



Advancing an accessible and inclusive Australia





VCOSS submission to the National Disability Strategy Position Paper

October 2020

The Victorian Council of Social Service is the peak body of the social and community sector in Victoria.

VCOSS members reflect the diversity of the sector and include large charities, peak organisations, small community services, advocacy groups and individuals interested in social policy.

In addition to supporting the sector, VCOSS represents the interests of Victorians experiencing poverty and disadvantage, and advocates for the development of a sustainable, fair and equitable society.

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VCOSS acknowledges the traditional owners of country and pays respect to past, present and emerging Elders.

This document was prepared on the lands of the Kulin Nation.

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Overview

The Victorian Council of Social Service (VCOSS) welcomes the opportunity to respond to the National Disability Strategy Position Paper released by the Department of Social Services. VCOSS is the peak body for social and community services in Victoria. As part of our sector leadership, VCOSS advocates for systemic change to improve the lives of people with disability. VCOSS supports over 40 Victorian disability advocacy organisations to undertake collaborative systemic advocacy as part of the 'Empowered Lives' campaign.¹

The National Disability Strategy 2010-2020 was the first of its kind in Australia. The Strategy was developed to unify and coordinate whole-of-government and community-wide approaches towards meeting Australia's commitments as a signatory to the United Nations Convention on the Rights of Persons with Disabilities (CRPD). The CRPD provides a roadmap for the social transformation required to eliminate inequality, discrimination and segregation, yet since its adoption over ten years ago, the disability rights movement continues to fight for the CRPD to be meaningfully enacted² – its promise is yet to be realised in our National Disability Strategy.

The aspirations of the first Strategy to guide government activity and policy, increase visibility of key issues, and improve outcomes for people with disability were ambitious. The disability policy landscape has changed significantly over the past decade, most notably through the introduction of the National Disability Insurance Scheme (NDIS). However, as identified by a Senate inquiry, an independent review and the Stage 1 consultation report, the implementation of the first Strategy and its influence on outcomes over the past ten years is unclear, uneven and inconsistent.³

Collaboration and clarity have never been more important. Recent emergencies, including bushfires and the ongoing COVID-19 pandemic, have magnified and intensified the barriers and issues experienced by people with disability.⁴ The ongoing Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability will also inform areas for systemic change across a range of policy domains. We call on all levels of government to work together to strengthen the scope, influence and accountability of the next Strategy to ensure the rights of all Australians with disability are respected, promoted and realised.

¹ Empowered Lives, empoweredlives.vcoss.org.au.

² R Kayess and T Sands, *Convention on the Rights of Persons with Disabilities: Shining a light on Social Transformation*, 2020.

³ Senate Community Affairs References Committee, *Delivery of outcomes under the National Disability Strategy 2010-2020 to build inclusive and accessible communities*, November 2017; L Davy et al, *Review of implementation of the National Disability Strategy 2010-2020*, August 2018; Australian Department of Social Services, *Consultation report - to help shape the next National Disability Strategy (beyond 2020)*, December 2019.

⁴ VCOSS, [Equitable and inclusive emergency planning and responses](#), August 2020.

Summary of recommendations

Build on the foundations of the first National Disability Strategy

- Retain the outcome areas of the first Strategy to support consistency, accountability and measurement.
- Update the vision of the next Strategy to make it inclusive of all Australians with disability.
- Ensure the human rights of people with disability are at the forefront, and embedded throughout, the next Strategy.

Improve and strengthen the next National Disability Strategy

Develop authentic, actionable and measurable guiding principles for inclusive policy design and implementation

- Work with people with disability, their families and carers, priority populations, advocates and organisations to co-design a robust, best-practice engagement framework to complement the guiding principles.
- Promote broad use of the engagement framework across government and non-government sectors to ensure people with disability, families and carers are deeply engaged in decisions that affect their lives.
- Ensure universal design principles and related outcomes feature prominently in the next Strategy to promote understanding and adoption in physical and digital environments.

Increase emphasis on improving community attitudes

- Develop and fund targeted, evidence-based and co-designed personal, organisational and structural initiatives to increase awareness of the rights of people with disability.
- Monitor and evaluate the effectiveness of funded community awareness initiatives through ongoing engagement with people with disability, targeted surveys and research, and by examining discrimination data.
- Raise the profile of the Strategy itself across government, businesses, organisations and the wider community.

Clarify government roles and responsibilities to deliver better outcomes

- Work in partnership with states and territories to thoroughly review and resolve government and system roles and responsibilities for supporting people with disability.
- Establish a new, fit-for-purpose National Disability Agreement.
- Share clear, accessible information about roles and responsibilities to ensure people can access support and exercise their rights.

Commit to strengthen and improve safeguarding mechanisms

- As a priority of the next Strategy, commit to collaborative, comprehensive work to address and eliminate violence, abuse, neglect and exploitation of people with disability.
- Ensure the next Strategy is responsive to the findings and recommendations of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

Quality and safeguarding mechanisms

- As priorities for the next Strategy, commit to:
 - review, enhance and resource quality and safeguarding mechanisms to ensure comprehensive protections are in place to support and protect all Australians with disability
 - develop and widely promote clear and accessible pathways for people with disability, allies and the wider community to raise concerns and make complaints
 - establish a national independent oversight body for complaints and monitoring systemic issues
 - implement nationally consistent workforce safeguarding mechanisms, including worker screening, registration, and training requirements.

Independent disability advocacy

- In the next Strategy, recognise independent disability advocacy and self advocacy as a valued and vital part of Australia's safeguarding eco-system.
- In collaboration with the disability advocacy sector, review and clarify government resourcing responsibilities to increase the coverage, reach and access to disability advocacy and self advocacy support.

Disability discrimination legislation

- In consultation with people with disability and allies, review and strengthen the coverage and powers of disability discrimination legislation to meet Australia's obligations under the UN CRPD.
- Enhance compliance, accountability and oversight mechanisms to embed and enforce disability discrimination legislation, ensure complaints can be easily made, and enable monitoring and reporting on systemic trends.
- Adequately fund disability advocacy organisations to undertake and participate in systemic advocacy, including for ongoing engagement with the next Strategy.

Promote consistency in disability policy and planning

- Work with states and territories to develop and promote a consistent structure and outcomes framework for the next Strategy to enhance coordination and reporting.
- Increase engagement of local governments in supporting the vision and goals of the next Strategy through localised, measurable action planning and resources.

Engage the non-government sector in the next Strategy

- Actively engage the non-government sector in the development of the next Strategy.
- Increase knowledge of and compliance with disability discrimination legislation and guidelines across the non-government sector.
- Review sector trends and issues and leverage findings to drive targeted, collaborative action.
- Encourage the non-government sector to develop action plans aligned to the vision and outcomes of the Strategy.

Drive action and accountability through the next National Disability Strategy

Review and resource the leadership, coordination and implementation of the next Strategy

- Explore options to strengthen governance and accountability for the next Strategy.
- Ensure people with disability, families, carers, and advocates are engaged and employed in developing, implementing and monitoring the next Strategy.
- Develop realistic and actionable implementation plans to address the issues, barriers and priorities identified by people with disability, families and carers, and advocates.
- Complement the work of implementation plans with evidence-based, specific and measurable Targeted Action Plans.

Measure, report on and respond to key outcomes

- Through a co-design approach, develop a clear and comprehensive outcomes measurement framework for the next Strategy.
- In partnership with states and territories, identify, define and assign reporting responsibilities for performance indicators.
- Fund data and research initiatives to address gaps and inconsistencies.
- Create a shared reporting mechanism to collate outcomes data from government and non-government sources.
- Report on Strategy outcomes through:
 - high-level annual report cards
 - biannual reports tabled in Parliament, and
 - a mid-strategy evaluation.
- Transition to a shared, single national reporting process, encompassing outcomes of the Strategy and a refreshed National Disability Agreement.

Build on the foundations of the first National Disability Strategy

RECOMMENDATIONS

- Retain the outcome areas of the first Strategy to support consistency, accountability and measurement.
- Update the vision of the next Strategy to make it inclusive of all Australians with disability.
- Ensure the human rights of people with disability are at the forefront, and embedded throughout, the next Strategy.

The National Disability Strategy 2010-2020 was developed after consultation with people with disability, their families and carers, advocates and the broader community, and informed by the powerful Shut Out report.⁵ For consistency and to ensure changes and achievements can be measured and evaluated over time, we agree with the Position Paper's proposal to retain the vision and outcome areas of the first Strategy.

The Position Paper suggests the Strategy's vision statement is amended to replace the word 'citizen' with 'members of the community'. In making this change, the Strategy signals its intent to promote support for *all* Australians with disability to fully participate in their community. However, it is important that in making this change the meaning and intent of the word 'citizen' is not lost. The first Strategy and the Shut Out report use the word 'citizen' to speak to the agency and power of people with disability as rights holders, and these priorities and rights should continue to be reflected in the next Strategy.

There are concerns the next Strategy could too easily diminish its rights focus, and instead become a government-oriented checklist. Care must be taken to ensure the next Strategy does not drift from its purpose as the primary mechanism for implementing the UN CRPD. The next Strategy should be responsive to the recommendations of the recent Civil Society Shadow Report⁶ and the 2013 and 2019 observations of the UN Committee on the CRPD⁷.

⁵ National People with Disabilities and Carer Council, *SHUT OUT: The Experience of People with Disabilities and their Families in Australia*, 2009.

⁶ Australian Civil Society CRPD Shadow Report Working Group, *Disability Rights Now 2019: Australian Civil Society Shadow Report to the United Nations Committee on the Rights of Persons with Disabilities: UN CRPD Review 2019*, July 2019.

⁷ UN Committee on the Rights Of Persons with Disability, *Concluding Observations: UN Report on Australia's Review of the Convention on the Rights of Persons with Disability (CRPD)*, September 2019; *ibid.*, September 2013.

Improve and strengthen the next National Disability Strategy

Develop authentic, actionable and measurable guiding principles for inclusive policy design and implementation

RECOMMENDATIONS

- Work with people with disability, their families and carers, priority populations, advocates and organisations to co-design a robust, best-practice engagement framework to complement the guiding principles.
- Promote broad use of the engagement framework across government and non-government sectors to ensure people with disability, families and carers are deeply engaged in decisions that affect their lives.
- Ensure universal design principles and related outcomes feature prominently in the next Strategy to promote understanding and adoption in physical and digital environments.

Involving people with disability early and in an ongoing way to create and implement policies and programs is crucial. People with disability are the experts in their own lives and are best placed to identify how government decisions, policy-making and service design will impact them. The expertise and insights of families, carers, advocates and organisations is also invaluable to the development of policies, programs and initiatives.

Lived experience must be heard and valued. True engagement and co-design goes beyond consultation – it is a process that listens to and learns from people’s perspectives and ideas, values all forms of expertise including lived experience, allows space for new ideas, and shares the power in exploring and designing different and creative solutions.⁸

⁸ VCOSS, *Walk alongside: Co-designing social initiatives with people experiencing vulnerabilities*, 2015.

Under the CRPD, Australia is obliged to closely consult and actively involve people with disability in decisions that affect their lives and rights.⁹ General Comment 7, which further explains the scope of these obligations, provides considerable practical advice to signatories to address the continued absence of meaningful consultation and involvement.¹⁰

The proposed inclusion of guiding principles for policy development and design in the next Strategy is a welcome step in the right direction. The set of guiding principles cover involvement and engagement, universal design, broad community engagement, addressing barriers for 'priority populations' and considering the needs of carers and supporters. To date, public consultation for the next Strategy has not comprehensively adopted these principles to deeply engage people, communities, organisations and businesses.

The current framing of the guiding principles as questions weakens their power and leaves them open to broad interpretation and application. Assessments of whether the guiding principles have been met could vary greatly depending on how achievement is measured and who you ask. For example, advertising a policy consultation process on a government website is one way to inform people with disability and the broader community and invite feedback – yet this action alone is unlikely to be thorough and fair in reaching people who are most likely to be impacted by the policy.

To ensure the guiding principles promote genuine and effective engagement, there needs to be more consideration for how they will be applied and monitored in practice. The 2017 Senate inquiry into the Strategy recommended the development of best practice guidelines for consulting with people with disability and advocates.¹¹ We recommend the Department of Social Services (DSS) works with people with disability, their families and carers, priority populations and advocates to co-design a robust, best-practice engagement framework to ensure the guiding principles are practical and actionable.

The guiding principles and framework should not be siloed within DSS or only applied to disability-specific policy and programs. People with disability access and participate in every aspect of social, economic and community life; their insights, experiences and needs should be considered in the design of every government and non-government policy and program.

⁹ UN, *Convention on the Rights of Persons with Disabilities Article 4.3 and 33.3*, 2006.

¹⁰ UN Committee on the Rights of Persons with Disabilities, *General comment No. 7 (2018) on the participation of persons with disabilities...*, November 2018.

¹¹ Senate Community Affairs References Committee, *Delivery of outcomes under the National Disability Strategy 2010-2020...*, Recommendation 5.

The guiding principles and framework should be widely promoted, easily accessible and used in a range of government and non-government settings.

A focus on universal design approaches – in public spaces, transport, housing and online – should feature prominently in the next Strategy, beyond its mention in the guiding principles, to ensure it is well understood and adopted in physical and digital environments.

The Strategy should also identify outcomes measures focused on universal design, and through the development of implementation plans and Targeted Action Plans, direct action to increase the application of universal design principles in all settings.

Increase emphasis on improving community attitudes

RECOMMENDATIONS

- Develop and fund targeted, evidence-based and co-designed personal, organisational and structural initiatives to increase awareness of the rights of people with disability.
- Monitor and evaluate the effectiveness of funded community awareness initiatives through ongoing engagement with people with disability, targeted surveys and research, and by examining discrimination data.
- Raise the profile of the Strategy itself across government, businesses, organisations and the wider community.

Attitudes towards people with disability are shaped by people's awareness, understanding and personal experiences. Attitudes have a direct and pervasive effect on the rights, freedom and safety of people with disability. Low rights awareness, combined with the impact of poor attitudes, affects people with disability every day in many ways. From getting a coffee, going shopping and socialising, through to studying, finding and maintaining a job, rights awareness and attitudes can affect every interaction and experience.¹²

While public visibility, awareness and understanding of disability has improved, people with disability continue to experience high levels of discrimination and exclusion, and harmful, inaccurate and stigmatising views persist.¹³

One in four Australians with disability aged over 15 experienced some form of discrimination in the past year.¹⁴ Of 910 complaints to the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) last year, 65 per cent were in relation to disability discrimination.¹⁵

¹² VCOSS, [Changing attitudes and realising rights: VCOSS submission to Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability – Rights and Attitudes Issues Paper](#), August 2020.

¹³ Australian Department of Social Services, *Consultation report - to help shape the next national disability strategy (beyond 2020)*, December 2019; Victorian Department of Health and Human Services, *Survey of Community Attitudes toward People with Disability*, August 2018.

¹⁴ AIHW, [People with disability in Australia: Disability discrimination](#), September 2019.

¹⁵ VEOHRC, *Annual Report 2018-19*, October 2019.

The next Strategy should lead work to improve community attitudes and build knowledge of the human rights of people with disability. The social and economic case for improving inclusion and access for people with disability – as participants, customers and employees – should be championed by all sectors, and supported by targeted funding and incentives to promote action.

A commitment to promoting awareness of the rights of people with disability was included in the first Strategy, yet 10 years on, there is still no national, targeted awareness-raising strategy and several initiatives have been defunded.¹⁶

A 2019 review of Australia’s obligations under the CRPD by the UN recommended the development of a national awareness strategy, in partnership with people with disability, to promote human rights.¹⁷

The next Strategy should support and resource strategic, co-designed and evidence-based community awareness initiatives to increase knowledge of the rights of people with disability. Initiatives to shift attitudes and increase awareness about disability rights can be considered across three levels of intervention—personal, organisational and structural.¹⁸ A comprehensive approach to changing or improving community attitudes should include targeted initiatives across each of these domains.

Ideas from our members to change and improve community attitudes include:

- education and professional development programs, particularly for people delivering essential services and supports across education, employment, health and justice, and for key public-facing workplaces and industries, for example, human resources and hiring managers, real estate agents and retail workers
- increased representation and portrayal of people with disability on screen and behind the scenes in the media, entertainment and the arts industries
- multi-channel public education campaigns to increase community knowledge and understanding, promote key aspects of Australia’s discrimination legislation, and raise the profile of complaints bodies and support services

¹⁶ Australian Civil Society CRPD Shadow Report Working Group, *Disability Rights Now 2019...*, July 2019, p.19.

¹⁷ UN Committee on the Rights Of Persons with Disability, *Concluding Observations: UN Report on Australia’s Review of the Convention on the Rights of Persons with Disability (CRPD)*, September 2019, p.5.

¹⁸ D Thompson, KR Fisher, C Purcal, C Deeming and P Sawrikar, *Community attitudes to people with disability: scoping project*, 2011.

- community strengthening initiatives designed to address social isolation and build positive connections, networks and friendships.

Further attention should also be paid to raising the profile of the Strategy itself across government, businesses, organisations and the wider community.

A range of inputs and insights, including ongoing engagement with people with disability, community surveys and discrimination data, could be leveraged to identify priority areas for behaviour and attitude change and to monitor and evaluate the success of initiatives.

Clarify government roles and responsibilities to deliver better outcomes

RECOMMENDATIONS

- Work in partnership with states and territories to thoroughly review and resolve government and system roles and responsibilities for supporting people with disability.
- Establish a new, fit-for-purpose National Disability Agreement.
- Share clear, accessible information about roles and responsibilities to ensure people can access support and exercise their rights.

The disability policy landscape has changed significantly since the release of the first Strategy, most notably through the introduction of the NDIS and related reforms. While the transition to the NDIS and the shift to consumer choice and control is a welcome achievement, it is important that the next Strategy acknowledges and supports all Australians with disability, including the vast majority who are not eligible for the NDIS.

Around 4.3 million Australians have a disability¹⁹ and almost 392,000 access individualised funding from the NDIS²⁰. People who are ineligible for the NDIS are often caught in the middle of government funding handballs and confusion about which system pays for what type of support.²¹ The interface between the NDIS and mainstream services, such as health, education, housing, justice and aged care, remains unclear. People experiencing multiple and intersecting forms of disadvantage face even greater challenges navigating a complex and confusing web of funding sources, eligibility criteria and service pathways.

Current documents outlining government roles and responsibilities were agreed before full Scheme roll out, and through transition, additional complexities have emerged. The COVID-19 pandemic has exposed and exacerbated both new and emerging barriers and challenges experienced by people with disability in accessing NDIS and universal services. People with

¹⁹ AIHW, *People with disability in Australia: Prevalence of disability*, September 2019.

²⁰ NDIA, *National Quarterly Performance Report Dashboard*, 30 June 2020.

²¹ VCOS, *Delivering on the promise: a better and fairer NDIS: VCOS Submission to the Review of the NDIS Act and the new NDIS Participant Service Guarantee*, October 2019.

disability, families and carers are fatigued and frustrated by interface issues that limit or prevent access to vital services and supports. The patchy policy response to interface issues to date, which often sees discrete agreements made through the Council of Australian Governments (COAG) Disability Reform Council (DRC), is not strategic or sustainable. The next Strategy presents a timely opportunity to move beyond band-aids to drive collaborative work to review and resolve and roles and responsibilities and establish a new National Disability Agreement.

A recent review of the current National Disability Agreement by the Productivity Commission found that it “no longer serves its purpose, has a weak influence on policy, and its performance targets show no progress in improving the wellbeing of people with disability”.²² A new Agreement should be established to:

- articulate the roles and responsibilities of different tiers of government, including funding responsibilities, service gaps and crisis response services
- guide the delivery of services and supports for people with disability
- foster inclusive, person-centred responses to interface issues and smooth transitions and integration across service systems
- reflect Australia’s human rights obligations and recognise the agency, choice and control, and self-determination of people with disability.

The relationship between the Strategy and the Agreement should be defined and communicated, and where possible, objectives, outputs and performance indicators should be aligned.

Clear information about government and system roles and responsibilities should be made available and accessible in a range of avenues and formats. People with disability should be able to easily access information about “who does what” so they can find out about their entitlements and options, connect to the supports they need, and importantly, advocate for their rights when roles and responsibilities are not adequately met.

²² Productivity Commission, *Review of the National Disability Agreement: Study report*, January 2019, p.2.

Commit to strengthen and improve safeguarding mechanisms

RECOMMENDATION

- As a priority of the next Strategy, commit to collaborative, comprehensive work to address and eliminate violence, abuse, neglect and exploitation of people with disability.
- Ensure the next Strategy is responsive to the findings and recommendations of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

People with disability experience, and are at greater risk of, violence, abuse, neglect and exploitation than people without disability.²³ Women, children and young people with disability, who are more likely to experience family violence than people without disability, often face barriers in disclosing and reporting abuse, seeking help, and accessing appropriate support, protection and justice.²⁴

While the first Strategy nominated areas for action to reduce violence, abuse and neglect of people with disability and improve rights awareness and compliance²⁵, numerous government inquiries and harrowing individual experiences continue to highlight the inadequacies of safeguarding mechanisms. Sixty-five (65) per cent of people surveyed in consultation for the next Strategy believe experiences of neglect, exploitation, violence and abuse have not changed or have become worse over the past five years.²⁶

After decades of sustained campaigning, the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability commenced in 2019. The campaign for a Royal Commission was driven by people with disability, advocates and allies in response to the lack of comprehensive action and protections to address the significantly high prevalence of all forms of violence, abuse, neglect and exploitation experienced by people

²³ Disabled People's Organisations Australia, *Violence, Abuse, Exploitation and Neglect Against People with Disability in Australia Available Data*, March 2019.

²⁴ Disabled People's Organisations Australia and National Women's Alliances, *The Status of Women and Girls with Disability in Australia*, November 2019; Domestic Violence Victoria, *Submission to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability: Criminal Justice System Issues Paper*, April 2020

²⁵ Council of Australian Governments, *National Disability Strategy 2010-2020*, February 2011, p.41.

²⁶ Australian Department of Social Services, *Consultation report - to help shape the next national disability strategy (beyond 2020)*, December 2019, p.17.

with disability.²⁷ The Royal Commission is likely to identify the need for broad, systemic change to improve Australia’s safeguarding ecosystem, and the Strategy should embed capacity to respond to and act upon the Royal Commission’s findings. However, governments should not wait for the Royal Commission’s final findings and recommendations before making strong commitments and taking decisive action.

As part of a robust exploration of roles and responsibilities for the next Strategy, governments should work together to improve the strength, coverage and protections delivered by quality and safeguarding bodies, advocacy services and discrimination legislation.

Quality and safeguarding mechanisms

RECOMMENDATIONS

- As priorities for the next Strategy, commit to:
 - review, enhance and resource quality and safeguarding mechanisms to ensure comprehensive protections are in place to support and protect all Australians with disability
 - develop and widely promote clear and accessible pathways for people with disability, allies and the wider community to raise concerns and make complaints
 - establish a national independent oversight body for complaints and monitoring systemic issues
 - implement nationally consistent workforce safeguarding mechanisms, including worker screening, registration, and training requirements.

Current quality and safeguarding arrangements are complex and fragmented. Through the transition to the NDIS, the funding and regulatory landscape has changed significantly and prompted the introduction of additional regulatory bodies at a state and national level for people with disability, disability workers and providers.

²⁷ R Kayess and T Sands, *Convention on the Rights of Persons with Disabilities: Shining a light on Social Transformation*, 2020, p.3.

The layering and overlapping of legislation and regulatory bodies have worked to paper over the cracks that have emerged during a period of substantial change and disruption. For many people with disability, significant safeguarding cracks remain exposed; for others, the quantity and complexity of different entities and bodies makes it difficult to know where to go.

There remains no national, accessible, oversight, complaint and redress mechanism for people with disability who have experienced violence, abuse, exploitation and neglect.²⁸ The scope and nature of community visitor programs also varies widely across service types and jurisdictions in Australia.²⁹ Workforce related initiatives, to screen and register workers and to handle complaints, continue to vary across states, territories and funding sources.

Through the next Strategy, governments should commit to collaborative work to review and strengthen protections for all people with disability. This should include improvements to complaints pathways, and the establishment of a national independent oversight body that is resourced to support people with disability to raise and pursue complaints and is responsible for monitoring and reporting on systemic issues.

In addition to work underway to develop the NDIS Workforce Plan, governments must continue to progress consistent and cohesive approaches to workforce screening, registration, and training requirements. Initiatives should build on and learn from experiences and progress to date, from state and national perspectives and from specific entities such as the Victorian Disability Worker Commission.

²⁸ Australian Civil Society CRPD Shadow Report Working Group, *Disability Rights Now 2019...*, July 2019, p.28.

²⁹ Australian Senate Community Affairs Reference Committee, *Violence, abuse and neglect against people with disability in institutional and residential settings...*, Final report, November 2015, p.139; Department of Social Services and Council of Australian Governments Disability Reform Council, *Community Visitor Schemes Review*, December 2018, p.8.

RECOMMENDATIONS

- In the next Strategy, recognise independent disability advocacy and self advocacy as a valued and vital part of Australia's safeguarding eco-system.
- In collaboration with the disability advocacy sector, review and clarify government resourcing responsibilities to increase the coverage, reach and access to disability advocacy and self advocacy support.
- Adequately fund disability advocacy organisations to undertake and participate in systemic advocacy, including for ongoing engagement with the next Strategy.

Independent disability advocacy and self advocacy organisations work alongside people with disability to understand their human and legal rights, communicate their needs and have their needs met.³⁰ In addition to individual support, advocates play a crucial role in identifying and reporting systemic issues to improve sector practice and help prevent future cases of violence, abuse or neglect.

Disability advocacy has been consistently recognised by previous inquiries as an important safeguard to help prevent and report abuse³¹, particularly for people who are afraid or face difficulties in raising issues or making complaints³². Despite the importance of disability advocacy in protecting and promoting people's rights, its role is not well understood and services are chronically under-funded.³³ The transition to the NDIS has also placed new and additional pressures on people with disability, and in turn, disability advocacy services.³⁴

³⁰ Disability Advocacy Resource Unit, [What is disability advocacy?](#), accessed 13 October 2020.

³¹ Victorian Ombudsman, *Reporting and investigation of allegations of abuse in the disability sector: Phase 1 – the effectiveness of statutory oversight*, June 2015; Australian Senate Community Affairs Reference Committee, *Violence, abuse and neglect against people with disability in institutional and residential settings...*, Final report, November 2015; Victorian Ombudsman, *Reporting and investigation of allegations of abuse in the disability sector: Phase 2 – incident reporting*, December 2015; Parliament of Victoria Family and Community Development Committee, *Inquiry into abuse in disability services*, Final report, May 2016; Government of South Australia, *Safeguarding Task Force: Final report*, July 2020.

³² Ibid. Victorian Ombudsman, *Reporting and investigation of allegations of abuse in the disability sector: Phase 1*, June 2015, p.86; *Reporting and investigation of allegations of abuse in the disability sector: Phase 2*, December 2015, p.18.

³³ VCOSS, [Changing attitudes and realising rights...](#), August 2020

³⁴ VCOSS, [Delivering on the promise: a better and fairer NDIS...](#), October 2019.

Disability advocacy must be valued, respected and resourced as a central feature of Australia's safeguarding eco-system. Through the next Strategy, we encourage all levels of government to work collaboratively with the disability advocacy sector to explore current challenges and strengths, and to co-design new ways forward to increase access, coverage and reach of disability advocacy services.

Disability discrimination legislation

RECOMMENDATIONS

- In consultation with people with disability and allies, review and strengthen the coverage and powers of disability discrimination legislation to meet Australia's obligations under the UN CRPD.
- Enhance compliance, accountability and oversight mechanisms to embed and enforce disability discrimination legislation, ensure complaints can be easily made, and enable monitoring and reporting on systemic trends.

VCOSS and Empowered Lives members believe existing discrimination laws do not have enough power, and that coverage and protections from these laws do not reflect Australia's obligations under the UN CRPD. Our members continue to be frustrated and disappointed by guidelines and plans that are that are unfunded, poorly promoted and not enforceable.

For example, despite the existence of standards and guidelines, progress on improving access to the built environment, including public buildings, housing, and public transport, is patchy and incredibly slow. Even with new projects and public spaces, expensive and exclusionary mistakes continue to be made. In education settings, despite the existence of specific standards, students continue to face a range of barriers to enrolment and participation.³⁵

³⁵ VCOSS, [The right standards for change: VCOSS submission to the 2020 Review of the Disability Standards for Education 2005](#), September 2020.

Current arrangements largely place the onus on people with disability and their support network to make complaints about breaches of their human rights. Discrimination complaints are usually conciliated or resolved on an individual rather than a systemic level.

To support the goals of the next Strategy, and improve outcomes for people with disability, discrimination legislation should be reviewed and redrafted in deep consultation with people with disability, families, carers, advocates, education experts and lawyers.

To improve compliance and complaints mechanisms, positive duties, additional enforcement measures and international best-practice should be considered. An independent oversight body should also be appointed and resourced to monitor, inquire into and report on systemic issues. The findings of the oversight body will provide invaluable evidence to support targeted work to improve outcomes for people with disability.

Promote consistency in disability policy and planning

RECOMMENDATIONS

- Work with states and territories to develop and promote a consistent structure and outcomes framework for the next Strategy to enhance coordination and reporting.
- Increase engagement of local governments in supporting the vision and goals of the next Strategy through localised, measurable action planning and resources.

An agreed, shared approach for disability planning and policy would enhance coordination, complement and strengthen communication of roles and responsibilities, and ultimately, improve outcomes. To boost the impact and reach of the next Strategy, all levels of government should work together to design and adopt a consistent structure and outcomes reporting framework.

While states and territories already undertake disability planning, the role of local governments could be better supported and enhanced. While the remit of local governments in delivering disability and care services has shifted in recent years, there are many ways local governments can improve access, inclusion and participation in their community.

In Victoria, local governments are required to develop a disability action plan under the *Disability Act 2006*. While 97 per cent of Victorian local governments surveyed have a Disability Action Plan in place, far fewer local governments in other jurisdictions have developed equivalent plans.³⁶ Queensland (18 per cent), Tasmania (36 per cent) and rural and remote communities (53 per cent) fare the worst when it comes to local government disability action planning.³⁷ Where disability action plans do exist, the quality and depth of planning and reporting varies. We encourage DSS explores how the vision and outcome areas of next Strategy could be better cascaded and integrated across all levels of government to drive change, increase commitment and achieve outcomes.

³⁶ A Goodall, L Huuskes, S Gamage, I Pavkovic and R Ryan, *How local governments can increase the social and economic participation of people with disability: Findings from the National Survey of Local Governments*, University of Technology Sydney Institute for Public Policy and Governance, 2017, p.28.

³⁷ Ibid.

Engage the non-government sector in the next Strategy

RECOMMENDATIONS

- Actively engage the non-government sector in the development of the next Strategy.
- Increase knowledge of and compliance with disability discrimination legislation and guidelines across the non-government sector.
- Review sector trends and issues and leverage findings to drive targeted, collaborative action.
- Encourage the non-government sector to develop action plans aligned to the vision and outcomes of the Strategy.

Increasing awareness, accountability and action on disability rights is a shared responsibility across individuals, communities, organisations and governments. While the role of the non-government sector is noted in the first Strategy, there are limited specific areas for action.

People with disability continue to experience discrimination, exclusion, poor customer service and treatment in public spaces and in accessing a range of goods and services.³⁸ Of 891 disability discrimination complaints received in the past year, 35 per cent were in relation to goods, services and facilities.³⁹

To ensure businesses and organisations are on board with the vision and directions of the next Strategy, like all key stakeholders, they must be meaningfully engaged from the beginning. Public consultations have attracted very little engagement from businesses⁴⁰, and it is unclear if and how key industries and sectors have been invited to participate in the development of the Strategy.

There need to be concerted efforts to engage the non-government sector to ensure businesses and organisations understand and embrace their role in improving access, participation and inclusion for people with disability.

³⁸ AIHW, *People with disability in Australia: Sources of discrimination*, September 2019; Australian Human Rights Commission and Deloitte, *Missing out: The business case for customer diversity*, February 2017.

³⁹ Australian Human Rights Commission (AHRC), *2018-19 Complaint statistics*, 2019.

⁴⁰ Australian Department of Social Services, *Consultation report - to help shape the next national disability strategy (beyond 2020)*, December 2019, p.11.

There is growing momentum and community expectations for organisations and businesses to improve their practices and services to support diversity and inclusion. Non-government organisations are increasingly developing their own disability action plans to set goals, measure progress, identify areas for improvement, and benchmark themselves against their peers. Through initiatives like the Australian Network on Disability's Access and Inclusion Index, participating organisations can assess and compare their disability confidence across 10 key areas.⁴¹ The business case for inclusion is strong – people with disability have an estimated combined disposable income of around \$40 billion.⁴² Products and services designed with universal access in mind have the potential to reach four times as many consumers.⁴³

The next Strategy should work to encourage and increase the non-government sector's awareness, enthusiasm and passion for supporting people with disability by:

- reviewing trends and issues arising from disability discrimination complaints, research and reports, and using these findings as the basis for targeted action and cross-sector collaboration
- promoting industry and sector knowledge of and compliance with disability discrimination legislation and standards, disability rights, and universal design principles
- engaging organisations and businesses in efforts to address key outcome areas, for example, increasing employment opportunities for people with disability, boosting the supply of accessible housing, and changing community attitudes
- providing guidance and resources to support organisations and businesses to develop their own disability action plans and strategies, aligned to the National Disability Strategy.

⁴¹ Australian Network on Disability, [Access and Inclusion Index](#), accessed 23 September 2020.

⁴² PwC and Centre for Inclusive Design, *The Benefit of Designing for Everyone*, May 2019.

⁴³ Ibid.

Drive action and accountability through the next National Disability Strategy

Review and resource the leadership, coordination and implementation of the next Strategy

RECOMMENDATIONS

- Explore options to strengthen governance and accountability for the next Strategy.
- Ensure people with disability, families, carers, and advocates are engaged and employed in developing, implementing and monitoring the next Strategy.
- Develop realistic and actionable implementation plans to address the issues, barriers and priorities identified by people with disability, families and carers, and advocates.
- Complement the work of implementation plans with evidence-based, specific and measurable Targeted Action Plans.

VCOSS and Empowered Lives members, while supportive of the first Strategy, have been disappointed in its limited progress and lacklustre reporting over the past decade. Implementation and reporting structures established for the first Strategy were not delivered upon in a timely or meaningful way, particularly in the latter years of the Strategy. The lack of resources and monitoring of the Strategy was noted by the UN Committee on the CRPD in 2019.⁴⁴ These challenges highlight the need to “recast the National Disability Strategy as an engine for change, rather than a way to simply report on actions already undertaken”⁴⁵.

Stronger governance, leadership and cross-government support will be crucial to the success of the next Strategy, especially in ensuring its implementation is not siloed to disability-specific departments or roles.

⁴⁴ UN Committee on the CRPD, *Concluding Observations: UN Report on Australia’s Review of the Convention on the Rights of Persons with Disability (CRPD)*, 24 September 2019, p.16.

⁴⁵ DPOA, *Factsheet: The National Disability Strategy 2010-2020, Implementation of the CRPD, and Resourcing of Disabled People’s Organisations*, 9 March 2018, accessed 17 August 2020.

Previous inquiries and reviews have suggested the Strategy could be led and coordinated by a dedicated central unit, such as an overarching Office for Disability, which could be overseen by the Disability Reform Council and sit within the Federal Department of Prime Minister and Cabinet or within a human rights body.⁴⁶ Options should be fully explored to ensure the Strategy's implementation, progress and evaluation is well led, widely promoted and appropriately resourced.

Implementation plans to bring the Strategy's vision to fruition are crucial. While the current Strategy developed three implementation plans, the Senate inquiry heard a range of concerns about their effectiveness and limited engagement with people with disability.⁴⁷ Future implementation plans need to be realistic and actionable, with clear responsibilities and timelines. When timelines are not met or not likely to be reached, transparent and timely updates should be shared with the community.

In line with Australia's obligations under the CRPD and General Comment 7, people with disability should be consulted and involved in decision-making regarding implementation and monitoring of the CRPD.⁴⁸

The issues and barriers experienced by people with disability, and their identified priorities for change, need to be at the centre of implementation planning and action. During the first stage of consultation, the focus was largely on people's views and experiences, rather than specific ideas or policies.⁴⁹ This stage of consultation also did not include a submission process or a discussion paper to inform consultations. This gap in consultation is significant and disappointing, as it has limited opportunities for people with disability and allies to share ideas and goals for the next Strategy.

People with disability, families, carers and advocates must be engaged early, and on an ongoing basis, to identify and determine key priorities for the Strategy, to co-design subsequent implementation plans and to participate in monitoring and evaluation.

⁴⁶ UN Committee on the CRPD, *Concluding Observations: UN Report on Australia...*, p.16; Senate Community Affairs References Committee, *Delivery of outcomes under the National Disability Strategy 2010-2020...*, Recommendations 2 and 3; L Davy et. al., *Review of implementation of the National Disability Strategy 2010-2020...*, August 2018.

⁴⁷ Senate Community Affairs References Committee, *Delivery of outcomes under the National Disability Strategy 2010-2020...*, p.17-18.

⁴⁸ UN Committee on the Rights of Persons with Disabilities, *General comment No. 7 (2018) on the participation of persons with disabilities...*, November 2018.

⁴⁹ Australian Department of Social Services, *Consultation report - to help shape the next national disability strategy (beyond 2020)*, December 2019, p.7.

People with disability should be employed to lead and drive the work of the Strategy, and disability advocacy and self advocacy organisations should be resourced to participate in and facilitate greater involvement of people with disability in all aspects of design, implementation, monitoring and evaluation.

The Position Paper's proposal to develop Targeted Action Plans provides an additional layer of responsiveness and accountability to the Strategy. As we know from the first Strategy, so much can change in a decade – so it is crucial the next Strategy operates as a living document and that implementation plans are responsive to new and emerging issues and priorities.

Targeted Action Plans with an intensive focus on specific deliverables would complement the work of the broader Strategy and subsequent implementation plans, and could provide a platform to facilitate broader engagement and participation across sectors. As per all other elements of the Strategy, Targeted Action Plans should engage people with disability and their support network at every step, involve a range of stakeholders through a collaborative and action-oriented approach, be evidence-based, and maintain alignment to the key outcomes of the overall Strategy.

Measure, report on and respond to key outcomes

RECOMMENDATIONS

- Through a co-design approach, develop a clear and comprehensive outcomes measurement framework for the next Strategy.
- In partnership with states and territories, identify, define and assign reporting responsibilities for performance indicators.
- Fund data and research initiatives to address gaps and inconsistencies.
- Create a shared reporting mechanism to collate outcomes data from government and non-government sources.
- Report on Strategy outcomes through:
 - high-level annual report cards
 - biannual reports tabled in Parliament, and
 - a mid-strategy evaluation.
- Transition to a shared, single national reporting process, encompassing outcomes of the Strategy and a refreshed National Disability Agreement.

After the poor reporting experiences of the first Strategy, confidence and trust in the Strategy's influence and strength in driving positive outcomes must be re-built and well supported. We welcome the Position Paper's commitment to introducing new features in the next Strategy to enhance accountability and implementation, including an outcomes framework with performance indicators and more data collection, evaluations and public reporting.

The Strategy's goals and targets must be clear, and measures of success well understood across all sectors. We encourage DSS to adopt a co-design process to identify and define performance indicators for the outcomes framework, to ensure the Strategy is measuring appropriate indicators and reporting on meaningful outcomes. States and territories must be engaged in the development of a shared, robust outcomes framework, with clear reporting responsibilities identified and agreed.

Successful elements of outcomes measurement from other government strategies and agreements, as well as other contemporary outcomes reporting approaches, should be reviewed and considered.

A lack of data continues to impact outcome measurement for the Strategy. Over the course of the first Strategy, data gaps have not been closed in important areas, and research funding has so far primarily focused on service provision rather than outcomes driven by the Strategy.⁵⁰ Data gaps across outcomes areas and performance indicators should not be a barrier to measuring progress in these areas; rather, these gaps should inform investment in targeted data and research initiatives.

As part of efforts to better coordinate and collaborate across all levels of government and the non-government sector, the next Strategy should promote the development of a shared reporting mechanism to enable all levels of government and the non-government sector to contribute outputs and data related to key outcome areas. This could enable smarter, deeper outcomes measurement and would increase the evidence-base to identify areas for action.

To build trust and confidence in the next Strategy, there need to be clear accountabilities and timelines and regular, realistic reporting. Our members suggest reporting could feature a combination of:

- high-level annual report cards, providing an assessment of outcomes achieved, emerging issues and areas for priority action
- the development of bi-annual reports, tabled in Parliament, as per the annual State Disability Plan reports in Victoria
- an independent mid-strategy evaluation to review progress to date and make recommendations.

As identified by the Productivity Commission, there are merits in establishing a single national performance reporting framework and consolidated reporting documents to bring together the outcomes of the National Disability Agreement and the Strategy.⁵¹

⁵⁰ L Davy, KR Fisher, A Wehbe, C Purcal, S Robinson, R Kayess and D Santos, *Disability Strategy 2010-2020: Final report prepared for the Department of Social Services*, August 2018, p.35.

⁵¹ Productivity Commission, *Review of the National Disability Agreement: Study report*, January 2019, p.158-167.

