



**Australian Federation of  
Disability Organisations**

**Submission to  
Department of Social Services**

**Informing the  
Australian Disability Strategy Guides**

**11<sup>th</sup> December 2022**

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# About AFDO

Since 2003, the Australian Federation of Disability Organisations (AFDO), a Disabled Peoples Organisation (DPO) and 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 member organisations represent disability specific communities with a total reach of over 3.8 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 united voice of our members and people with disability in national initiatives and policy debate.

To enhance the profile, respect and reputation for AFDO through our members.

To build the capacity and sustainability of AFDO and our members.

To foster strong collaboration and engagement between our members and stakeholders.

To enhance AFDO's connection and influence in international disability initiatives, particularly in the Asia Pacific region, through policy, advocacy and engagement.

# Our members

## Full members:

- Advocacy for Inclusion
- Arts Access Australia
- Autism Aspergers Advocacy Australia
- Blind Citizens Australia
- Brain Injury Australia
- Deaf Australia
- Deafblind Australia
- Deafness Forum of Australia
- Down Syndrome Australia
- Disability Advocacy Network Australia
- Disability Justice Australia
- Disability Resources Centre
- Enhanced Lifestyles
- Multiple Sclerosis Australia
- National Mental Health Consumer and Carer Forum (NMHCCF)
- People with Disability WA
- People with Disabilities ACT
- Polio Australia
- Physical Disability Australia
- Women with Disabilities Victoria
- Women with Disabilities ACT

## Associate members:

- AED Legal Centre
- All Means All
- Amaze
- Aspergers Victoria
- Disability Advocacy and Complaints Service of South Australia (DACSSA)
- Disability Law Queensland
- Leadership Plus
- National Organisation for Fetal Alcohol Spectrum Disorder (NOFASD)
- Star Victoria
- TASC National Limited
- YDAS – Youth Disability Advocacy Service



## Introductory comments & Acknowledgements

We would like to thank the Department of Social Services for providing us with an opportunity to inform the development of:

- A Guide to apply the Guiding Principles outlined under Australia's Disability Strategy 2021-31 (the Strategy), and
- a Guide on how to involve people with disability in evaluation.

This submission contains feedback that is designed to inform the development of both of the guides. We thank the Department for providing us with an extension to enable us to prepare this submission.

AFDO acknowledges people with disability living in institutional settings and in the community across Australia, who have suffered or are suffering from violence, abuse, neglect, and exploitation and hold them in all our work.

AFDO also proudly acknowledges Australia's Aboriginal and Torres Strait Islander communities, their rich culture and pays respect to their Elders past, present and emerging. We acknowledge Aboriginal and Torres Strait Islander peoples as Australia's first peoples and as the Traditional Owners and custodians of the land and water on which we rely.

### **Submission Contact:**

Lauren Henley  
Senior Systemic Advocate  
Australian Federation of Disability Organisations  
Email: [lauren.henley@afdo.org.au](mailto:lauren.henley@afdo.org.au)

## Summary of recommendations

1. The need for disability awareness training to be delivered at the government, business and community level must be at the forefront of the new guide for implementing the guiding principles and:
  - Be co-designed by people with disability
  - Be coordinated by reputable disability representative organisations
  - Be delivered by people with lived experience of disability
  - Have measurable goals and outcomes
  - Be independently evaluated
2. The guide for implementing the guiding principles and any associated training must aim to cover the following key themes:
  - Key aspects of disability awareness such as unconscious bias, intersectionality, and invisible disability (including psychosocial disability)
  - Direct and indirect discrimination
  - Universal design
  - Accessible procurement
  - Reasonable adjustment
  - Special measures of advancement
  - Strategies for inclusive communication
  - Including the voices of people with disability in decision-making
  - Disability inclusive budgeting
3. The best practice principles for evaluation must explicitly reference the role of disability representative organisations, and the need to include disability representative organisations in evaluation processes
4. Disability representative organisations must be provided with adequate and sustainable funding to facilitate their meaningful and ongoing participation in evaluation work
5. The following points must be included in the final set of best practice principles for evaluation:
  1. “Respectful – The evaluation process includes adequate time for people with disability and their representative organisations to provide feedback.”
  2. “Valued - The time and effort of people with disability is acknowledged through remuneration or other incentives.”
6. Best practice Principle A must be amended to read:

“Informed and transparent: The process for appointing researchers, Co-researchers and academics with disability are open, fair, and transparent. All other decisions and processes surrounding the evaluation are open and transparent and are led by people with disability”.
7. The Department should consider whether it should limit the amount of flexibility that is permitted in the design phase to allow projects to be evaluated consistently, and for outcomes to be measured against a set of nationally agreed standards.

8. Further consideration must be given to outreach strategies that could help facilitate the participation of cohorts who are typically underrepresented in consultation processes, such as children and young people with disability, people with psychosocial disability, people with intellectual disability, people with Autism and people with disability who are digitally excluded.
9. The implementation phase must be made universally accessible by providing information in:
  - A range of alternate formats, including Easy English, Braille, audio and AUSLAN
  - A variety of different community languages
  - Formats that are accessible to people with disability who are digitally excluded
10. The implementation phase must accommodate carers and supporters of people with disability where this is necessary to facilitate their inclusion and participation in consultation processes.
11. The implementation phase and associated consultation processes must be led by people with disability, rather than people with disability merely being involved as “co-facilitators”.
12. Community leaders with lived experience of disability must be engaged to facilitate consultation processes that are culturally safe and appropriate for first nations people with disability, and people with disability from culturally and linguistically diverse backgrounds.
13. Entities must be transparent about their commitment at all stages to implementing the actions that arise out of the evaluation, as well as the budget allocation that is available to support this work.
14. People with disability must be actively involved in decisions about how actions are to be prioritised and implemented – particularly where budgetary constraints apply.
15. Governments and other entities must be transparent at all stages about their progress with implementing recommendations and provide periodic updates to those people with disability who helped inform the evaluation process and their representative organisations.
16. Evaluation processes must contribute to measuring Australia’s performance against the Convention on the Rights of Persons with Disabilities, and the subsequent recommendations made by the Committee on the Rights of Persons with Disabilities in its concluding observations on the combined second and third reports of Australia.



## A new guide for implementing the Strategy's guiding principles

We were pleased to note that the following guiding principles included in the Strategy reflect those referenced under the Convention on the Rights of Persons with Disabilities:

- Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons
- Non-discrimination
- Full and effective participation and inclusion in society
- Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity
- Equality of opportunity
- Accessibility
- Equality of people
- Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

The need for disability awareness training to be delivered at the government, business and community level must be at the forefront of the new guide. This approach will be critical to the effective implementation of the guiding principles and aligns with outcome area five referenced under Australia's Disability Strategy, which requires that, "Community attitudes support equality, inclusion and participation in society for people with disability". Improving community attitudes is also the focus of one of the five targeted action plans that was launched alongside the Strategy.

The Guide must reinforce the need for disability awareness training to:

- Be co-designed by people with disability
- Be coordinated by reputable disability representative organisations
- Be delivered by people with lived experience of disability
- Have measurable goals and outcomes
- Be independently evaluated

To effectively operationalise the guiding principles, the new guide and any associated training must cut across the following key themes:

- Key aspects of disability awareness such as unconscious bias, intersectionality, and invisible disability (including psychosocial disability)
- Direct and indirect discrimination

- Universal design
- Accessible procurement
- Reasonable adjustment
- Special measures of advancement
- Strategies for inclusive communication
- Including the voices of people with disability in decision-making
- Disability inclusive budgeting

We have provided further information about the key themes that should be included in the new guide and any associated training under the following subheadings.

### **Recommendation 1:**

The need for disability awareness training to be delivered at the government, business and community level must be at the forefront of the new guide for implementing the guiding principles which must:

- Be co-designed by people with disability
- Be coordinated by reputable disability representative organisations
- Be delivered by people with lived experience of disability
- Have measurable goals and outcomes
- Be independently evaluated

### **Recommendation 2:**

The guide for implementing the guiding principles and any associated training must aim to cover the following key themes:

- Key aspects of disability awareness such as unconscious bias, intersectionality, and invisible disability (including psychosocial disability)
- Direct and indirect discrimination
- Universal design
- Accessible procurement
- Reasonable adjustment
- Special measures of advancement
- Strategies for inclusive communication
- Including the voices of people with disability in decision-making
- Disability inclusive budgeting

## Key aspects of disability awareness

Several of the guiding principles are heavily reliant on challenging perceptions of, and community attitudes towards people with disability. Many negative attitudes towards people with disability stem from unconscious bias. It is therefore critical to increase public awareness of unconscious bias to address wrongful assumptions, harmful stereotypes and low expectations. This is particularly important in the spheres of education and employment.

It is also critical that governments, businesses and the community do not view people with disability as a homogenous group. Peoples experience of disability and the world around them can vary greatly depending on a range of different factors. Additional consideration must be given to matters of intersectionality in order to identify and eliminate additional barriers that may be faced by people with disability from diverse backgrounds, including first nations people with disability, people with disability from culturally and linguistically diverse backgrounds, and LGBTIQ+ people with disability.

The needs of people with invisible forms of disability also warrant special attention, as they are often completely overlooked. In particular, the guide and any associated training must acknowledge the experience of people with psychosocial disability and the stigma they continue to face when accessing services and systems in the wider community.

### 1.1. Universal design

Universal design is a critical concept which can be used to uphold many of the guiding principles included in the strategy. It is important for governments, businesses and the community to view disability as a normal aspect of human diversity, and to design infrastructure, services and systems to be accessible to the widest range of people possible.

The guide and any associated training should aim to refer decision-makers back to useful resources that can help them implement universal design principles in their work. As an example, the [Centre for Universal Design Australia](#) offers a range of guidance materials that relate to universal design in the context of:

- The built environment
- Industrial design
- Information and communications technology
- Travel and tourism
- Transportation
- Policy development
- Recreation, sport, art, and culture
- Education and learning
- Media
- Conferences and events.

### 1.2. Indirect discrimination

Many people still view discrimination as being something that is overt or intentional. A large number of cases of discrimination, however, are indirect in nature.

Indirect discrimination occurs when a rule, policy or process is put in place which is intended to apply to all people equally but has the unintended consequence of excluding people with a particular attribute, such as people with disability.<sup>i</sup> Highlighting examples of indirect discrimination will help decision-makers to develop policies, programs and systems that are more flexible and inclusive of the needs of people with disability.

### **1.3. Accessible procurement**

Indirect discrimination often occurs as a result of Government and businesses not having inclusive procurement policies in place. Decision-makers must be compelled to include core requirements relating to accessibility and universal design in any requests for tender, or contracts they enter into with third party providers.

The new guide must seek to raise awareness of this problem and drive change across the public and private sector.

### **1.4. Reasonable adjustment**

The notion of reasonable adjustment is core to upholding a number of the guiding principles outlined in the Strategy, including non-discrimination and equality of opportunity.

It is important for the guide and any associated training to outline all legal obligations that apply in relation to reasonable adjustment, while highlighting the role adjustments can play in facilitating the inclusion and participation of people with disability in different areas of public life.

### **1.5. Special measures of advancement**

Special measures can help government and businesses uphold the principle of equality of opportunity. According to the Australian Human Rights Commission:

*“Special measures have the goal of fostering greater equality by supporting people who face, or have faced, entrenched discrimination so they can have similar access to opportunities in the community. Special measures are sometimes described as acts of ‘positive discrimination’ or ‘affirmative action’. They are allowed under federal anti-discrimination laws.”<sup>ii</sup>*

The role of special measures is not well understood, and more needs to be done to raise awareness of the role they can play in improving outcomes for people with disability. An example of a special measure might be reserving a particular work role for a person with disability, in acknowledgement of the disproportionate rate of unemployment that is experienced by this cohort.

### **1.6. Including the voices of people with disability in decision-making**

The mantra of the disability rights movement is “Nothing about us without us”.<sup>iii</sup> It is imperative that the new guide and any associated training seeks to reenforce the importance of meaningfully consulting with people with lived experience of disability in the development of policies and programs that may affect them.

The guide must also stress the importance of providing adequate time for people with disability and their representative organisations to participate in consultation processes, as well as the need for people with disability to be compensated for their time and expertise.

### 1.7. Strategies for inclusive communication.

The guide and any associated training must provide clear instruction on methods for accessible communication, as this term is often open to interpretation. This should include, but not be limited to:

- Information about the Web Content Accessibility Guidelines 2.1
- Guidelines for writing in plain and easy English
- Information about the use of captioning and interpreting services
- The need for information to be provided in alternative formats such as large print, audio and Braille
- The need to provide low tech communication options to support people with disability who are digitally excluded.

### 1.8. Disability inclusive budgeting

The needs of people with disability are often overlooked because they are not built into the design stage of a policy or project. It is always far more cost effective to build accessibility in rather than bolt it on afterwards. Retrofitting for accessibility after the fact can be difficult, expensive, and cost prohibitive.

The effective implementation of the guiding principles will rely heavily on public and private sector entities budgeting for access and inclusion at the design phase.

The final guide must seek to provide information and strategies to assist government and businesses with disability inclusive budgeting.

### 1.9. Best practice principles for involving people with disability in evaluation

In principle, we agree with the following proposed best practice principles included in the consultation paper:

- a. Informed and transparent:** Decisions and processes about evaluation are open and transparent and led or informed by people with disability.
- b. Promotes wellbeing:** The evaluation contributes to the wellbeing of people with disability.
- c. Co-design:** Co-production, collaboration, and joint-decision-making with people with disability are embedded throughout the evaluation process.

**d. Co-researchers:** In addition to involving researchers and academics with disability, people with disability outside of academic or research institutions are included as active co-researchers (also known as participatory or community researchers).

**e. Relevance:** Evaluations explore issues important to people with disability.

**f. Accessible:** The evaluation process is accessible to people with disability.

**g. Diversity:** The evaluation process includes people with disability across a range of experiences, cultural groups, gender, sexuality, ages, geographical location etc.

**h. Ownership:** People with disability have a degree of ownership over evaluation design, implementation, dissemination, and actions flowing from recommendations.

**i. Co-presentation:** People with disability are included in the presentation of evaluation findings.

While we agree with most of these points, we are concerned about the fact that there is no reference to the role of disability representative organisations. Accordingly, we refer the Department to the general obligations outlined under Article 4 (3) of the Convention on the Rights of Persons with Disabilities, which states:

*“In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.”<sup>iv</sup>*

Furthermore, the best practice principles do not acknowledge the need for the evaluation process to be respectful of time constraints, and for people with disability to be compensated for their expertise. While these points are acknowledged in the consultation paper under the commentary relating to implementation and analysis, it is critical that they are also referenced under the best practice principles.

While Principle A acknowledges the need for transparency, the way this is framed makes it appear as though this level of transparency is only to apply to the evaluation process itself. It is, however, imperative that processes for appointing researchers, Co-researchers and academics with disability are also open and transparent. This will help to build confidence in and provide people with disability with a greater sense of ownership over the evaluation process.

We also recommend the wording outlined under Principle H be amended to include explicit reference to people with psychosocial disability, as the needs of this cohort are commonly overlooked in disability policy and associated consultation processes.

### **Recommendation 3:**

The guiding principles must explicitly reference the role of disability representative organisations, and the need to include disability representative organisations in evaluation processes.

#### **Recommendation 4:**

Disability representative organisations must be provided with adequate and sustainable funding to facilitate their meaningful and ongoing participation in evaluation work.

#### **Recommendation 5:**

The following two points must be included in the final set of best practice principles for evaluation:

1. “Respected – The evaluation process includes adequate time for people with disability and their representative organizations to provide feedback.”
2. “Valued - The time and effort of people with disability is acknowledged through remuneration or other incentives.”

#### **Recommendation 6:**

Best practice principle A must be amended to read:

“Informed and transparent. The process for appointing researchers, Co-researchers and academics with disability are open, fair, and transparent. All other decisions and processes surrounding the evaluation are open and transparent and are led by people with disability.”

### **1.10. How to actively involve people with disability across the evaluation cycle**

#### **A. Design Phase**

In principle, we agree with each of the points referenced in the consultation paper. We are, however, concerned that providing too much flexibility in the design phase will mean that projects are not evaluated consistently, which will make it difficult to measure outcomes against a set of nationally agreed standards. For this reason, we suggest that some aspects of the design phase be predetermined.

The design phase must also consider outreach strategies that could help facilitate the participation of cohorts who are typically underrepresented in consultation processes, such as children and young people with disability, people with psychosocial disability and people with disability who are digitally excluded.

#### **Recommendation 7:**

The Department should consider whether it should limit the amount of flexibility that is permitted in the design phase to allow projects to be evaluated consistently, and for outcomes to be measured against a set of nationally agreed standards.

#### **Recommendation 8:**

Further consideration must be given to outreach strategies that could help facilitate the participation of cohorts who are typically underrepresented in consultation processes, such as children and young people with disability, people with psychosocial disability, people with intellectual disability, people with Autism and people with disability who are digitally excluded.

## **B. Implementation and analysis phase**

It is critical that the implementation phase is universally accessible to all people with disability. This means providing information in:

- A range of alternate formats, including Easy English, Braille, audio and AUSLAN
- A variety of different community languages
- Formats that are accessible to people with disability who are digitally excluded.

The implementation phase must also accommodate carers and supporters of people with disability where this is necessary to facilitate their inclusion and participation.

The consultation paper suggests that the implementation phase “co-facilitation” by people with disability. Once the consultation methodology has been agreed on during the design phase, however, AFDO asserts that this phase must be entirely led by people with disability. It is also critical that the consultation phase is culturally safe and appropriate for First Nations people with disability and people with disability from culturally and linguistically diverse backgrounds. As such, consultation should be undertaken by identified community leaders across different cultural groups wherever possible.

### **Recommendation 9:**

The implementation phase must be made universally accessible by providing information in:

- A range of alternate formats, including Easy English, Braille, audio and AUSLAN
- A variety of different community languages
- Formats that are accessible to people with disability who are digitally excluded.

### **Recommendation 10:**

The implementation phase must accommodate carers and supporters of people with disability where this is necessary to facilitate their inclusion and participation in consultation processes.

### **Recommendation 11:**

The implementation phase and associated consultation processes must be led by people with disability, rather than people with disability merely being involved as “co-facilitators”.



**Recommendation 12:**

Community leaders with lived experience of disability must be engaged to facilitate consultation processes that are culturally safe and appropriate for first nations people with disability, and people with disability from culturally and linguistically diverse backgrounds.

## Actions flowing from the recommendations phase

It is critical that the Government, Department, or organisation undertaking the evaluation is open and transparent about its commitment to implementing any actions arising out of the evaluation, as well as the budget allocation that is available to support this work. People with disability must be actively involved in decisions about how actions are to be prioritised and implemented – particularly where budgetary constraints apply.

Governments and other entities must be transparent about their progress with implementing recommendations and provide periodic updates to those people with disability who helped inform the evaluation process.

### **Recommendation 13:**

Entities must be transparent about their commitment to implementing the actions that arise out of the evaluation, as well as the budget allocation that is available to support this work.

### **Recommendation 14:**

People with disability must be actively involved in decisions about how actions are to be prioritised and implemented – particularly where budgetary constraints apply.

### **Recommendation 15:**

Governments and other entities must be transparent about their progress with implementing recommendations and provide periodic updates to those people with disability who helped inform the evaluation process.

## Other comments

We understand that Australia's Disability Strategy 2021-31 is Australia's primary focal point for implementing the rights set out under the Convention on the Rights of Persons with Disabilities (CRPD) at a domestic level. As such, it is critical that evaluation processes contribute to measuring Australia's performance against the CRPD, and the subsequent recommendations made by the Committee on the Rights of Persons with Disabilities in its concluding observations on the combined second and third reports of Australia.

### **Recommendation 16:**

evaluation processes must contribute to measuring Australia's performance against the Convention on the Rights of Persons with Disabilities, and the subsequent recommendations made by the Committee on the Rights of Persons with Disabilities in its concluding observations on the combined second and third reports of Australia.

## Concluding comments

We thank the Department once again for providing us with an opportunity to submit feedback to inform the development of the Australian Disability Strategy Guides.

We look forward to continuing to work collaboratively with the Department on the continued implementation of the Strategy and associated action plans.

## References

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- <sup>i</sup> Australian Human Rights Commission (2019) Indirect Discrimination, accessed 22 December 2022, retrieved from <<https://humanrights.gov.au/quick-guide/12049#:~:text=Indirect%20discrimination%20occurs%20when%20there,who%20share%20a%20particular%20attribute.>>.
- <sup>ii</sup> Australian Human Rights Commission (2019) Special Measures, accessed 9 December 2022, retrieved from <<https://humanrights.gov.au/quick-guide/12099>>.
- <sup>iii</sup> United Nations Enable (2004) International Day of Disabled Persons, accessed 9 December 2022, retrieved from <<https://www.un.org/development/desa/disabilities/international-day-of-persons-with-disabilities-3-december/international-day-of-disabled-persons-2004-nothing-about-us-without-us.html>>.
- <sup>iv</sup> (United Nations (2006) Convention on the Rights of Persons with Disabilities, Treaty Series, 2515 (Article 4).