



**Australian Federation of
Disability Organisations**

Strengthening Australia's Human Rights Protections for People with Disability

**Submission to the Inquiry into
Australia's Human Rights Framework**

August 2023

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About AFDO

Since 2003, the Australian Federation of Disability Organisations (AFDO), a Disabled Peoples Organisation (DPO), a funded Disability Representative Organisation (DRO), has been the recognised national peak organisation in the disability sector, along with its disability specific members, representing people with disability. AFDO's mission is to champion the rights of people with disability in Australia and support them to participate fully in Australian life.

Our thirty four (34) member organisations represent disability specific communities and cross-disability communities with a total reach of over 4 million Australians.

AFDO continues to provide a strong, trusted, independent voice for the disability sector on national policy, inquiries, submissions, systemic advocacy and advisory on government initiatives with the Federal and State/Territory governments.

We work to develop a community where people with disability can participate in all aspects of social, economic, political and cultural life. This includes genuine participation in mainstream community life, the development of respectful and valued relationships, social and economic participation, and the opportunity to contribute as valued citizens.

Our vision

That all people with disabilities must be involved equally in all aspects of social, economic, political and cultural life.

Our mission

Using the strength of our membership-based organisations to harness the collective power of uniting people with disability to change society into a community where everyone is equal.

Our strategic objectives

To represent the interests and united voice of our members and people with disability at a national and international level in all relevant forums.

To build the capacity, profile, reputation and sustainability of AFDO through the strength of our member organisations.

To enhance the connection and influence in international disability initiatives by policy, advocacy and engagement, focused on the Asia Pacific region.

Our members

Full members:

- Advocacy for Inclusion Incorporated
- Arts Access Australia
- Autism Aspergers Advocacy Australia
- Blind Citizens Australia
- Brain Injury Australia
- Deaf Australia
- Deafblind Australia
- Deafness Forum Australia
- Disability Advocacy Network Australia
- Disability Justice Australia
- Disability Resources Centre
- Down Syndrome Australia
- Enhanced Lifestyles
- National Mental Health Consumer & Carer Forum
- People With Disabilities WA
- Polio Australia
- Physical Disability Australia
- South West Autism Network - WA
- Women With Disabilities ACT - ACT
- Women with Disabilities Victoria - Vic

Associate members:

- All Means All
- AED Legal Centre
- Amaze - Vic
- Aspergers Victoria
- Disability Voices Tasmania
- Disability Advocacy and Complaints Service of South Australia
- Explorability Inc
- Leadership Plus
- Multiple Sclerosis Australia
- National Organisation for Fetal Alcohol Spectrum Disorder
- National Union of Students - Disabilities Department
- Star Victoria Inc
- TASC National Limited
- Youth Disability Advocacy Service



Acknowledgements

AFDO acknowledges Aboriginal and Torres Strait Islander people as the traditional custodians of the land on which we stand, recognising their continuing connection to land, waters, and community. From our offices in Melbourne, Canberra, Sydney and Brisbane, we pay our respects to the peoples of the lands on which these operate and to their respective Elders past, present, and emerging. We also pay our respects to the traditional owners of all lands on which we operate or meet around the country.

AFDO acknowledges people with disability, particularly those individuals that have experienced or are continuing to experience violence, abuse, neglect, and exploitation. We also acknowledge their families, supporters, and representative organisations and express our thanks for the continuing work we all do in their support.

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1. Acronyms and abbreviations

AHRC – Australian Human Rights Commission

ALRC – Australian Law Reform Commission

CRPD – United Nations Convention on the Rights of Persons with Disabilities

CRPD Committee – United Nations Committee on the Rights of Persons with Disabilities

DDA – Disability Discrimination Act (1992)

DROs – Disability Representative Organisations

NPMs - National Preventive Mechanisms

NDIS – National Disability Insurance Scheme

OPCAT – Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

SPT – United Nations Subcommittee on the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

2. Summary of recommendations

Recommendation 1:

That an Australian Human Rights Act be comprehensively developed, legislated and implemented as a priority by the Australian Government.

Recommendation 2:

That the proposed Australian Human Rights Act include holding a requirement for Australia's Attorney-General to table all concluding observations and recommendations concerning Australia's performance underneath all international human rights treaties to which it is party across both houses of Parliament. This must include concluding observations relating to periodic reviews, as well as recommendations arising from individual communications to international treaty bodies.

Recommendation 3:

That the Australian Government be required to maintain publicly available and up-to-date information about the status of all concluding observations and recommendations made by treaty bodies, including:

- The Department responsible for each recommendation.
- Actions that have been proposed to implement each recommendation.
- Timeframes and measurable outcomes for implementation.

Recommendation 4:

That the proposed Australian Human Rights Act give rise to Australia's obligations under all the international human rights treaties to which it is party. In particular, the Convention on the Rights of Persons with Disabilities to be effectively incorporated into the new Act to ensure the rights of people with disability are both justiciable and enforceable.

Recommendation 5:

That the proposed Australian Human Rights Act include a provision that requires decision-makers to consider international human rights law jurisprudence as persuasive in interpreting the legislation.

Recommendation 6:

That the proposed Australian Human Rights Act give rise to Australia's obligations under the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by:

- Establishing a nationally consistent approach to the work of National Preventive Mechanisms (NPMs) through the implementation of recommendations included in the Australian Human Rights Commission's Road Map for OPCAT Compliance.
- Ensuring a disability inclusive approach to the work of NPMs by following the guidance provided in DPO Australia's position statement on a disability-inclusive NPM, which AFDO fully endorses.

- Compelling all Government agencies to comply with visits from any United Nations authorised Subcommittee, body or representative, concerning the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

Recommendation 7:

That the Australian Government be requested to urgently repeal its interpretive declarations made under Articles 12, 17 and 18 of the Convention on the Rights of Persons with Disabilities to abide by its international obligations.

Recommendation 8:

That the proposed Australian Human Rights Act give rise to the recommendations from the Australian Law Reform Commission's 2014 report from its Review of Equality, Capacity and Disability in Commonwealth laws; including the recommendation to establish a national policy and legislative framework for supported decision-making.

Recommendation 9:

That the proposed Australian Human Rights Act give rise to the recommendations contained in the Senate Community Affairs References Committee's 2016 report, Indefinite Detention of Persons with Cognitive and Psychiatric Impairment in Australia.

Recommendation 10:

That the national Disability Reform Ministerial Council be requested to;

1. Urgently address the inequity in the provision of services and supports to people with disability who are not eligible for the National Disability Insurance Scheme;
2. Articulate how it intends to implement a disability care and support framework that complies with its obligations under the CRPD for the right of all people with disability to access services and supports on an equitable basis; And
3. Advise how this will be reflected under the current Disability Services and Inclusion Act and the proposed Australian Human Rights Act.

Recommendation 11:

That the proposed Australian Human Rights Act mandate accessible procurement practices for all public entities; And establish a panel of independent experts that can review all contracts and tenders to ensure accessibility is considered and outcomes are publicly reported from the outset.

Recommendation 12:

That the Australian Government co-design, along with people with disability and their representative organisations, a domestic complaint mechanism to enable people with disability and/or their representative organisations to uphold their rights under the CRPD.

Recommendation 13:

That the Australian Government reintroduce an intermediate adjudicative process into the federal discrimination system to bridge the gap between voluntary conciliation and litigation.

Recommendation 14:

That the Australian Government modernise and strengthen the Disability Discrimination Act 1992 (Cth) (DDA), and associated standards; to shift their focus from a reactive model that responds to discrimination, to a proactive model that aims to prevent discrimination from occurring; And be undertaken in close consultation with disability representative organisations.

Recommendation 15:

That the Australian Human Rights Commission be granted the power and funded to enforce compliance with the DDA and associated standards by issuing enforcement notices and prosecutions.

Recommendation 16:

That the Disability Discrimination Act 1992 (Cth) be amended to have two new sets of standards introduced under its legislation, to improve compliance around both digital communication technology and employment. These new standards must also carry adequate enforceable sanctions for non-compliance; And be developed in close consultation with disability representative organisations.

Recommendation 17:

That the Disability Discrimination Act 1992 (Cth) be amended to recognise the implications of the Sklavos decision. A new standalone provision must be incorporated into the Act to create a positive duty to make reasonable adjustments (unless doing so would involve an unjustifiable hardship). With this amendment developed in close consultation with disability representative organisations.

Recommendation 18:

That the Disability Discrimination Act 1992 (Cth) be amended to acknowledge intersectionality, and enable a person with disability and/or their representative organisation, to make a complaint on the basis of more than one attribute. With this amendment developed in close consultation with disability representative organisations.

Recommendation 19:

That the Australian Government urgently review and increase funding for all legal aid services providing legal support to people with disability.

Recommendation 20:

That the proposed Australian Human Rights Act include a positive access to justice duty. This duty would require public authorities to ensure that individuals in criminal and family trials are guaranteed access to a lawyer when they are unable to afford one at their own expense.

Recommendation 21:

That the proposed Australian Human Rights Act place the onus on public authorities to provide access to legal assistance, interpreters and disability support for people with disability to engage in justice related proceedings (both civil and criminal).

Recommendation 22:

That the Australian Government ensure that persons with disabilities are able to access continuous, sustainable and adequately resourced individual and independent advocacy to support them or their representative organisations to report conduct that is in breach of their rights under the CRPD.

Recommendation 23:

That the Australian Government commit to providing sufficient and equitable funding to underpin and support the work of both individual and systemic advocacy organisations advocating for the rights of people with disability.

Recommendation 24:

That the Australian Government commit to undertaking a leadership role in working with all State & Territory Governments to ensure they provide sufficient and equitable funding to underpin and support the work of both individual and systemic advocacy organisations operating in their respective jurisdictions, advocating for the rights of people with disability.

3. Introductory comments

The Australian Federation of Disability Organisations (AFDO) thanks the Joint Standing Committee on Human Rights for the opportunity to submit evidence to inform this long overdue review. We have two decades of experience undertaking systemic advocacy to defend the rights, needs and interests of Australians with disability. As such, we are well-placed to comment on the shortfalls of Australia's human rights and anti-discrimination framework as it relates to people with disability.

As will be demonstrated throughout this submission, Australia's federal *Disability Discrimination Act 1992* (DDA) does not provide an effective remedy for Australians with disability whose human rights have been breached. Australia has signed and ratified a more aspirational document known as the *Convention on the Rights of Persons with Disabilities* (CRPD). Regrettably, there are also limited mechanisms available in Australia to enable people with disability to uphold their rights under this treaty.

This submission will subsequently respond to the following two matters of interest to the Committee:

- Whether the Australian Parliament should enact a federal Human Rights Act, and if so, what elements it should include.
- Whether existing mechanisms to protect human rights in the federal context are adequate and if improvements should be made.ⁱ

In preparing this submission, we have reviewed the following documents:

- The AHRC's submission to this inquiry (2023)
- The AHRC's position paper on a Human Rights Law for Australia (2022)
- The AHRC's reform agenda for federal discrimination laws (2021)

We support the majority of the recommendations set out within these documents, primarily those contained within sections 5.1 – 6 of the AHRC's submission to this inquiry. These recommendations relate to the need for Australia to:

- Establish a national human rights framework.
- Review and modernise Australia's federal anti-discrimination laws.
- Establish a National Human Rights Act.
- Enhance the Parliament's role in protecting human rights.
- Enhance measures relating to human rights education and training.
- Introduce a human rights indicator index.
- Strengthen the AHRC's role and ensure they are adequately resourced to carry out their work.
- Strengthen partnerships with, and increase funding to NGOs to support their role in upholding, promoting and protecting human rights.

Our submission will provide additional evidence to support some of the AHRC's recommendations and strengthen the AHRC's approach as it relates to people with disability. We have chosen to cover some specific issues that constitute a breach of Australia's obligations under the CRPD. The list of issues included in this submission is, however, not exhaustive. Other issues are covered in the submission that has been prepared by our colleagues at People with Disability Australia, which we have supported and endorsed.

We hope this submission will help to convince the Committee that:

- Our Federal Disability Discrimination Act is broken and in urgent need of repair, and
- We need a National Human Rights Act for Australia, noting that we are still the only liberal democracy that does not have such a framework in place.ⁱⁱ

4. Australia does not take its international human rights obligations seriously

4.1. Recommendations and concluding observations made by treaty bodies are largely ignored

All international human rights treaties to which Australia is party include a periodic reporting mechanism. This requires the Australian Government and civil society to provide evidence to demonstrate to the United Nations (UN), the steps Australia has taken to implement its obligations under the relevant treaty. The relevant UN treaty body will then issue a set of concluding observations outlining where Australia is falling short, and what steps need to be taken to improve compliance with the treaty in question.ⁱⁱⁱ

Australia provided its initial report to the UN Committee on the Rights of Persons with Disabilities (CRPD Committee), the treaty body responsible for monitoring compliance with the CRPD in 2010. It has since been subject to two periodic reviews of its performance under the CRPD; one in 2013 and one in 2019. Many of the recommendations made by the CRPD Committee in its 2013 set of concluding observations were repeated again in 2019. This demonstrates Australia's failure to take the concluding observations issued by the CRPD Committee seriously. Australia's inaction on the issues raised in both sets of concluding observations are set out in detail in:

- A report on Australia's Level of compliance with the CRPD, which was prepared for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability in 2020, and
- The Australian Human Rights Commission's 2022 submission to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

We support the Australian Human Rights Commission's proposal to reinstate the requirement for the Attorney-General to table concluding observations in both houses of Parliament. We also agree that the Australian Government should be directed to maintain publicly available, up-to-date information about the status of all concluding observations made by treaty bodies, including:

- The Department responsible for each recommendation.
- Actions that have been proposed to implement each recommendation.
- Timeframes and measurable outcomes for implementation.

We assert that recommendations relating to individual communications to treaty bodies, including the CRPD Committee must be treated similarly to concluding observations arising from treaty body reporting.

The Optional Protocol to the CRPD establishes a complaint mechanism which allows an individual or a group of people with disability to lodge an individual communication with the CRPD Committee if they feel their rights have been breached by a State Party to the CRPD.^{iv} Australia has agreed to be bound by the individual communication processes concerning four other international human rights treaties in addition to the CRPD.^v

More than 20% of the views issued by the CRPD Committee in response to individual communications have related to complaints about Australia; demonstrating that Australia is falling well short of its obligations under the CRPD. Regrettably, however, the recommendations made by the CRPD Committee have been ignored in each of these cases. For the most part, the matters raised in each of these individual communications continue to limit the rights of many Australians with disability.^{vi}

Recommendation 1:

That an Australian Human Rights Act be comprehensively developed, legislated and implemented as a priority by the Australian Government.

Recommendation 2:

That the proposed Australian Human Rights Act include holding a requirement for Australia's Attorney-General to table all concluding observations and recommendations concerning Australia's performance underneath all international human rights treaties to which it is party across both houses of Parliament. This must include concluding observations relating to periodic reviews, as well as recommendations arising from individual communications to international treaty bodies.

Recommendation 3:

That the Australian Government be required to maintain publicly available and up-to-date information about the status of all concluding observations and recommendations made by treaty bodies, including:

- The Department responsible for each recommendation.
- Actions that have been proposed to implement each recommendation.
- Timeframes and measurable outcomes for implementation.

4.2. Australia has not enshrined the rights set out in the CRPD into domestic law

“More than a decade after ratification, there are many rights in the CRPD that have not been incorporated into Australian law, and there are still too many Australians with disability who experience discrimination, disadvantage and human rights violations, especially among First Nations peoples.” - Emeritus Professor Ron McCallum AO^{vii}

Article 4 sets out the general obligations for countries that have ratified the CRPD. Article 4:1 (a) requires countries:

“...To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention.”^{viii}

To date, Australia has still not fully incorporated the CRPD into domestic law. In its 2019 report, Disability Rights Now, Australia’s Civil Society Shadow Working Group observed that:

“Whilst the Disability Discrimination Act 1992 and State/Territory based anti-discrimination legislation incorporate some of the rights under the CRPD, the scope of protected rights and grounds of discrimination are much narrower in Australia than under international human rights law.”^{ix}

In its 2019 concluding observations, the CRPD Committee subsequently noted its concern with *“...the insufficient harmonisation of the domestic legal framework with the Convention”^x*

AFDO supports the call for a National Human Rights Act for Australia, noting that this must explicitly articulate and give rise to the rights of people with disability as defined under the CRPD. We also note that Article 4:5 of the CRPD states that:

“The provisions of the present Convention shall extend to all parts of federal States without any limitations or exceptions.”

As such, further consideration must be given to how a national human rights act will intersect with matters that fall within the jurisdiction of State and Territory Governments, and compel all public authorities to conform with the provisions of the Act.

We also agree with the recommendation put forward by our colleagues at People with Disability Australia concerning the need for decision-makers to consider international human rights law jurisprudence as persuasive in interpreting a new Human Rights Act.

Recommendation 4:

That the proposed Australian Human Rights Act give rise to Australia’s obligations under all the international human rights treaties to which it is party. In particular, the Convention on the Rights of Persons with Disabilities to be effectively incorporated into the new Act to ensure the rights of people with disability are both justiciable and enforceable.

Recommendation 5:

That the proposed Australian Human Rights Act include a provision that requires decision-makers to consider international human rights law jurisprudence as persuasive in interpreting the legislation.

4.3. Australia continues to fall short of its obligations under OPCAT

Australia ratified the Optional Protocol (OPCAT) to the Convention in 2017, following a period of extensive advocacy by civil society organisations. OPCAT requires Australia to establish a system of regular preventive visits to places of detention by independent bodies known as National Preventive Mechanisms (NPMs). In Australia, this requires every state and territory to designate an NPM to carry out inspections and provide oversight of places of detention within their jurisdiction.^{xi} Article 4 of OPCAT clarifies that places of detention can be defined as:

"...any form of detention or imprisonment or the placement of a person in a public or private custodial setting which that person is not permitted to leave at will by order of any judicial, administrative or other authority."^{xii}

We know that people with disability are over-represented in places of detention and experience higher rates of violence, ill-treatment and torture.^{xiii} The effective implementation of OPCAT is therefore critical to improving outcomes for people with disability across Australia; particularly first nations people who are most disproportionately impacted by these issues.

Australia was required to have fully implemented measures relating to NPMs by January this year. Regrettably, Queensland, New South Wales and Victoria have all failed to meet this deadline.^{xiv}

By ratifying OPCAT, Australia has also agreed to accept visits from the United Nations Subcommittee on the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT).^{xv} The SPT was due to conduct its first tour of Australia in October 2022. The authorised delegation had to suspend its visit after being refused entry to places of detention in both Queensland and New South Wales by the respective governments.

In February 2023, the Committee based on the refusal of access, made the decision to terminate its visit to Australia altogether. Rwanda is the only other country ever to have had such a visit terminated.^{xvi}

The aforementioned factors, coupled with the fact that the current Federal government failed to allocate any additional funding to support the implementation of OPCAT in the 2023-24 budget, demonstrate that Australia is still not taking its international obligations seriously.

The establishment of a national Australian Human Rights Act must give rise to Australia's obligations under OPCAT, as guided by the Australian Human Rights Commission's Road Map to OPCAT Compliance.^{xvii}

Recommendation 6:

That the proposed Australian Human Rights Act give rise to Australia's obligations under the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by:

- Establishing a nationally consistent approach to the work of National Preventive Mechanisms (NPMs) through the implementation of recommendations included in the Australian Human Rights Commission's Road Map for OPCAT Compliance.
- Ensuring a disability inclusive approach to the work of NPMs by following the guidance provided in DPO Australia's position statement on a disability-inclusive NPM, which AFDO fully endorses.
- Compelling all Government agencies to comply with visits from any United Nations authorised Subcommittee, body or representative, concerning the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

5. Australian laws, policies, and practices continue to breach the rights of people with disability

Three of the broader proposals put forward in the AHRC's submission to this inquiry would make a significant difference to any new laws and policies that threaten to compromise the rights of people with disability. These are the recommendations relating to:

- Strengthening the powers and role of the Joint Parliamentary Committee on Human Rights.
- The need for a new Human Rights Act to include a positive participation duty, which requires public authorities to actively consult with people with disability through their representative organisations.
- The need for all public sector employees to participate in mandatory training to help them uphold human rights in their day-to-day work.

We trust that this section of our submission will help to shine a light on the extent of retrospective work that must be undertaken to bring some of Australia's laws, policies and practices into line with international human rights standards.

5.1. Australia's interpretive declarations perpetuate issues relating to equality and non-discrimination and equal before the law

The CRPD Committee, in its general comment on equality and non-discrimination, states:

"...Equal under the law means that there should be no laws that allow for specific denial, restriction or limitation of the rights of persons with disabilities, and that disability should be mainstreamed in all legislation and policies."^{xviii}

The Committee's general comment on equal recognition before the law further clarifies:

"States parties must holistically examine all areas of law to ensure that the right of persons with disabilities to legal capacity is not restricted on an unequal basis with others. Historically, persons with disabilities have been denied their right to legal capacity in many areas in a discriminatory manner under substitute decision-making regimes such as guardianship, conservatorship and mental health laws that permit forced treatment. These practices must be abolished in order to ensure that full legal capacity is restored to persons with disabilities on an equal basis with others."^{xix}

A number of Australian laws and policies continue to breach the rights of people with disability in the aforementioned areas. As an example, Australia continues to defend the interpretive declarations it has published in relation to Articles 12, 17 and 18 of the CRPD. These articles relate to equal recognition before the law, protecting the integrity of the person, and liberty of

movement and nationality respectively. The 2019 civil society shadow report on Australia's performance under the CRPD noted:

"Australia's Interpretative Declarations on CRPD Articles 12, 17 and 18 restrict effective implementation of the CRPD, prevent reform and allow for human rights violations including denial of legal capacity, forced treatments, and discrimination against non-Australian people with disability seeking to enter or remain in Australia."^{xx}

The CRPD Committee has agreed with this assessment and recommended that Australia review and withdraw these interpretive declarations;^{xxi} which allow for the continuation of outdated laws, practices and policies that are in breach of Australia's obligations under the CRPD.

Recommendation 7:

That the Australian Government be requested to urgently repeal its interpretive declarations made under Articles 12, 17 and 18 of the Convention on the Rights of Persons with Disabilities to abide by its international obligations.

5.2. There is still no national framework for supported decision-making

In 2014, the Australian Law Reform Commission undertook a comprehensive review of equality, capacity and disability in Commonwealth Laws. The final report included a range of recommendations, most of which related to legislative amendments that were needed to bring existing legislation into line with the CRPD. These recommendations have still not been fully implemented.

One of the key recommendations from this report related to the need for a national policy and legislative framework for supported decision-making. This would help fulfill Australia's human rights obligations under articles 5 (equality and non-discrimination), 9 (accessibility, and 12 (equal recognition before the law) under the CRPD.

Earlier this year, La Trobe University's Living with Disability Research Centre published a report for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability entitled, "Diversity, dignity, equity and best practice: a framework for supported decision-making".

The report includes 9 best practice principles and 8 best practice elements that should underpin a national supported decision-making framework for Australia. These elements and principles must be enshrined in the new Human Rights Act to give rise to the rights of people with disability who require decision-making support.

Recommendation 8:

That the proposed Australian Human Rights Act give rise to the recommendations from the Australian Law Reform Commission's 2014 report from its Review of Equality, Capacity and Disability in Commonwealth laws; including the recommendation to establish a national policy and legislative framework for supported decision-making.

5.3. People with disability are still being indefinitely detained without a criminal conviction

Australia's legislative and policy framework continues to breach the rights of people with disability who come into contact with the criminal justice system.

All Australian states and territories administer legislation that includes justice diversion provisions. These provisions are applied when a person with disability is deemed 'unfit' to stand trial. They have resulted in people with disability who have never been convicted of a crime being indefinitely detained in psychiatric facilities or prisons. In fact, some people with disability have been detained for a longer period than would have been the case had they actually been convicted of a crime.^{xxii}

As of 2022, more than 1,200 people with cognitive or psychosocial disability were still being detained without a criminal conviction.^{xxiii}

There have also been instances where children with disability have been held and restrained in adult detention centres, resulting in a grievous violation of their human rights.

In 2016, the Senate Community Affairs References Committee conducted an inquiry into the Indefinite Detention of People with Cognitive and Psychiatric Impairment in Australia. To-date, the Government has not responded to the final report from this inquiry. Nor has it implemented the recommendations contained therein. In 2019, the CRPD Committee recommended that Australia implement these recommendations as a matter of urgency.^{xxiv}

Recommendation 9:

That the proposed Australian Human Rights Act give rise to the recommendations contained in the Senate Community Affairs References Committee's 2016 report, Indefinite Detention of Persons with Cognitive and Psychiatric Impairment in Australia.

5.4. Australia's approach to disability care and support breaches the rights of many people with disability

The CRPD Committee, in its general comment on living independently and being included in the community, clarifies that:

“The provision of affordable and available quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries, as enshrined in article 20, is a precondition for the full inclusion and participation of persons with disabilities in their respective communities.”^{xxv}

Furthermore, a 2017 report published by the Special Rapporteur on the Rights of Persons with Disabilities acknowledged that:

“States must establish legal and policy frameworks that ensure that support services and arrangements, including assistive technologies, are available, accessible, adequate and affordable.”^{xxvi}

The establishment of the National Disability Insurance Scheme (NDIS) has been a monumental step forward in enabling Australia to meet these obligations. It needs to be clarified that it is a scheme that supports around 600,000 Australians with severe and lifelong disability who amount to only 14% of the more than 4.3 million people with disability across Australia. In its 2019 concluding observations, the CRPD Committee noted that the NDIS:

“relies heavily on the medical model of disability and does not provide older persons with disabilities, persons with disabilities from culturally and linguistically diverse backgrounds, Aboriginal and Torres Strait Islander persons with disabilities and persons with intellectual or psychosocial disabilities with equal opportunities.”^{xxvii}

Older people with disability in particular have been disproportionately affected by the restrictive age access limit of the NDIS. The NDIS Act states that an individual must be under age 65 at the time of making an access request for the scheme in order to be eligible. Those who entered the scheme prior to their 65th birthday are able to remain in the scheme as they age beyond 65 years. People with disability who were already 65 when the NDIS became available in their area, and those who acquire a disability after their 65th birthday, are required to access their support from the inadequate disability supports resourced aged care system. The Parliamentary Joint Committee on Human Rights had expressed concern with this arrangement from as far back as 2013, noting:

“This assumes that the aged care system does or will deliver all the forms of assistance support required and is organised in accordance with the principles and operates in compliance with the obligations set out in the CRPD (Convention on the Rights of Persons with Disabilities) and the NDIS. While the incidence of disability may increase with age, the assumption that a person who has lived with disability for many years can transition without difficulty to a different system that may be organised around different principles deserves further examination.”^{xxviii}

As such, the Joint Committee noted that excluding those aged 65 and over from the NDIS raised non-discrimination issues, and sought further clarification from the Minister as to whether the aged care system delivered the same forms of assistance and support that would be provided under the NDIS.

There is an extensive body of evidence to demonstrate that older people with disability who are excluded from the NDIS are not afforded the same access to services and supports as their younger peers. The equity gaps that are experienced by older Australians with disability who are excluded from the NDIS were well documented in the report from the 'Review of Assistive Technology Programs in Australia', which states:

“Stakeholders frequently cited inequities between the aged care, health and disability sectors as a major challenge within the AT landscape, with age seen as a major cause of inequity. For example, a consumer aged 65 years or older is ineligible for NDIS support if they were not an NDIS recipient before the age of 65. This consumer is less likely to have their AT needs met than a consumer with the same condition who is aged 64 and is eligible for NDIS funding for the rest of their lives. This was seen as creating a two-tiered system, with older people who must rely on the aged care system for AT often missing out.”^{(xxix)xxx}

Evidence also exists from a more recently released research report exploring the inequity in the provision of assistive technology and home modifications to older people with disability who are not eligible for the NDIS. This report found that the average spend on assistive technology and home modifications per person per year for NDIS participants was \$2,500, compared with just \$51 per person per year for aged care recipients.^{xxxi}

The Australian Government’s continued inaction on this issue constitutes a breach of its obligations under the CRPD. The CRPD Committee, in its general comment on living independently and being included in the community, stipulates:

“Disability support services must be available, accessible, affordable, acceptable and adaptable to all persons with disabilities and be sensitive to different living conditions, such as individual or family income, and individual circumstances, such as sex, age, national or ethnic origin and linguistic, religious, sexual and/or gender identity. The human rights model of disability does not allow the exclusion of persons with disabilities for any reason, including the kind and amount of support services required.”^{xxxii}

A more recent report published by the Special Rapporteur on the Rights of Persons with Disabilities goes on to clarify that:

“States have an international obligation to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all older persons with disabilities, including by reviewing their legal and policy frameworks; prohibiting discrimination on the basis of age and/or disability; and ensuring access to rights-based community support.”^{xxxiii}

In 2019, The CRPD Committee subsequently recommended that Australia:

“Review disability assessment criteria for support schemes under the National Disability Insurance Scheme and align them with the human rights model of disability, ensuring adequate support for older persons with disabilities, persons with disabilities from culturally and linguistically diverse backgrounds, Aboriginal and Torres Strait Islander persons with disabilities and persons with intellectual or psychosocial disabilities.”^{xxxiv}

The Federal Government, along with all State and Territory Governments need to ensure that adequate supports and services are maintained, provided and available to people with disability who are 65 years and over and are not a participant of the NDIS, through improving or establishing these in either the aged care system or through other funded supports and community led programs.

Recommendation 10:

That the national Disability Reform Ministerial Council be requested to;

1. Urgently address the inequity in the provision of services and supports to people with disability who are not eligible for the National Disability Insurance Scheme;
2. Articulate how it intends to implement a disability care and support framework that complies with its obligations under the CRPD for the rights of all people with disability to access services and supports on an equitable basis; And
3. Advise how this will be reflected under the current Disability Services and Inclusion Act and the proposed Australian Human Rights Act.

5.5. Accessibility is still not built into public procurement processes

The CRPD Committee, in its general comment on accessibility, notes that state parties to the CRPD must:

“Ensure that all newly procured goods and services are fully accessible for persons with disabilities. Minimum standards must be developed in close consultation with persons with disabilities and their representative organizations, in accordance with article 4, paragraph 3, of the Convention.”^{xxxv}

In Australia, there is currently no enforceable mandate for public entities to ensure newly procured goods and services are fully accessible. This has resulted in billions of taxpayer dollars being spent on public services that openly discriminate against people with disability and prevent them from fully participating in their communities.

The Queensland Government’s NGR rail project provides a perfect example. An Inquiry into the project found that the design of the 75 new trains being procured by the Queensland Government

did not comply with the law and failed to meet disability access tests. Despite these facts known at the time, the trains were still approved by the Queensland Government Authority for construction.

This not only prevented many Queenslanders with disability from accessing their communities, it has also cost the Queensland Government and the entire State population, an additional \$335.7 million to then retrofit the train carriages for accessibility when they should have been purchased to accessible standards from the outset.^{xxxvi}

The proposed national human rights act must provide an absolute assurance that oversights like this will not take place in the future.

The procurement of inaccessible information and communications technology (ICT) also continues to breach the rights of people with disability in many areas of public life. The CRPD Committee, in its general comment on accessibility, noted:

"Disability laws often fail to include ICT in their definition of accessibility, and disability rights laws concerned with non-discriminatory access in areas such as procurement, employment and education often fail to include access to ICT and the many goods and services central to modern society that are offered through ICT."^{xxxvii}

In 2020, Australia adopted AS EN 301 549:2020 – Accessibility requirements for ICT products and services following several years of lobbying by the disability advocacy sector.^{xxxviii} However, without a whole of Government strategy outlining how this Standard is to be operationalised, its introduction has had little to no tangible impact for people with disability.

AFDO supports and endorses the Australian Communication Action Network's community position statement on accessible ICT procurement.

We assert that the proposed human rights Act must mandate accessible procurement practices across the public sector, which will ensure:

- All public sector agencies procure accessible ICT, providing significant benefits for current and future employees with disability.
- All public sector electronic information is accessible to people with disability.
- All electronically delivered public services are accessible to people with disability.
- There will be a greater choice of accessible products and services in the Australian ICT marketplace.
- Australia does not become a dumping ground for inaccessible products and services that cannot be sold to overseas markets where accessible procurement practices are already in place.

The CRPD Committee also noted Australia's inaction on the matter of public procurement in its 2019 concluding observations, recommending that Australia:

“Take the necessary legislative and policy measures, such as the development of public procurement criteria, to implement the full range of accessibility obligations under the Convention, including regarding information and communications technologies and systems, and ensure effective sanctions measures for non-compliance.”^{xxxix}

Recommendation 11:

That the proposed Australian Human Rights Act mandate accessible procurement practices for all public entities; And establish a panel of independent experts that can review all contracts and tenders to ensure accessibility is considered and outcomes are publicly reported from the outset.

6. There are limited mechanisms for people with disability to pursue complaints when their rights have been breached

6.1. People with disability are unable to effectively uphold their rights under the CRPD

There is no clearly established mechanism for Australians with disability to pursue complaints relating to a breach of their rights under the CRPD, as the CRPD has still not been enshrined in domestic law.

AFDO member, Deafblind Australia notes:

"Deafblind people and their supporters report that any attempts to rectify observed violations of rights eventually fall over because there is no law to compel action by those infringing on an individual's rights. All complaint mechanisms and departments are seen as toothless tigers and citing the CRPD is pointless because none of those commitments are enshrined in federal laws."

While it is possible for an individual to lodge a complaint alleging a violation of their rights under the Optional Protocol to the CRPD, this is a lengthy and time-consuming process. A Complainant is also generally required to have exhausted all domestic remedies in order for their individual communication to be admissible. Furthermore, as demonstrated in section 5.2 of this submission, the recommendations arising from individual communications are still not legally binding and are generally ignored.

AFDO staff member, Lauren Henley, has first-hand experience following this process from start to finish. She has been pursuing the same complaint regarding Australia's failure to legislate minimum targets for audio description on Australian television for eight years; first via the Australian Human Rights Commission, and later via an individual communication to the CRPD Committee. In October 2022, the CRPD Committee handed down its finding in relation to Lauren's individual communication. Her complaint was upheld. Australia was found to be in breach of its obligations under articles 9 (accessibility) and 30 (Participation in cultural life, recreation, leisure and sport) of the CRPD.

Lauren's complaint has influenced a degree of systemic change. Disappointingly, however, the Australian Government has failed to accept the expert finding and recommendations made by the CRPD Committee. The Australian Government has publicly stated that it disagrees that Lauren's rights had been breached. Contrary to the CRPD Committee's recommendations, they have also failed to commit to legislative reform to introduce minimum targets for audio description on Australian television.^{x1}

The Public Interest Advocacy Centre supported Lauren with her individual communication to the CRPD Committee. Based on this experience and their extensive experience working with people with disability and disability advocacy organisations more broadly, they prepared a submission to the Royal Commission into Violence, Abuse, Neglect and Exploitation of people with Disability. This submission focused on the Experiences of people with disability attempting to enforce their rights under the CRPD. The following recommendation is based on recommendations included in this submission.

Recommendation 12:

That the Australian Government co-design, along with people with disability and their representative organisations, a domestic complaint mechanism to enable people with disability and/or their representative organisations to uphold their rights under the CRPD.

6.2. People are unable to effectively uphold their rights under the DDA

6.2.1. The DDA is a “toothless tiger”

The *Disability Discrimination Act 1992 (Cth)* is administered by the Australian Human Rights Commission (AHRC), and is reactive in nature. That is, it relies on discrimination having first occurred, then places the onus on the person with disability to lodge a complaint with the Australian Human Rights Commission with a view towards it eventually being resolved through conciliation.

Anecdotally, we understand that it is currently taking the AHRC up to six months to action a new complaint due to significant resourcing constraints. Once a complaint is actioned, there is also no guarantee that it will result in a positive outcome for the complainant. This is due to the fact that the Commission does not have the power to:

- Compel respondents to participate in conciliation.
- Make legally binding decisions as to whether discrimination has occurred.
- Compel the respondent to take positive steps to remedy the situation and impose sanctions for non-compliance.
- Commence own motion inquiries in relation to issues of unlawful discrimination that are of a systemic nature.

We agree with the AHRC’s proposals to:

- Review and strengthen Australia’s anti-discrimination framework, including the Disability Discrimination Act 1992 (Cth) from a reactive to a proactive model

- Broaden the AHRC’s powers to enable them to carry out a broader range of functions, including consideration of reintroducing an intermediate adjudicative process into the federal discrimination system to bridge the gap between voluntary conciliation (at the AHRC) and litigation (in the federal courts).

Recommendation 13:

That the Australian Government reintroduce an intermediate adjudicative process into the federal discrimination system to bridge the gap between voluntary conciliation and litigation.

Recommendation 14:

That the Australian Government modernise and strengthen the Disability Discrimination Act 1992 (Cth) (DDA), and associated standards; to shift their focus from a reactive model that responds to discrimination, to a proactive model that aims to prevent discrimination from occurring; And be undertaken in close consultation with disability representative organisations.

6.2.2. Accessibility standards are not enforceable

We note that section 31 of the DDA grants the Minister (for disabilities) the power to develop Disability Standards that sit underneath the Act.^{xii} Standards provide greater detail on the rights and responsibilities of people with disability in a particular area of public life. They are legally binding regulations set by the Attorney-General under the DDA.^{xlii} There are currently three sets of Disability Standards in place under the DDA. These are:

- The Disability Standards on Education 2005.
- The Disability Standards on Accessible Public Transport 2008.
- The Access to Premises Standards 2010.

It can be argued that these tools have helped to drive some change in relation to disability access and inclusion. These instruments, just like the DDA, however, are reactive in nature and do not carry any sanctions for non-compliance. This means that the DDA and associated standards are extremely limited in their ability to reduce systemic discrimination and meaningfully improve life outcomes for people with disability.

Australia’s approach to disability discrimination falls well short of international expectations. In her 2016 annual thematic report, the Special Rapporteur on the Rights of Persons with Disabilities noted:

“The effective implementation of laws, policies and regulations promoting disability inclusion also requires strong enforcement mechanisms, with meaningful penalties for non-compliance.”^{xliii}

As such, she has recommended that State Parties to the CRPD:

“...establish a comprehensive policy framework on accessibility, including national accessibility standards and enforcement mechanisms”.^{xliv}

We recommend the Australian Human Rights Commission be granted the power to enforce compliance with the DDA and associated standards. This process could be operationalised in much the same way as the Fair Work Act. This Act provides the Fair Work Ombudsman with the power to enforce compliance by issuing enforcement notices and prosecutions.^{xlv}

We also note that the AHRC has proposed the development of two new sets of Disability Standards relating to digital communication technology and employment. AFDO supports this proposal, noting that these standards must be developed in close consultation with people with disability through their representative organisations.

Recommendation 15:

That the Australian Human Rights Commission be granted the power and funded to enforce compliance with the DDA and associated standards by issuing enforcement notices and prosecutions.

Recommendation 16:

That the Disability Discrimination Act 1992 (Cth) be amended to have two new sets of standards introduced under its legislation, to improve compliance around both digital communication technology and employment. These new standards must also carry adequate enforceable sanctions for non-compliance; And be developed in close consultation with disability representative organisations.

6.2.3. Recent case law has left a gaping hole in the DDA

Many people with disability require reasonable adjustments (also known as reasonable accommodations) to enable them to participate in various aspects of life on an equitable basis with others. A reasonable adjustment is a change to a practice, procedure or environment that enables a person with disability to access a system, service or facility on an equitable basis with others.

The refusal to make reasonable adjustments constitutes discrimination under the Convention on the Rights of Persons with Disabilities (CRPD).^{xlvi} To this end, the Special Rapporteur on the Rights of Persons with Disabilities has stated that all State Parties to the CRPD must:

“...Ensure the provision of reasonable accommodation in all programmes, services and interventions”.^{xlvii}

The denial of reasonable adjustment does technically constitute discrimination under Australia’s Disability Discrimination Act. Section 6 (*) of the Act states:

“...For the purposes of this Act, a person (the discriminator) also discriminates against another person (the aggrieved person) on the ground of a disability of the aggrieved person if:

- (a) the discriminator requires, or proposes to require, the aggrieved person to comply with a requirement or condition; and*
- (b) because of the disability, the aggrieved person would comply, or would be able to comply, with the requirement or condition only if the discriminator made reasonable adjustments for the person, but the discriminator does not do so or proposes not to do so; and*
- (c) the failure to make reasonable adjustments has, or is likely to have, the effect of disadvantaging persons with the disability.”^{xlviii}*

This was not always a feature of the DDA and was the result of hard fought advocacy on the part of people with disability. Specific obligations around reasonable adjustment were incorporated into the DDA in 2009 under the Disability Discrimination and Other Human Rights Legislation Amendment Act, subject to a recommendation from the Productivity Commission.^{xlix} In 2019, however, *Sklavos v Australian College of Dermatologists* resulted in a precedent that has left a dangerous and gaping hole in the Disability Discrimination Act.

In his 2019 submission to the combined second and third reviews of Australia’s performance under the CRPD, Disability Discrimination Commissioner Ben Gauntlet stated:

*“The Commission is concerned that the decision of the Full Federal Court in *Sklavos v Australian College of Dermatologists* [2017] FCAFC 128 (*Sklavos decision*) narrows the scope of the duty to make reasonable adjustments under the DDA, by introducing a requirement that the disability of the aggrieved person be a reason for the failure to make reasonable adjustments, in order for it to amount to direct discrimination. It is the Commission’s view that this additional requirement is too onerous. It is also contrary to Article 5 of the CRPD, as clarified by General Comment No.6, which provides that any denial of reasonable accommodation, no matter the reason for the denial, is a form of disability-based discrimination. The Commission has recommended that the Australian Government amend the DDA to address the implications of the *Sklavos decision* by creating a new standalone provision in the DDA that provides for a positive duty to make reasonable adjustments unless doing so would involve an unjustifiable hardship.”*

Recommendation 17:

That the Disability Discrimination Act 1992 (Cth) be amended to recognise the implications of the *Sklavos decision*. A new standalone provision must be incorporated into the Act to create a positive duty to make reasonable adjustments (unless doing so would involve an unjustifiable hardship). With this amendment developed in close consultation with disability representative organisations.

6.2.4. The DDA does not currently allow people with disability to make complaints based on more than one attribute

In its General Comment relating to equality and non-discrimination, the CRPD Committee compels state parties to:

“Adopt specific measures with a view to achieving inclusive equality, in particular for persons with disabilities who experience intersectional discrimination, such as women, girls, children, older persons, and indigenous persons with disabilities.”ⁱ

It goes on to clarify that:

“Intersectional discrimination” occurs when a person with a disability or associated to disability suffers discrimination of any form on the basis of disability, combined with colour, sex, language, religion, ethnic, gender or other status.”ⁱⁱ

Australia’s anti-discrimination framework does not currently allow a person with disability to make a complaint on the basis of more than one attribute. As such, in 2019 the CRPD Committee recommended that:

“Australia strengthen anti-discrimination laws, particularly the DDA, to address and prohibit intersectional and multiple forms of discrimination.”ⁱⁱⁱ

This recommendation remains outstanding.

Recommendation 18:

That the Disability Discrimination Act 1992 (Cth) be amended to acknowledge intersectionality, and enable a person with disability and/or their representative organisation, to make a complaint on the basis of more than one attribute. With this amendment developed in close consultation with disability representative organisations.

6.3. Legal aid is chronically underfunded

The fact that the AHRC does not have the power to make legally binding decisions or enforce compliance means that many complaints are unable to be resolved through conciliation. If a matter is unable to be resolved through conciliation, an individual has 60 days in which to file the matter with the Federal Court of Australia or the Federal Circuit court should they wish to pursue it further. At this point, the AHRC is unable to provide advocacy or legal advice to complainants as it is an impartial body.

Any individual who pursues a disability discrimination case in court could be ordered to pay the other party's legal costs. Many people with disability cannot meet these costs and are unable to progress their complaint for this reason.

The AHRC's proposal to consider reintroducing an intermediate adjudicative process into the federal discrimination system would help to bridge the gap between voluntary conciliation (at the AHRC) and litigation (in the federal courts). This strategy cannot, however, exist in isolation. The availability of pro bono legal representation is extremely limited in Australia and this situation must be addressed as a matter of urgency.

Legal Aid has proven its worth, with a report released earlier this year demonstrating that every \$1 spent on Commonwealth legal aid generates a \$2.25 return in quantitative benefits.^{liii} Despite this fact, the Law Council of Australia estimates that current funding levels under the National Legal Assistance Partnership and other funding streams currently sit at below half of what is needed in real terms.^{liv}

In Australia, it is still possible to convict and imprison someone who did not qualify for legal aid, but who was unable to afford legal representation.^{lv} Legal Aid is also generally directed to criminal and family matters, meaning there is little support for civil proceedings. This situation is compounded by the fact that there are limited lawyers who practice in disability discrimination, have awareness of the relevant complaint mechanisms and provide services that are accessible to people with disability.^{lvi}

Recommendation 19:

That the Australian Government urgently review and increase funding for all legal aid services to ensure provision of legal support and accessibility specifically for people with disability in relation to disability discrimination matters.

Recommendation 20:

That the proposed Australian Human Rights Act include a positive access to justice duty. This duty would require public authorities to ensure that individuals in criminal and family trials are guaranteed access to a lawyer when they are unable to afford one at their own expense.

Recommendation 21:

That the proposed Australian Human Rights Act place the onus on public authorities to provide access to legal assistance, interpreters and disability support to support people with disability to engage in justice related proceedings (both civil and criminal).

6.4. Disability advocacy is severely underfunded

Disability advocacy both individual and systemic, plays a critical role in this area by:

- Helping people with disability to understand and assert their rights.
- Advocating for people with disability to have better access to mainstream services and facilities.
- Intervening in situations before they progress to crisis point, or place a person with disability at risk of further harm.
- Addressing areas of systemic policy, legislation, program or system failure within or across jurisdictions, adversely impacting on the outcomes and lives for people with disability

Trends arising in individual advocacy also help to inform priorities for systemic disability advocacy. Systemic disability advocacy involves working for long-term social change to improve outcomes for people with disability. It is about ensuring laws, policies and programs adequately serve the rights, needs and interests of people with disability.

While systemic advocacy aims to improve the social capital of people with disability, it often leads to broader societal and economic benefits. A cost benefit analysis undertaken in 2017 found that independent disability advocacy delivers a significant positive net economic benefit to Australia. In fact, an estimated benefit of \$3.50 is returned for every dollar spent on independent advocacy.^{lvii}

There is also a significant economic cost associated with inaction. A recent report published by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with disability reported that the exclusion and neglect of people with disability cost the Australian economy at least \$46.0 billion in 2021-22 and of this \$46.0 billion, \$27.7 billion was directly related to issues of systemic failures and neglect.

These costs were associated with factors including, but not limited to:

- Avoidable deaths.
- Preventable hospitalisations.
- Extra costs arising from people living in inaccessible housing.
- Low employment rates resulting from discrimination.^{lviii}

It is insufficient, fragmented and insecure funding that continues to compromise the work of the disability advocacy sector. These matters are explained further in Disability Advocacy Network Australia's (DANA's) Submission to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

Importantly, in its 2019 concluding observations, the CRPD Committee also recommended that Australia:

“Ensure that persons with disabilities are able to access continuous, sustainable and adequately resourced individual and independent advocacy programmes, particularly those not part of the National Disability Insurance Scheme.”^{lix}

Increased funding to support systemic advocacy would also align with the AHRC’s proposal to strengthen the work of the NGO sector.

Recommendation 22:

That the Australian Government ensure that persons with disabilities are able to access continuous, sustainable and adequately resourced individual and independent advocacy to support them or their representative organisations to report conduct that is in breach of their rights under the CRPD.

Recommendation 23:

That the Australian Government commit to providing sufficient and equitable funding to underpin and support the work of both individual and systemic advocacy organisations advocating for the rights of people with disability.

Recommendation 24:

That the Australian Government commit to undertaking a leadership role in working with all State & Territory Governments to ensure they provide sufficient and equitable funding to underpin and support the work of both individual and systemic advocacy organisations operating in their respective jurisdictions, advocating for the rights of people with disability.

7. Concluding comments

Thank you for providing us with an opportunity to submit feedback to inform this review. As demonstrated throughout this submission, Australia continues to fall well short of its international human rights obligations for people with disability.

As such, we hope the Committee will carefully consider the recommendations raised throughout this submission as it prepares its final report.

Should you require any further information about any of the matters raised in this submission, please contact AFDO's Senior Systemic Advocate, Lauren Henley.

Lauren can be contacted by phone on 0493 623 709, or by email at lauren.henley@afdo.org.au.

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