under the broad category of Disability Services Officer, which is described as “Works in a range of service units which provide education and community access to people with intellectual, physical, social and emotional disabilities”

(Australian Bureau of Statistics, 2023). The absence of formal recognition and defined standards may contribute to poor outcome rates. It has been hypothesised that a lack of knowledge of evidence-based practices may be a contributing factor to disability employment consultants not using certain practices, along with the high staff turnover that is common to disability employment (Brock et al., 2016; Migliore et al., 2010; Smith, 2018). Proposed changes to the ANZSCO categories that create the occupational description of Disabilities Employment Consultant may support the profession's development and the creation of knowledge and educational requirements. The DSA defines employment services as a service for persons with disabilities that either provides or facilitates access to wage-generating employment for most clients or has as its primary goal the achievement of paid employment for its clients. The legislation makes provision for the government to fund research into the provision of employment services, which needs to be included realistically. The recently released Commonwealth Budget 2022-23 (Cth) allocates \$1.1M for further discussion in this area (p. 205).

The Act (DSA) is straightforward and not overly prescriptive on how services should be delivered. In that sense, it supports choice and control in delivering service but is quiet on who exercises choice and control, the service provider or the person with a disability. The Disability Service Standards are based on human rights and quality management principles that underpin person-centred approaches (Australian Government (NSDS) 2013, p. 8). They make no mention of any particular service type and are a broad set of guidelines with practice indicators similarly broad. However, they describe outcomes as “the impact or result of a service or support, such as an improvement in an individual's well-being. ‘Outcomes’ can be distinguished from ‘outputs’. Outputs describe the delivery of services or supports, such as providing training. Outcomes can be short-term (such as an individual being involved in service planning) through to long-term (such as an individual finding employment after completing a course)” (NSDS 2013, p. 8). This distinction between outcomes and outputs, outcomes being the impact of or result of service or support, supports the notion that we may not be measuring the right thing. The current system of measurement focuses on measuring the efficiency and effectiveness of the system in delivering services against the *Disability Employment Services Grant Agreement 2022*. The outcome is the Star Rating System of ranking disability employment service providers.

Disability Employment Services in Australia is administered via the *Disability Employment Services Grant Agreement 2022* (DESGA), which sets out the terms that a service provider will deliver. It states that the objective of the service is to improve the nation's productive capacity by employment participation of people with disability, thereby

fostering social inclusion (DESGA 2022, p.11). The grant agreement is highly prescriptive of the arrangement between the government and the service provider and their obligations, with the participant viewed through the lens of their obligations to engage with and receive continuing support. There is no mention of practice models or the need to use evidence-based practices. The current disability employment program does not measure the impact of the service intervention on the participant's life or how social inclusion is achieved. The current standards are the subject of review, with public submissions accepted in 2023.

After a public advocacy campaign by the disability community through the early part of this century, the Australian Federal Government introduced the National Disability Insurance Scheme Act 2013 (NDIS Act). The NDIS facilitates a universal national disability support program that offers greater choice and control for scheme participants. Employment within the Act is nominally referred to as “economic participation” and is one of the Act's objectives to be achieved in equal parts with independence and social participation. The Act does not state any proportion or level of economic participation that a scheme participant should achieve. The Act states that providing high-quality, innovative support is an objective; however, more guidance is needed on what employment success looks appropriate and is left to the individual to determine.

The general principles stated in the NDIS Act are broad and person-centred, giving prominence to choice and control and, importantly, the capacity to exercise this in taking risks. This is particularly relevant for planners and providers who take a carer mindset and believe it is their role to eliminate risk from the clients' lives contrary to the Act, which states that people with disability have the same right as other members of Australian society to determine their best interests, including the right to exercise choice and control and to engage as equal partners in decisions that will affect their lives to the full extent of their capacity. Service users frequently mention this sentiment as fundamental to effective service provision (Dickinson et al., 2022, p. 3). In this same section, the Act states that innovation, quality, continuous improvement, contemporary best practices and effectiveness in supporting people with disability are to be promoted. This is funded by the scheme grants program, which is about supporting innovation. However, most examples of innovation to date replicate existing programs or take mainstream programs and add elements of disability, which in turn makes success unlikely. Within the current federal budget, funding is directed away from broad sector innovation and towards the National Autism Strategy.

Legislation needs sound policy and practice frameworks to make legislative intent real. Shogren et al. (2017) stated that disability policy is about advancing personal outcomes for people with disabilities. They argued for an integrated

approach to policy development that provides direction for policy development, implementation and evaluation by aligning policy goals with personal outcome domains, factors that influence outcome domains, support strategies that enhance outcome domains and personal outcome indicators that guide policy evaluation (p. 259). Within Europe, the OECD (OECD, 2022), in its most recent review of Disability, Work and Inclusion, noted that “the single biggest problem with disability policy is that the intervention is coming too late: when employment is no longer an option, or after having missed opportunities to ensure equal treatment, equal skills development and equal labour markets transitions” (p. 14). They maintain that a disability-inclusive approach in mainstream settings (services, education, institutions, youth and labour markets) would shift all policies to an early intervention approach and help achieve better outcomes.

Parmenter (1991) wrote that research conducted by his group into the Disability Services Act 1986 highlighted that five years after its implementation, service providers, parents and consumers still did not clearly understand the Act (Parmenter, 1991, p. 4). This lack of awareness was attributed to failures by those that wrote the legislation to understand consumers and service providers to have an open two-way dialogue with families. They had created an us or them approach when collaboration would have provided the basis for better practice and outcomes. Research by Mellifont et al. (2022) into the NDIS highlighted a need for more access to information, advocacy and support as barriers to accessing support. They cite the need for a whole of government approach to address barriers and the need to research and co-design meaningful, evidence-based solutions with all stakeholders. For three decades, an unmet need for education and information remains, which can be seen as barriers to improving service outcomes.

The NDIA has attempted to address some of these barriers by creating the NDIS Quality and Safeguards Commission (NQSC). The NDIS Quality and Safeguards Commission was established to bring together various quality and safeguards functions under a single agency, with a suite of education and regulatory powers that will apply across Australia. This will improve consistency in regulation and registration for providers in different states and territories. The NQSC explicitly states that it does not regulate the National Disability Insurance Agency (NDIA) and that participants and service providers should make any complaint directly to the NDIA. Examining the Commission’s website reveals a host of policies relating to service delivery and compliance. The Commission does not regulate employment service provision, with its stated objective being its responsibility for the investigation, management, conciliation and resolution of complaints and the promotion of nationally consistent approaches and higher standards related to the supports and services of NDIS providers. Absent are policies that regulate

and guide NDIS planner decisions regarding participant funding. Every disability service organisation has a policy officer; however, no one has reported sighting NDIS policies that guide NDIS staff regarding decisions to approve or deny plans and who can be admitted into the system.

Collectively across Australia’s federal and state governments, there is strict adherence to the definition of policy, which is a statement of intent to act. It could be argued that this is designed to give the appearance of support for people with a disability. With the unchanged outcome rates for disability employment, there is a need for a cohesive set of policies available in the public domain: policies that government agencies must adhere to and use to justify their decisions and actions and policies that providers must adhere to and be answerable to people with a disability.

Tune (2019) highlighted the need for participants to access information about the NDIS and their plans that is clear, accurate, consistent, up-to-date, easy to understand and available in formats that meet their needs (p. 11). It should also include operational policies that guide decisions, making the process transparent and open. This information should also educate the public about our understanding of disability. Multiple models of disability have changed and moved according to science and sentiment. Mitra (2006) suggested that the absence of a consensus view of disability was not such a bad thing, as it may be representative of the diversity of disability (p. 236).

Mitra argued that Sen’s (1985) capability approach to disability, in which disability is understood as a “practical opportunity” rather than a physical or mental ability, provided a better framework. Mitra wrote: “Functioning is the actual achievement of the individual, what he or she actually achieves through being or doing. Here, disability can be understood as a deprivation in terms of capabilities or functioning that results from the interaction of an individual’s (a) personal characteristics (e.g., age, impairment) and (b) basket of available goods (assets, income) and (c) environment (social, economic, political, cultural).” (p. 237). Mitra highlighted how, in Sen’s approach, the focus is on a person’s interests rather than their actions or behaviours. Mitra highlights how Sen distinguishes two ways of viewing a person through the lens of personal interests and personal fulfilment, these being well-being and advantage. Sen defined well-being as being concerned with functioning or what a person can achieve. Advantage is significant as Sen defined advantage as the opportunities presented to a person to which they are free to choose. The freedom to choose is the actual capability. Mitra noted that the cost of achieving capability would vary according to a society’s capacity to afford such capability.

Disability employment and support in Australia have a long history of change driven by political sentiment and ideology, such as workfare policies (Soldatic & Chapman,

2010). The NDIS and DES programs are not immune to this. Blatt (1981) wrote: “One of the characteristics of political activity is that it can seldom expect to succeed by boldly seeking its final goal. A program must be broken down into politically feasible steps. This is partly necessary because society would repel any attempt at wholesale change - it must be urged and lured by small, often circuitous, steps towards the larger goal. However, in a still more significant part, this is necessary because social change goals are invariably unclear. Not only is it difficult to specify what we wish, but it is also usually impossible to anticipate what the achievement of our wish would bring in actual practice” (p. 328). Is our failure to develop a policy that genuinely offers opportunities to innovate in practice driven by our fear that we may succeed in developing an educated public? Consider that in the context of the three disability employment systems that we have in Australia. We have DES, Australian Disability Enterprises (ADE), the current iteration of sheltered workshops, and the NDIS, recognising, of course, that the NDIS is not viewed as a legitimate pathway to employment, just a funding conduit to the existing services. None are perfect, all have fallings, and all provide services to unique cohorts of clients, but the real heart of it is that the NDIS has the potential to cover all the client cohorts.

Over the past twenty years, Individual Placement and Support (IPS) and customised employment (CE) have emerged in the USA from the supported employment movement as the two recognised practice methods. Supported employment, or open employment as it is called in other domains, is the movement of employment from segregated settings to community-integrated settings. IPS is a recognised evidence-based practice, while customised employment is a promising emerging practice that supports individualised approaches to employment support. Both are recognised in legislation in the USA and receive the support of the US Department of Labor. In practice, they are very similar; however, due to the different advocates for their use, they have focused on specific cohorts of people with a disability, with IPS migrating from its original origins in general disability employment and vocational rehabilitation to taking a specific focus on people with severe mental illness. At the same time, CE came out of the person-centred practice community with its original focus on people with intellectual and developmental disabilities.

In Australia, IPS primarily resides within the Headspace mental health community, with satellite applications such as the Work First approach used in the broader disability community. Customised employment is gaining traction across the NDIS community of practice due to the efforts of organisations such as the Centre for Disability Employment Research and Practice (CDERP) with the support of international pioneers such as Griffin-Hammis and Associates. Despite this, the absence of legislative or policy

support makes the uptake of evidence-based practices with fidelity to the evidence questionable. IPS globally is driven by proponents such as Becker and Drake (1993), the IPS community founders in the USA. Based on the established principle that work is an essential intervention for people with severe mental illness (Bond et al., 2020), it is based on eight principles that underpin good practice. Research has demonstrated efficacy across several countries and cohorts, such as schizophrenia and bipolar disorder (Modini et al., 2016). Current research is focused on extending its use to neurodevelopmental disabilities. In Australia, CDERP, through its Work First program, has developed a version for employment staff working in non-mental health settings such as regional areas. At the same time, the CE model includes workplace counselling for clients with neurodevelopmental disabilities. This is described as a promising practice with research about to begin to measure the effectiveness of this approach. Existing evidence for using CE with neurodevelopmental disabilities such as autism (Chen et al., 2014) has shown its efficacy in supporting the person with a disability and the employer. This requires further research to ensure that autism-specific strategies are incorporated into practice.

The evolution of the practice model for CE mirrors similar efforts being undertaken globally, with research showing its efficacy across a broad range of disabilities, including psychiatric disability (Kim et al., 2022). Despite these efforts, the IPS and CE community and researchers continue to call for government policy that supports fidelity to the evidence for good practice and the proper funding of emerging and established evidence-based practice models. At the very least, government policy should endorse Article 27 (United Nations, 2006) as a benchmark for measuring practice. Given the connection between legislation, policy and practice, our current failure to reach the potential of the various acts lies in the disconnect between the three elements. The legislation is satisfactory; however, decades of government policy intervention have effectively layered policy on policy and rendered the capacity to make change moot. Service provider interests have been preferred over people with a disability and their needs, with the government reluctant to go back to the legislation and create policies that meet the end user’s needs. In part, this may reflect the three-year election cycle and the self-interest of politicians.

We expect to align practice with client expectations that support natural client choice and control. We have reasonable policies (intent) and significant legislation (law). What is missing is a practice that is practical, affordable and easy to understand by clients and supported by sound policy. By missing, I do not mean that we are absent practice models. We need a more precise understanding of the bureaucracy of their role in supporting clients and providers to operate with trust and integrity. Planners and Local Area Co-ordinators (LAC) need to open dialogue with clients and providers to

understand two things: (a) What does the client need? and (b) Can the provider deliver a service that satisfies that need? If these conditions can be satisfied, the bureaucracy must ensure that nothing illegal is happening, adequately fund the service provision and collect data. The data will support the evolution of government policy and also provides opportunities to validate empirical practice that works. It also highlights the need for evidence from service providers that they use practice models with fidelity to the evidence for good practice. At the same time, this can be reinforced by measuring the impact of employment on the individual at a personal level, as recommended by significant numbers of researchers over the years (Shogren et al., 2017; Smith, 2018; Smith & Parmenter, 2023). This change can also apply to the disability employment system more broadly.

Current systems can evolve by educating planners, LAC and employment support staff on the various employment practices and educating families and clients so that they are aware of multiple pathways and that they exist outside the current legacy systems. Yes, we have done much of that, but if everything has stayed the same, then what we did was unnecessary. The Tune Review (Tune, 2019) of the NDIS Act 2013 acknowledged as much when it stated that “Give the NDIA more flexibility to support families to build their capacity in understanding the needs of their child and exercise informed choice and control” (Tune, 2019, p. 9). The bureaucracy needs to change its stance to one where it recognises that its role is to turn intent into action, not act as guardians or carers, underpinned by action that supports Australian legislation and our obligation to Article 27 (United Nations, 2006). An educated, supported society is free to act with volition and self-determination. Are we measuring the actual state of disability employment and is what we are measuring the right thing to measure? Given the disconnect we have between legislation, policy and practice, the answer at this point is no. This highlights an urgent need for research into alternative outcome measures that focus on the impact of employment on the individual rather than our current system, which measures system outputs.

Data Availability No data are presented in this paper.

Declarations

Conflict of Interest The author declares no competing interests.

References

- Australian Government. (2022). *Disability Employment Services Grant Agreement*. Australian Government Retrieved from <https://www.dss.gov.au/freedom-of-information-operational-information-disability-employment-and-carers-group/des-grant-agreement>
- Australian Bureau of Statistics. (2009). *4446.0 - Disability, Australia, 2009*. <https://www.abs.gov.au/ausstats/abs@.nsf/lookup/4446.0main+features92009>
- Australian Bureau of Statistics. (2022). *4117 Welfare Support Workers*. ABS <https://www.abs.gov.au/statistics/classifications/anzsco-australian-and-new-zealand-standard-classification-occupations/2022/browse-classification/4/41/411/4117>
- Australian Government. (2023). *Budget measures, budget paper 2*. Australian Government Retrieved from https://budget.gov.au/content/bp2/download/bp2_2023-24.pdf
- Australian Institute of Health and Welfare. (2021). *Australia's welfare 2021 data insights*. Australia's welfare series no. 15. Cat. No. AUS 236. AIHW. <https://www.aihw.gov.au/reports/australias-welfare/australias-welfare-2021-data-insights/data>
- Becker, D. R., & Drake, R. E. (1993). *A working life: The individual placement and support (IPS) program*. New Hampshire-Dartmouth Psychiatric Research Center.
- Blatt, B. (1981). *In and out of mental retardation. Essays on educability, disability, and human policy*. University Park Press.
- Bond, G. R., Drake, R. E., & Becker, D. R. (2020). An update on individual placement and support. *World Psychiatry, 19*(3), 390–391. <https://doi.org/10.1002/wps.20784>
- Brock, M. E., Cannella-Malone, H. I., Schaefer, J. M., Justin Page, E., Andzik, N. R., & Seaman, R. L. (2016). Efficacy of training job coaches to implement evidence-based instructional strategies. *Journal of Vocational Rehabilitation, 45*(3), 351–364. <https://doi.org/10.3233/jvr-160835>
- Chen, J. L., Leader, G., Sung, C., & Leahy, M. (2014). Trends in employment for individuals with autism spectrum disorder: A review of the research literature. *Review Journal of Autism and Developmental Disorders, 2*(2), 115–127. <https://doi.org/10.1007/s40489-014-0041-6>
- Dickinson, H., Yates, S., & West, R. (2022). *Exercising meaningful choice and control in the NDIS: Why participants use unregistered providers*. University of New South Wales.
- Developmental Disabilities Act *Developmental Disabilities Act of 1984 (DDA)*, 1984. <https://www.aucd.org/docs/urc/DD%20Act%20of%201984.pdf>
- Disability Discrimination Act. (1992). *Disability Discrimination Act 1992*. <https://www.legislation.gov.au/Details/C2018C00125>
- Disability Services Act. (1986). *Disability Services Act 1986*. <https://www.legislation.gov.au/Details/C2018C00146>
- Grimes, D. (1985). *New directions: Report of the handicapped programs review* (p. 1985). Australian Government Publishing Service.
- Kim, J., Inge, K., Keeton, B., Riesen, T., Castruita-Ross, Y., & Tansley, T. (2022). Use of customised employment in state vocational rehabilitation programs: a retrospective study 2017–2020. *Rehabilitation Counseling Bulletin, 66*(3), 003435522211403.
- Mellifont, D., Hancock, N., Scanlan, J. N., & Hamilton, D. (2022). Barriers to applying to the NDIS for Australians with psychosocial disability: A scoping review. *Australian Journal of Social Issues*. Advance of Print. <https://doi.org/10.1002/ajs4.245>
- Migliore, A., Cohen Hall, A., Butterworth, J., & Winsor, J. (2010). What do employment specialists really do? A study on job development practices. *Research and Practice for Persons with Severe Disabilities 2010, 35*(1-2), 15–23. <https://doi.org/10.2511/rpsd.35.1>
- Mitra, S. (2006). The capability approach and disability. *Journal of Disability Policy Studies, 16*(4), 236–247. <https://doi.org/10.1177/10442073060160040501>
- Modini, M., Tan, L., Brinchmann, B., Wang, M. J., Killackey, E., Glozier, N., Mykletun, A., & Harvey, S. B. (2016). Supported employment for people with severe mental illness: Systematic review and meta-analysis of the international evidence. *The British Journal of Psychiatry, 209*(1), 14–22. <https://doi.org/10.1192/bjp.bp.115.165092>

- National Disability Insurance Scheme 2013 *National Disability Insurance Scheme Act 2013*. (Cth). <https://www.legislation.gov.au/Details/C2022C00206>
- National Standards for Disability Services. (2013). *National Standards for Disability Services* (DSS 1504.02.15 Version 0.1). Australian Government. Retrieved from https://www.dss.gov.au/sites/default/files/documents/05_2021/nsdsfullversion-may-2021.pdf
- NDIS 2022 NDIS Quality and Safeguards Commission (NQSC). <https://www.ndiscommission.gov.au/about/what-we-do>
- OECD. (2022). *Disability, work and inclusion: Mainstreaming in all policies and practices*. OECD Publishing.
- Parmenter, T. R. (1991). Has social policy left research behind? *Australia and New Zealand Journal of Developmental Disabilities*, 17(1), 1–6. <https://doi.org/10.1080/07263869100034221>
- Sen, A. K. (1985). *Commodities and capabilities*. Springer.
- Shogren, K. A., Luckasson, R., & Schalock, R. L. (2017). An integrated approach to disability policy development, implementation, and evaluation. *Intellectual and Developmental Disabilities*, 55, 258–268. <https://doi.org/10.1352/1934-9556-55.4.258>
- Smith, P. J. (2018). *A systems analysis of factors that lead to the successful employment of people with a disability*. Doctoral Thesis., University of Sydney.
- Smith, P., & Parmenter, T. R. (2023). Measuring the impact of employment on persons with a disability as a means of improving the quality of employment outcomes. *Journal of Health and Rehabilitation Sciences*, 2(1), 1–15. <https://doi.org/10.33700/jhrs.2.1.61>
- Soldatic, K., & Chapman, A. (2010). Surviving the assault? The Australian disability movement and the neoliberal workfare state. *Social Movement Studies*, 9(2), 139–154. <https://doi.org/10.1080/14742831003603299>
- Steele, L. (2023). Law and disability supported employment in Australia: The case for ending segregation, discrimination, exploitation and violence of people with disability at work. *Monash University Law Review*, 49(1). Advance of Print.
- Tune, D. (2019). *Review of the National Disability Insurance Scheme Act 2013: Removing red tape and implementing the NDIS participant service guarantee*. <https://www.dss.gov.au/disability-and-carers-programs-services-for-people-with-disability-national-disability-insurance-scheme/review-of-the-ndis-act-report>.
- United Nations. (2006). *Convention on the rights of persons with disabilities*. Available at: <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons>.

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