

Australia's Disability Strategy 2023 Implementation Report

Reporting Period: 3 December 2021 to 30 June 2023

Input due **11 August 2023**

Input Request

Please draft your input in the template below. Note that your input must adhere to word count limits, as specified in the template.

To support your input, we have developed a separate Drafting Advice document. The Drafting Advice document provides information on input criteria; the next steps for the Report project; as well as information on the Report's structure and project schedule.

Images

You may also supply images to support your input. Final decisions on the use of images in the Implementation Report will be at the discretion of the Department of Social Services. If included, these images will be used in both an online version of the Implementation Report (to be published on [Disability Gateway](#)) and a small print run to support its tabling in Australian Parliament.

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Input submission

Email your input to ADSImplementationPolicy@dss.gov.au by **11 August 2023**.

Input Template

*****Before you start drafting, review the Drafting Advice document*****

Report Section: Outcome Areas

Key input

- What progress has been made in the Outcome Area? What activity or initiative has been the most successful, and why?
- Where do you think more effort is needed? Consider including data to support your input.
- Do you have a case study illustrating the impact of the Strategy Outcome Areas on improving outcomes for people with disability?
- If relevant, provide an overview of your organisation's activities that have contributed to the Outcome Areas.

Word count permitted: 300 words for each Outcome Area

Outcome Area: Employment and Financial Security

1. We were pleased to inform the development of the new Quality Framework for DES and commend the Department for completing this work.
2. We valued the opportunity to provide feedback on the Department of Treasury's draft TOR for its White Paper on Employment and look forward to the release of the final paper in September 2023.
3. We acknowledge the announcement of \$57 million over four years in the 2023-24 budget to:
 - A) Create ongoing employment opportunities for people with disability with high support needs
 - B) Assist the supported employment sector to evolve to better meet community expectations, and
 - C) Provide people with disability with high support needs, their families and carers with access to advocacy support and information."¹
4. Feedback from AFDO members suggests that there has been no tangible change in employment outcomes for the people they represent. We hope the above activities will lead to improved outcomes during the next reporting period.
5. Facts are that many PwD rely on income from Disability Support Pension or Jobseeker payments to make ends meet, both of these place them below accepted poverty line.²
6. The outcomes framework states the Gap in median gross income between people with and without disability aged 15-64 will be used to enable the Department to report on outcomes relating to financial security. Financial security does not disappear once a person with disability turns 65 and the retirement age has been increased to 67 years making it more critical to collect data on people aged 65+.³

Outcome Area: Inclusive Homes and Communities

Housing

1. As of October 2023, the National Construction Code will require all new housing to meet the Livable Housing Design Standard. If complied with by States & Territories, it will dramatically increase the availability of housing stock that is accessible to people with disability. It is critical that State/Territory Governments ensure the new standard is properly implemented under the next reporting period.

2. Home modifications are essential to enabling many people with disability to age in place. However, these are still critically underfunded for people with disability who are outside the NDIS. The outcomes framework fails to measure the need for, and access to home modifications as distinct from assistive technology.

Social inclusion and participation

1. Earlier this year, the Australian Government issued a response pertaining to an individual communication that was lodged in relation to Australia's compliance with Article 9 and 30 of the CRPD. This response indicates that The Minister for Communications will develop a Plan under Australia's Disability Strategy as the vehicle for addressing access to communications technologies, including audio description. We look forward to this plan being operationalised and reported on.
2. There is still no enforceable mandate to ensure publicly procured information and communications technology (ICT) is accessible. In 2020, Australia adopted AS EN 301 549:2020 – Accessibility requirements for ICT products and services.⁴ Without a whole of Government strategy outlining how this Standard is to be operationalised, it has had little impact. As such, we would like to see the Australian Communication Action Network's community position statement on accessible ICT procurement operationalised under the aforementioned plan that is being developed by the Minister for Communications.
3. The outcomes framework still refers to compliance with the Web Content Accessibility Guidelines 2.0. This version of the guidelines has since been superseded by the Web Content Accessibility Guidelines 2.1. The outcomes framework should be updated to reflect this change.

Outcome Area: Safety, Rights, and Justice

1. The outcomes framework only captures complaints made to the NDIS Quality and Safeguards Commission and fails to capture complaints relating to other service systems, including the aged care system. Government must have a means of capturing complaints made by people with disability across all service settings.
2. People with disability are over-represented in places of detention and experience higher rates of ill-treatment in these environments.⁵ As such, AFDO is disappointed at the blatant disregard shown by Australia regarding its obligations under OPCAT during the reporting period. Several states failed to meet reporting deadlines and refused to grant the United Nations Subcommittee on the Prevention of Torture access to places of detention within their jurisdiction.^{6,7,8,9}

The next implementation report must explore the steps taken by all levels of Government to ensure the National Preventive Mechanism (NPM) network safeguards the rights of people with disability living in places of detention; drawing on DPO Australia's position statement on a disability-inclusive NPM.

3. Many people with disability require support with decision-making to ensure their rights are adequately upheld. This means we need to establish a national framework for supported decision-making in line with recommendations made by the Australian Law Reform Commission and CRPD Committee.¹⁰ This must be operationalised under the next reporting period.

Outcome Area: Personal and Community Support

1. Tangible change cannot be achieved under other outcome areas unless PwD have access to the supports needed to facilitate mobility, communication and/or self-care. Right now, this isn't happening.

2. The NDIS Review found the disability ecosystem is not functioning as intended with most funding and efforts directed to individually funded support packages, accessed by only 10% of PwD, being those who are NDIS participants.

Review Committee states:

*"We have observed that support for Australians with disability is not planned, funded or governed as a whole ecosystem. There is not enough support for people with disability outside the NDIS. This is unfair and is undermining the sustainability of the NDIS. Which results in people falling through the cracks and missing out on much needed support."*¹¹

3. An example; many older PwD, or who acquire disability, are forced to access supports from aged care system as, being 65 or older, they are ineligible for the NDIS. Average spend on assistive technology and home modifications per person per year for NDIS is \$2,500, compared with \$51 per person per year for aged care recipients, demonstrating the complete inequity. ¹²
4. The Strategy has not been successful in driving improved access to services and supports for PwD who are not eligible for the NDIS. We also fail to see how the outcomes framework effectively measures access to services and supports for participants inside the NDIS, compared to those outside.

Outcome Area: Education and Learning

1. We note that Early Childhood was a priority within the first phase of the Strategy, as there was a targeted action plan developed on this topic. Unfortunately, our members have not reported improved outcomes in this area. Issues continue to exist in relation to access to early childhood education centres, NDIS supports and therapies and family supports. The Early Childhood Targeted Action Plan will need to be extended beyond 2024 and must align with the Early Years Strategy currently being developed by DSS.
2. Government is yet to develop an action plan or strategy to drive improvements in access to inclusive education for children with disability, despite this being one of the key issues raised by the CRPD Committee in its 2019 concluding observations.¹³

We would like to see the Department develop a targeted action plan on inclusive education that aligns with Australia's obligations under the CRPD, and the Australian Coalition for Inclusive Education's Roadmap for Achieving Inclusive Education in Australia.

3. At present, the outcomes framework only seeks to collect data relating to the percentage of students with disability who are enrolled in and complete primary and tertiary education. This data does not, however, provide any insights into the level of inclusion that is experienced by students with disability in real terms. AFDO asserts that further consideration must be given to how the National Disability Data Asset could capture:
 - A) The extent to which students feel their disability-related needs are being met in the mainstream school environment, and
 - B) The extent to which students feel they are discriminated against, bullied or excluded by other students on the basis of their disability.

Outcome Area: Health and Wellbeing

1. The first outcomes report published under the Strategy found that Around 14% of people with disability had difficulty accessing medical facilities in 2018.¹⁴ This data does not provide enough detail about the nature of access barriers experienced.
2. We acknowledge the government's commitment to the National Roadmap for Improving the Health of People with Intellectual Disability; noting the Roadmap Implementation Group includes people with intellectual disability and their representative organisations. The new National Centre of Excellence in Intellectual Disability is one priority under the Roadmap which should significantly improve health outcomes for people with intellectual disability.
3. AFDO asserts that outcomes underneath this area will not be maximised until all Australians with disability have access to the personal supports they need. This is because the timely provision of personal supports has been shown to:
 - A) Improve health outcomes and prevent the onset of secondary health conditions
 - B) Reduce the risk of accidents and falls
 - C) Reduce GP visits and hospital admissions.^{15,16}
 - D) Reduce social isolation and loneliness; which are linked to poor physical and mental health, emotional distress, poor sleep, high blood pressure and lowered immune function.¹⁷
 - E) Reduce sedentary behaviour; which is linked to increased risk of cardiovascular diseases, diabetes, obesity, cancer, high blood pressure, osteoporosis, lipid disorders, and mental illness.¹⁸

Outcome Area: Community Attitudes

1. Members report that outcomes under education, early childhood settings and health in particular remain poor.
2. DSS commissioned the Australian Council of Learned Academies to help build disability inclusive practices into pre and post qualification education and training; with a focus on the education, justice, health, and social and community sectors.¹⁹
This entity does not have expertise in the lived experience of disability and has not undertaken any consultation with disability representative organisations for this work and this must be addressed.
3. The above activity has resulted in the development of guidance materials and actions that *"...could be implemented by all levels of government, higher education learning institutions, sector agencies and employers"*. All levels of Government must implement these actions in a nationally coordinated way which should be reported under the next reporting period.
4. The targeted action plan needs to have more detailed activities and clear commitments from Government Departments. At minimum, the following should be operationalised under the next iteration of the action plan:
 - A) Public sector employees working at all levels of Government must undertake mandatory training on a human rights-based approach to people with disability.
 - B) Department of Health must establish a mechanism to mandate training on human rights model of disability for all healthcare practitioners ensuring they have the capacity to uphold rights of people with disability and eliminate discriminatory practices.
 - C) Minister for Employment must be required to work with the Australian Curriculum, Assessment and Reporting Authority, the Tertiary Education Quality and Standards Agency and the Department of Employment and Workplace Relations to ensure modules on disability awareness, accessibility and inclusive design are built into:
 - The Australian school curriculum

- Relevant VET accredited courses
- Relevant university courses.

Report Section: Strategy Implementation

Key input

The Strategy commits governments to a range of initiatives (refer to [Australia's Disability Strategy](#), pp. 35-49). In relation to these initiatives, and the Strategy in general:

- What progress has been made? What initiative has been the most successful, and why?
- Where do you think more effort is needed? What should be the Strategy's implementation goals for the future? Consider including data to support your input.
- Do you have a case study illustrating the impact of the Strategy's implementation on improving outcomes for people with disability.
- If relevant, provide an overview of your organisation's activities that have contributed to the implementation of the Strategy.

Strategy Implementation

1. The Strategy was intended to improve outcomes for all Australians with Disability. As such, we see it as a critical tool in helping to bridge the divide between people with disability who are and are not funded for individually package of supports under the NDIS. Strategy implementation, still seems to be centred predominantly around NDIS participants. This is evident when reading the outcomes framework and the five targeted action plans that were developed for the first implementation period.
2. As previously stated, we do not believe the Strategy will achieve success until such time that all people with disability, including those who are not eligible for the NDIS, can access the personal and community supports they need. As such, this outcome area needs to receive significant focus under the next reporting period.
3. Improving access to personal and community supports will also involve addressing current workforce challenges; particularly those facing the Deaf and Deafblind communities. There are not enough Auslan interpreters or CommGuides (Communication Guides) to meet current, let alone future demand. There is also no nationally consistent or easily accessible approach to teaching these skills, which points to the need for a nationally coordinated Auslan Strategy. In addition, a recent survey of disability providers across Australia found that:
 - a) 98% of respondents noted problems recruiting speech pathologists
 - b) 96% of respondents noted problems recruiting occupational therapists
 - c) 86% of respondents noted problems recruiting and retaining physiotherapists
4. The Strategy is Australia's blueprint for the domestic implementation of the CRPD. As such, AFDO finds it frustrating that it does not reference previous recommendations made by the CRPD Committee and detail progress made in addressing these recommendations. The Committee has clearly outlined what steps need to be taken to implement CRPD rights in Australia, however these continue to be largely ignored.

The strategy should be updated to include reference to recommendations previously made by the CRPD Committee. Up to date information about the status of all recommendations should also be available via the Disability Gateway, including:

- a) The Department responsible for each recommendation
 - b) Actions that have been proposed to implement each recommendation
 - c) Timeframes and measurable outcomes for implementation.
5. It is our understanding from previous interactions with DSS that Australia's Disability Strategy is only meant to support Governments with the existing infrastructure they have in place. It is not meant to help resolve interjurisdictional issues. If this is the case, the Strategy will be extremely limited in its ability to achieve tangible and lasting change. The Strategy needs to create a mechanism for complex interjurisdictional issues to be dealt with by the Disability Reform Ministerial Council. The need for such a mechanism is evident from the feedback raised throughout this document, which shows demand for a nationally coordinated approach to:
- a) Improving access to services and supports for PwD outside the NDIS
 - b) Supported decision-making
 - c) Inclusive education
 - d) A disability inclusive National Preventive Mechanism (NPM Network)
 - e) Accessible information and communications technology
 - f) improving community attitudes
 - g) Auslan.
6. More funding is needed to support systemic disability advocacy due to the critical role it plays in facilitating the Strategy's implementation. While an estimated benefit of \$3.50 is returned for every dollar spent on independent advocacy,²¹ there is also a significant economic cost associated with inaction. In 2021-22, the exclusion and neglect of people with disability cost the Australian economy at least \$46.0 billion. Of this \$46.0 billion, \$27.7 billion related to systemic failures and neglect.²² Appropriate and stable funding to support systemic disability advocacy is also needed to ensure Australia's compliance with Articles 4:3 and 33 of the CRPD, as well as the CRPD Committee's general comment on the participation of people with disability.
7. The following are just some of the ways in which AFDO has contributed towards the Strategy during the reporting period, noting that this is not an exhaustive list:
- a) Continued to auspice the National Inclusive Transport Advocacy Network (inclusive homes and communities)
 - b) Partnered with the Older Persons Advocacy Network (OPAN) to develop a paper on access to supports for people with disability over the age of 65 (personal and community support)
 - c) Undertaking the Fireproofing Vulnerable Communities Project (accessible homes and communities)
 - d) Continued to deliver the Business Inclusion and Diversity Service (Employment and financial security), which has also involved delivering training to Dietitians Australia (Health and wellbeing).
 - e) Undertaking the Financial Literacy NDIS Participants Project (Employment and financial security)
 - f) Undertaking the A List Project (inclusive homes and communities)

Attribution

Direct quotes from your input may be selected for inclusion in the Report. Please indicate your attribution preference:

- Your name, role, organisation
- Organisation name only
- "DRO Australia's Disability Strategy Implementation Forum member"
- "Disability Representative Organisation"
- No attribution

- Other – please specify:

Input Contact

We may need to contact you about your input. Please provide your details below. This information will not be included in the Report.

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¹ Commonwealth Department of Social Services (2023) Supported Employment, accessed 15 August 2023, retrieved from <<https://www.dss.gov.au/disability-and-carers-programs-services-for-people-with-disability/supported-employment>>.

² Melbourne Institute of Applied Economic and Social Research (2023) Poverty Lines Australia, March-Quarter.

³ Services Australia (2023) Who can get Age Pension, accessed 15 August 2023, retrieved from <[⁴ Intopia \(2020\) Australia adopts new standard in accessible procurement, accessed 12 July 2023, retrieved from <\[⁵ DPO Australia \\(2018\\) Position Paper: Disability Inclusive National Preventive Mechanism \\(NPM\\).\]\(https://intopia.digital/articles/australia-adopts-new-standard-in-accessible-procurement/#:~:text=Following%20the%20release%20of%20a,for%20ICT%20products%20and%20services.>.>.</p>
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⁶ Commonwealth Ombudsman (2022) Monitoring places of detention – OPCAT, accessed 18 July 2023, retrieved from <<https://www.ombudsman.gov.au/industry-and-agency-oversight/monitoring-places-of-detention-opcat>>.

⁷ Amnesty International Australia (2023) OPCAT Failure: Australia misses another deadline, accessed 18 July 2023, retrieved from <<https://www.amnesty.org.au/australia-has-failed-to-meet-the-deadline-for-implementing-the-optional-protocol-to-the-convention-against-torture-and-other-cruel-inhuman-or-degrading-treatment-or-punishment/>>.

⁸ Commonwealth Ombudsman (2023) Monitoring places of detention – OPCAT, accessed 10 July 2023, retrieved from <<https://www.ombudsman.gov.au/industry-and-agency-oversight/monitoring-places-of-detention-opcat>>.

⁹ Australian Human Rights Commission (2023) Urgent action needed following termination of UN inspection, accessed 18 July 2023, retrieved from <<https://humanrights.gov.au/about/news/urgent-action-needed-following-termination-un-inspection#:~:text=The%20decision%20came%20exactly%20one,prevent%20torture%20and%20inhumane%20treatment>>.

¹⁰ United Nations Committee on the Rights of Persons with Disabilities (2019) Concluding Observations on the Combined Second and Third Periodic Reports of Australia, Paragraph 24.

¹¹ Australian Government NDIS Independent Review Committee (2023) What we have heard: Moving from defining problems to designing solutions to build a better NDIS, P8.

¹² Layton, N., & Brusco, N. (2022) The Australian assistive technology equity studies: Improving access to assistive technology for people with disability who are not eligible for the NDIS, accessed 30 January 2023, retrieved from <<https://doi.org/10.26180/21113887>>.

¹³ United Nations Committee on the Rights of Persons with Disabilities (2019) Concluding Observations on the Combined Second and Third Periodic Reports of Australia, Paragraphs 45 and 46.

¹⁴ Australian Institute of Health and Welfare (2023) First Annual Outcomes Report Under Australia's Disability Strategy 2021-2031.

¹⁵ World Health Organization. (2020). 'Policy brief: Access to assistive technology'.

¹⁶ Australian Healthcare Associates, on request of the Australian Government Department of Health. (2020). Review of Assistive Technology Programs in Australia Final Report, P.8.

¹⁷ Australian Institute of Health and Welfare (2021) Social isolation and loneliness, accessed 31 January 2023, retrieved from <<https://www.aihw.gov.au/reports/australias-welfare/social-isolation-and-loneliness-covid-pandemic>>.

¹⁸ World Health Organization (2002) Physical inactivity a leading cause of disease and disability, accessed 31 January 2023, retrieved from <<https://www.who.int/news/item/04-04-2002-physical-inactivity-a-leading-cause-of-disease-and-disability-warns-who>>.

¹⁹ Australian Institute of Health and Welfare (2023) Australia's Disability Strategy 2021-2031 Outcomes Framework First annual report.

²⁰ National Disability Services (2022) 'State of the Disability Sector Report', accessed 13 February 2023, retrieved from <https://www.nds.org.au/about/state-of-the-disability-sector-report>.

²¹ Daly, A., Barrett, G., Williams, R., for Disability Advocacy Network Australia (2017) 'A Cost Benefit Analysis of Australian independent disability advocacy agencies'.

²² Vincent, J., McCarthy, D., Miller, H., Armstrong, K., Lacey, S., Lian, G., Qi, D., Richards, N., Berry, T. (2022). Research Report - The economic cost of violence, abuse, neglect and exploitation of people with disability, P4-6.