



Australian  
Human Rights  
Commission

**Submission in response to  
the *National Disability  
Strategy:*  
*Position Paper*  
(July 2020)**

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## 1 Introduction

1. The Australian Human Rights Commission (the Commission) welcomes the opportunity to provide the Department of Social Services (DSS) with this submission in response to the *National Disability Strategy: Position Paper*<sup>1</sup> (the Position Paper) regarding the development of a new National Disability Strategy (the New Strategy).
2. The Commission is Australia's national human rights institution, with recognised independent status and roles in United Nations human rights fora. The Commission's purpose is to provide independent and impartial services to promote and protect human rights and fundamental freedoms. The Commission undertakes a range of policy development and research tasks that aim to promote compliance with Australia's human rights obligations, while also investigating and conciliating complaints of unlawful discrimination and breaches of human rights.
3. The Commission was pleased to be able to support the consultation process for the Position Paper by co-hosting the *National Disability Strategy – Beyond 2020* webinar with the Centre of Research Excellence in Disability and Health on 24 September 2020. A record of the event is available online.<sup>2</sup> This submission builds upon the feedback received in the webinar and addresses all of the questions in the Position Paper. The Commission's expectation is that there will be additional opportunity to comment on the proposed New Strategy and outcomes framework before the New Strategy is finalised.
4. The COVID-19 pandemic has created enormous challenges in Australia for people with disability, their families and friends, carers, and formal and informal supports. In particular, this includes older Australians with disability in aged care and younger Australians with disability in education. Community understanding of, and respect for, the rights of people with disability has never been more important.
5. The Commission's expertise in upholding the rights of people with disability means it has a critical role to play in implementing, monitoring and reporting upon the New Strategy.

## 2 Summary of recommendations

6. **Recommendation 1: That a rights-based approach is embedded in the New Strategy's vision to align it with the CRPD, with the vision to read: 'An inclusive Australian society that recognises the right of people with disability to be treated with dignity and respect, and enables people**

**with disability to fulfil their potential as equal members of the community.'**

7. **Recommendation 2: To strengthen the New Strategy's focus on human rights, the outcome areas be expanded to include:**
  - a. **Safeguarding**
  - b. **Housing**
  - c. **Accessible technology.**
8. **Recommendation 3: That in the New Strategy the reference to 'economic security' as an outcome area be expanded to refer to 'economic security, meaningful employment and entrepreneurship.'**
9. **Recommendation 4: That the New Strategy incorporates one set of clear and cohesive Guiding Principles which prioritise:**
  - a. **respect for inherent dignity and autonomy, consistent with the vision**
  - b. **consultation ('involve and engage')**
  - c. **accessibility – taking into account the concepts of universal design with the opportunity for customisation**
  - d. **intersectionality.**
10. **Recommendation 5: That the New Strategy provides for a national survey at regular intervals on community attitudes towards people with disability. The results of the survey would be publicly reported.**
11. **Recommendation 6: That the New Strategy provides for a national awareness raising campaign modelled on Article 8(2)(a) of the CRPD as recommended by the CRPD Committee. Provision should also be made for the evaluation of any campaign.**
12. **Recommendation 7: That the New Strategy provide for the development of teaching resources on disability awareness for use in schools.**
13. **Recommendation 8: That the New Strategy provides for engagement with television, streaming and cinema content producers to develop voluntary targets for the proportion of on-screen participants with lived experience of disability.**

14. **Recommendation 9: That the New Strategy incorporate a fully funded National Disability Data Asset to support governments of all levels to measure and report on outcomes.**
15. **Recommendation 10: That the New Strategy clearly state that the roles and responsibilities of governments outlined in the CRPD extend to all levels of government (Commonwealth, state, territory and local government). The New Strategy should also consider how these roles and responsibilities are implemented at each level of government (for example, through disability awareness training, the development of codes of conduct or other measures).**
16. **Recommendation 11: That the New Strategy clearly outline which level of government and which government department or authority is responsible for different aspects of service delivery for people with disability.**
17. **Recommendation 12: That the New Strategy expressly outlines the important role the non-government sector plays in improving outcomes for people with disability.**
18. **Recommendation 13: That the New Strategy expressly references the role of disability advocates, business and the technology sector in improving outcomes for people with disability. The New Strategy should specifically capture the role of businesses as an important source of data regarding disability employment.**
19. **Recommendation 14: That the Commission is resourced and empowered to report on the progress of the New Strategy and Australia's obligations under the CRPD on a biennial basis.**
20. **Recommendation 15: That Targeted Action Plans are developed to support the implementation of the New Strategy. The deliverables identified in the Targeted Action Plans should be linked to the outcomes framework, and monitoring and reporting on the progress of the New Strategy.**
21. **Recommendation 16: That the New Strategy incorporates a permanent consultation mechanism that is comprised of and led by people with disability, and appropriately resourced.**

### **3 Question one – vision and outcomes**

22. Question one of the Position Paper asks:

During the first stage of consultations we heard that the vision and the six outcome areas under the current Strategy are still the right ones. Do you have any comments on the vision and outcome areas being proposed for the new Strategy?<sup>3</sup>

### **3.1 Vision**

23. The Commission recommends that the New Strategy's vision is updated to include a specific reference to the right of people with disability to be treated with dignity and respect.<sup>4</sup>

24. The Position Paper proposes an updated vision for the New Strategy as follows:

An inclusive Australian society that enables people with disability to fulfil their potential as equal members of the community.<sup>5</sup>

25. The National Disability Strategy 2010–2020 (the Current Strategy) was developed following the publication of the *Shut Out* report and was a direct response to Australia's obligations under the Convention on the Rights of Persons with Disabilities (the CRPD).<sup>6</sup> The New Strategy should seek to strengthen its alignment with the CRPD, which is reflective of contemporary views of the rights of people with disability and best practice regarding safeguarding, the need for consultation and co-design with people with disability and the importance of data and evaluation frameworks. Many of the terms of the CRPD are also consistent with the United Nations Sustainable Development Goals, which were adopted by Australia in September 2015 (for example, the need for accessible housing).

26. The Commission recommends that the New Strategy's vision explicitly refers to the right to dignity and respect. This approach would strengthen the connection between the CRPD and the New Strategy, as well as highlighting the duties that organisations and individuals owe to people with disability in Australia. Embedding the language of rights in the vision will support a rights-based approach to the implementation of the New Strategy.

27. The Commission recently developed *Guidelines on the rights of people with disability in health and disability care during COVID-19* to ensure that health care and disability care practitioners adopted a rights-based approach with respect to people with disability in the context of the pandemic.<sup>7</sup>

28. The Commission recommends the following wording is adopted for the New Strategy's vision:

An inclusive Australian society that recognises the right of people with disability to be treated with dignity and respect, and enables people with disability to fulfil their potential as equal members of the community.

29. The introduction of the term 'right to be treated with dignity and respect' is essential to ensure the meaningful inclusion of people with disability in Australia.

30. Despite the development of the Current Strategy in 2010, in 2019 the Commonwealth Government determined that there was a need to establish the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Disability Royal Commission) in response to 'community concern about widespread reports of violence against, and the neglect, abuse and exploitation of people with disability'.<sup>8</sup>

31. Even while the Disability Royal Commission is on foot, we continue to see evidence of the violence experienced by people with disability in our community, as demonstrated by the tragic deaths of Ann Marie Smith and Willow Dunn earlier this year.<sup>9</sup> This further demonstrates the need to adopt rights-based language in the vision.

32. **Recommendation 1: That a rights-based approach is embedded in the New Strategy's vision to align it with the CRPD, with the vision to read: 'An inclusive Australian society that recognises the right of people with disability to be treated with dignity and respect, and enables people with disability to fulfil their potential as equal members of the community.'**

### **3.2 Outcome Areas**

33. The outcome areas included in the Current Strategy are:

- a. Inclusive and accessible communities
- b. Rights protection, justice and legislation
- c. Economic security
- d. Personal and community support
- e. Learning and skills

f. Health and wellbeing.

34. While the outcome areas included in the Current Strategy are comprehensive, concerns have been raised about the implementation of the Current Strategy, as recognised in the *Productivity Commission Review of the National Disability Agreement – Study Report* published in 2019 (the Productivity Commission review), and the *Review of implementation of the National Disability Strategy 2010-2020* conducted by the Social Policy Research Centre at the University of New South Wales and published in 2018 (UNSW Review).<sup>10</sup>

(a) *Additional outcome areas*

35. To strengthen the New Strategy's focus on human rights, and its link with the CRPD, the Commission recommends that three additional outcome areas are added to it:

- a. Safeguarding
- b. Housing
- c. Accessible technology.

36. While safety is captured in a broad sense within the 'rights protection, justice and legislation' outcome area, given its importance the safeguarding of people with disability should be included as an additional outcome area in the New Strategy.

37. The need for a specific and explicit outcome area focused on safeguarding and personal security is supported by:

- a. the tragic deaths of Ann Marie Smith and Willow Dunn
- b. the establishment of the Disability Royal Commission to inquire into the violence, abuse, neglect and exploitation of people with disability
- c. the establishment of the Royal Commission into Aged Care Quality and Safety
- d. the existence of the NDIS Quality and Safeguards Commission
- e. concerns raised by people with disability during the COVID-19 pandemic regarding their ability to access supports.<sup>11</sup>

38. Including safeguarding as an outcome area in the New Strategy would also facilitate a uniform approach across jurisdictions for programs such as the

common community visitors programs and the assessment of the efficacy and role of guardianship laws.

39. A second additional outcome area that should be included in the New Strategy is housing.
40. 'Inclusive and accessible communities' is the first outcome area of the Current Strategy. Housing is captured within this outcome area as follows:
  - ... the physical environment including public transport; parks, buildings and housing; digital information and communications technologies; civic life including social, sporting, recreational and cultural life.<sup>12</sup>
41. Listing housing together with these other areas of community inclusion dilutes its importance in facilitating true inclusion for people with disability.
42. Measures to increase accessible housing are currently being considered by the Australian Building Codes Board (the ABCB). The ABCB has recently released a Consultation Regulatory Impact Statement (CRIS) concerning the proposal to include minimum accessibility standards for housing in the National Construction Code.<sup>13</sup> The regulatory options assessed within the CRIS are based on the Livable Housing Design Guidelines.<sup>14</sup>
43. The CRIS explicitly acknowledges that housing is a prerequisite for a happy, stable and dignified life and that a lack of housing for people with mobility disabilities imposes costs on people with disability, their families and the community more broadly.<sup>15</sup> It is estimated that less than 5% of new housing meets minimum accessibility standards.<sup>16</sup>
44. Accessible housing is not just needed by Australians with mobility disabilities. Accessible housing, which includes housing with universal design characteristics, assists people with sensory, intellectual or cognitive disabilities. Housing designed with universal design characteristics reduces care needs and costs, ensures people can live at home for longer, enables people with disability to leave hospital more expeditiously and facilitates people with disability obtaining employment.<sup>17</sup>
45. In reviewing Australia's compliance with the CRPD in 2019, the Committee on the Rights of Persons with Disabilities (the CRPD Committee) noted its concern about the lack of mandated national access requirements for housing and recommended Australia, '[a]mend the federal law by including mandatory rules on access for all new and extensively modified housing'.<sup>18</sup>

Giving effect to this recommendation should be an explicit outcome area of the New Strategy.

46. A third additional outcome area that should be included in the New Strategy is accessible technology.
47. New technology is increasingly used in goods, services and facilities, including essential government services. The CRPD reflects this by recognising the right of people with disability to access technology, which includes 'information and communications technologies and systems'.<sup>19</sup> The right to access those technologies can be considered an enabling right—enabling the realisation of other political, economic, social and cultural rights and helping build skills, capacity and confidence to help people with disability achieve the full range of rights.
48. The Commission's Human Rights and Technology Project (the Technology Project) is identifying and addressing human rights challenges and opportunities with new and emerging technologies. The Technology Project has consulted with over 660 individuals and representative organisations from civil society, industry, government and academia at 45 roundtable discussions. The Commission received 289 written submissions in relation to the Technology Project including responses from disability advocacy, peak and specialist services, accessibility consultants, and people with lived experience of disability.<sup>20</sup> The findings and recommendations of the Technology Project will be set out in a Final Report due for release in early 2021.
49. Extensive consultation with people with disability and their representatives confirmed other national research that people with disability experience significant barriers when accessing goods, services and facilities that use digital information and communications technologies.<sup>21</sup> These technologies are pervasive and indispensable: in workplaces; for education and healthcare; and as a means of communicating. Consequently, the right to access technology is increasingly critical to people with disability enjoying the right to work,<sup>22</sup> study,<sup>23</sup> health,<sup>24</sup> and to freedom of expression and opinion,<sup>25</sup> on an equal basis with others.
50. The New Strategy should consider measures that will improve accessible technology, including:
  - a. a government-wide commitment to the provision of accessible services and workplaces

- b. stronger anti-discrimination protections in the provision of goods, services and facilities for people with disability
- c. the promotion of inclusive and accessible design by developers of goods and services that use digital information and communications technologies (see further discussion in part 7 below).

**51. Recommendation 2: To strengthen the New Strategy's focus on human rights, the outcome areas be expanded to include:**

- a. **Safeguarding**
- b. **Housing**
- c. **Accessible technology.**

*(b) Clarification of existing outcome area*

52. The Commission recommends clarifying the meaning of the 'economic security' outcome area, to include specific references to meaningful employment and entrepreneurship.
53. 'Economic security' is the third outcome area of the Current Strategy and refers to 'jobs, business opportunities, financial independence, adequate income support for those not able to work, and housing'.<sup>26</sup>
54. While employment in a broad sense is captured within 'jobs', the Commission recommends that the reference to economic security be amended expressly to include meaningful employment and entrepreneurship. The International Committee of the Red Cross defines economic security as:
- ... having a stable income or other resources to support a standard of living and cover essential needs, both now and in the immediate future. Essential needs might include food, basic shelter, clothing, hygiene, health care and education.<sup>27</sup>
55. Consequently, the reference to economic security may be construed as an expectation that people with disability will only have jobs or businesses that allow them to have a basic standard of living.
56. The COVID-19 pandemic has caused significant damage to the Australian economy and job market. In June 2020, the International Labour Organisation released a paper about the impact of COVID-19 on work for people with

disability.<sup>28</sup> It outlined that people with disability have come into the COVID-19 crisis already facing exclusion in the world of work; people with disability are less likely to be in employment than people without disability, and are more likely to be in the informal economy than people without disability.<sup>29</sup> These factors make people with disability in the employment and entrepreneurial markets amongst the hardest hit by the economic crisis.<sup>30</sup>

57. The New Strategy can promote a perception of people with disability as active economic participants, and not objects of charity, by expressly referring to meaningful employment and entrepreneurship.

58. Participation in meaningful employment gives people with disability a sense of worth, self-respect and self-esteem. Similarly, as noted in the Commission's *Willing to Work: National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability* report (*Willing to Work*):

... an increase in diversity across an organisation delivers tangible benefits in terms of productivity, performance and innovation; increased access to a broader talent pool; and improvements to organisational reputation.<sup>31</sup>

59. However, the labour force participation rate for people with disability in Australia has remained largely unchanged from 2003 (53%) to 2018 (53.4%), which is approximately 30% lower than people without a disability.<sup>32</sup> The median income for people with disability is also approximately half that of people without a disability.<sup>33</sup> More needs to be done to create meaningful career pathways for people with disability.

60. The option for people with disability to be self-employed should also be explicitly recognised and differentiated from traditional views of employment in the outcome areas of the New Strategy. People with disability are more likely to be self-employed (13.1%) than people without disability (9.2%).<sup>34</sup> Entrepreneurs with disability value the flexibility of self-employment and report enhanced self-esteem and a wider range of relationships in the community.<sup>35</sup> Explicit recognition of this career option in the New Strategy may encourage people with disability to pursue self-employment.

61. **Recommendation 3: That in the New Strategy the reference to 'economic security' as an outcome area be expanded to refer to 'economic security, meaningful employment and entrepreneurship.'**

#### **4 Question two – guiding principles**

62. Question two of the Position Paper asks:

What do you think about the guiding principles proposed here?<sup>36</sup>

63. The Position Paper proposes the following Guiding Principles and questions (in addition to those outlined in Article 3 of the CRPD) for inclusion in the New Strategy:

- a. **Involve and engage:** has the policy process or program design engaged with and listened to people with disability at all stages of planning and implementation and provided accessible information and opportunities for feedback?
- b. **Design universally:** have the principles of universal design been applied where possible and has the project taken advantage of accessible and assistive technology where available?
- c. **Engage the broader community:** how has the broader community been informed of, involved in and been made responsible for removing barriers and supporting the inclusion of people with disability?
- d. **Address barriers faced by priority populations:** how have the priority populations noted by the National Disability Strategy been identified and what action has been taken to specifically address the barriers they may experience?
- e. **Support carers and supporters:** how have the needs of the family, carers and circles of information and formal support for the person with disability been considered in the development of the policy or program?<sup>37</sup>

64. The Commission supports the use of the Guiding Principles but recommends the following amendments to improve the role of these principles in aiding policy design:

- a. reducing the number of Guiding Principles to ensure they are easy to incorporate into policy development
- b. clarifying the role and nature of consultation ('involve and engage')
- c. ensuring that the term 'design universally' accommodates customisation
- d. expressly incorporating intersectionality.

## **4.1 Reducing the number of Guiding Principles**

65. Article 3 of the CRPD outlines eight 'general principles':

- a. respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons
- b. non-discrimination
- c. full and effective participation and inclusion in society
- d. respect for difference and acceptance of persons with disabilities as part of human diversity and humanity
- e. equality of opportunity
- f. accessibility
- g. equality between men and women
- h. respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.<sup>38</sup>

66. These general principles of the CRPD overlap to some extent with the Guiding Principles proposed in the Position Paper.

67. To ensure that any principles proposed to guide the development of disability policy and the implementation of the New Strategy do not become unwieldy, the Commission recommends adopting one set of cohesive Guiding Principles which prioritise:

- a. respect for inherent dignity and autonomy, consistent with the vision
- b. consultation ('involve and engage')
- c. accessibility – taking into account the concepts of universal design with the opportunity for customisation
- d. intersectionality.

68. The Guiding Principles should be expressed in a way that is easy to understand and makes clear the purpose of the principle.

69. Further comments in relation to consultation, universal design and intersectionality are outlined in 4.2 to 4.4 below.

## **4.2 Consultation**

70. General Comment No. 7 on the participation of persons with disabilities, including children with disabilities, through their representative organisations, in the implementation and monitoring of the CRPD should guide the articulation of the principle of 'involve and engage' in the New Strategy.<sup>39</sup>

71. In particular, General Comment No. 7 provides that it is necessary that all levels of government:

- a. ensure that consultation processes are transparent
- b. ensure the provision of appropriate and accessible information to consultation participants
- c. not withhold information, condition or prevent organisations of persons with disabilities from freely expressing their opinions in consultations
- d. include both registered and unregistered organisations
- e. ensure early and continuous involvement in consultations
- f. cover related expenses of participants (for example, transport and other expenses to attend meetings and technical briefings).<sup>40</sup>

72. To ensure that consultation is central to the policy design process, the mechanism for consultation should be designed as part of the initial project, not as an afterthought or add-on. This will ensure that the guidance outlined in General Comment No. 7 can be appropriately incorporated and that key stakeholders are engaged early in the process.<sup>41</sup>

### **4.3 Universal Design**

73. To 'design universally' is an appropriate Guiding Principle for inclusion in the New Strategy. However, the diversity of the type and nature of disability in society must also be taken into account.

74. Article 2 of the CRPD defines 'universal design' as the:

design of products, environments, programmes and services to be usable by all people, to the fullest extent possible, without the need for adaptation or specialized design.<sup>42</sup>

75. Article 2 further clarifies that 'universal design' must also include the need for reasonable accommodations to be made.<sup>43</sup>

### **4.4 Intersectionality**

76. Intersectionality, as articulated in the CRPD, should be expressly included as a Guiding Principle in the New Strategy.

77. Although this principle may be intended to be captured by the reference to 'priority populations', the diversity characteristics or relevant groups have not been defined.<sup>44</sup>
78. The CRPD is an intersectional treaty. Given that the Current and New Strategies are designed to implement Australia's CRPD obligations, the Commission recommends that 'priority populations' is expressed in terms of the intersectional characteristics outlined in the CRPD, specifically gender, sexual orientation, children and youth, Aboriginal and Torres Strait Islander people, and culturally and linguistically diverse populations as requiring clear focus.<sup>45</sup>
79. **Recommendation 4: That the New Strategy incorporates one set of clear and cohesive Guiding Principles which prioritise:**
- a. **respect for inherent dignity and autonomy, consistent with the vision**
  - b. **consultation ('involve and engage')**
  - c. **accessibility – taking into account the concepts of universal design with the opportunity for customisation**
  - d. **intersectionality.**

## **5 Question three – community attitudes**

80. Question three of the Position Paper asks:

What is your view on the proposal for the new Strategy to have a stronger emphasis on improving community attitudes across all outcome areas?<sup>46</sup>

81. The Commission agrees that the New Strategy should have a stronger emphasis on improving community attitudes across all outcome areas. Community attitudes concerning people with disability have a significant effect upon the long-term wellbeing of people with disability in Australia.<sup>47</sup> The CRPD recognises the important role of attitudes within its discussion of awareness raising in Article 8. The Office of the United Nations High Commissioner for Human Rights has provided the following definition of 'awareness raising' as captured in Article 8:

awareness raising ... is generally considered a broad term that encompasses fostering communication and information in order to improve mutual understanding and mobilize communities to bring about changes in attitudes and behaviour.<sup>48</sup>

82. In October 2019, the CRPD Committee recommended that Australia develop a national government strategy to promote a positive image and awareness of the rights of all persons with disabilities with consultation and participation of people with disability.<sup>49</sup> Historically, Australia has conducted very little awareness raising in relation to the experiences of people with disability.<sup>50</sup> Any awareness raising approaches that are developed need to raise awareness throughout society, including at the family level, regarding people with disability, their capabilities and contributions to society, and to foster respect for their rights and dignity.

### **5.1 Community attitudes towards people with disability in Australia**

83. There is clear evidence of a lack of awareness and understanding of the rights of people with disability within the Australian community.<sup>51</sup> Significant government, business and community intervention is required to improve disability awareness in Australia.

84. In June 2019, the Centre of Research and Excellence in Disability and Health at the University of Melbourne published results from a national survey on community attitudes towards people with disability in Australia. In light of the Current Strategy's six outcome areas, the survey results are concerning: 78% of survey participants agreed that people were unsure how to act around people with disability<sup>52</sup> and 61% of participants said people were likely to avoid people with intellectual disability.<sup>53</sup> With regard to economic security, only 45.4% of survey participants agreed that workplaces are accepting of people with disability, with 19.2% agreeing that employers should be allowed to refuse to hire people with disability.<sup>54</sup>

85. The Disability Royal Commission in its Issues Paper on Rights and Attitudes released in April 2020 noted that, '[n]egative attitudes appear to be based in misunderstandings of people with disability and limited contact'.<sup>55</sup> It also noted the existence of 'ableist' or paternalistic views towards people with disability in Australia.<sup>56</sup> The Disability Royal Commission has not yet held any public hearings on the issue of the rights of and attitudes towards people with disability.

86. In December 2019, the Office of the United Nations High Commissioner for Human Rights prepared a report on awareness raising under Article 8 of the CRPD (the Article 8 Report).<sup>57</sup> The Article 8 Report provides insights into what may drive these negative attitudes. The attitudes may be based upon prejudice, religious beliefs, low expectations and fear of the unknown.<sup>58</sup>

People with disability may also hold these low expectations themselves and seek to tolerate violence, abuse, neglect or exploitation because they are unaware of their rights.<sup>59</sup>

87. Measuring, understanding and tracking community attitudes towards people with disability is critical to informing strategies to address stigma and remove barriers to inclusion.

88. **Recommendation 5: That the New Strategy provides for a national survey at regular intervals on community attitudes towards people with disability. The results of the survey would be publicly reported.**

## **5.2 Possible methods to improve community attitudes**

89. A variety of approaches should be adopted concurrently to improve community attitudes towards people with disability in Australia. The 'Community Attitudes to People with Disability: Scoping Project' conducted by the University of New South Wales found that strategies with a combination of activities at the personal (for example, public advertising campaigns), organisational (for example, training), and structural (for example, legislation) levels were most successful in changing attitudes and overcoming prejudice towards people with disability.<sup>60</sup> It was also suggested that '[f]amiliarity with people with disability—that is, knowing them personally as acquaintances, friends and colleagues' is an effective way to increase 'respect and inclusion'.<sup>61</sup>

90. The New Strategy should include the measures identified in Article 8(2)(a) of the CRPD for creating public awareness campaigns that improve community attitudes towards people with disability.<sup>62</sup>

91. Article 8(2) of the CRPD states awareness raising measures should include:

- a. Initiating and maintaining effective public awareness campaigns designed:
  - i. To nurture receptiveness to the rights of persons with disabilities;
  - ii. To promote positive perceptions and greater social awareness towards persons with disabilities;
  - iii. To promote recognition of the skills, merits and abilities of persons with disabilities, and of their contributions to the workplace and the labour market;

- b. Fostering at all levels of the education system, including in all children from an early age, an attitude of respect for the rights of persons with disabilities;
- c. Encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the present Convention;
- d. Promoting awareness-training programmes regarding persons with disabilities

92. The approach to increasing disability awareness in Australia has been inconsistent. Several not-for-profit organisations in Australia have run successful disability awareness campaigns (for example, the Attitude Foundation) and periodic state disability awareness campaigns (for example, the 'Don't Dis My Ability' campaign in NSW) have also been undertaken.<sup>63</sup> There has, however, been little research as to the effectiveness of these campaigns or a co-ordinated approach to build upon gains made over time. A more systematic approach is required, with clear data collection and review mechanisms.

93. A 2016 report by Screen Australia found a significant under-representation of people with disability in Australian TV drama.<sup>64</sup> While almost one in five Australians have a disability, the report found that only 4% of people in Australian TV dramas had a visible disability.<sup>65</sup> There is no government policy which requires that a particular proportion of characters in television or movie productions have a disability.

94. In addition, the Commission is not aware of any formalised school based education program offered throughout Australia that deals with disability rights under the CRPD in a comprehensive manner.

95. **Recommendation 6: That the New Strategy provides for a national awareness raising campaign modelled on Article 8(2)(a) of the CRPD as recommended by the CRPD Committee. Provision should also be made for the evaluation of any campaign.**

96. **Recommendation 7: That the New Strategy provide for the development of teaching resources on disability awareness for use in schools.**

97. **Recommendation 8: That the New Strategy provides for engagement with television, streaming and cinema content producers to develop voluntary targets for the proportion of on-screen participants with lived experience of disability.**

## 6 Question four – government responsibility

98. Question four of the Position Paper asks:

How do you think that clearly outlining what each government is responsible for could make it easier for people with disability to access the supports and services they need?<sup>66</sup>

99. The Position Paper states that all levels of government (Commonwealth, state and territory, and local governments) have a role in driving change and in strengthening accountability.<sup>67</sup>

100. The Position Paper proposes that the New Strategy should seek to enhance government accountability by:

- a. clearly describing the roles and responsibilities of government, including that of the NDIS
- b. measuring outcomes
- c. reporting on outcomes
- d. committing to the collection of relevant data to enable effective monitoring and reporting
- e. having a coordinated approach to the evaluation of policies and programs.<sup>68</sup>

101. In response to the first element of this proposal to strengthen government accountability—clearly describe and clarify the roles and responsibilities of government, including that of the NDIS—the Commission agrees that the New Strategy should clearly outline the individual responsibilities of the Commonwealth, state and territory and local governments.

102. The proposal also includes measuring and reporting on outcomes. To ensure that different levels of government are able to deliver on this proposal, the systematic collection of data should also be incorporated into the New Strategy. The Commission recommends that this is achieved by integrating the National Disability Data Asset into the formulation of the New Strategy in a manner that ensures it is fully funded.

103. **Recommendation 9: That the New Strategy incorporate a fully funded National Disability Data Asset to support governments of all levels to measure and report on outcomes.**

## **6.1 Responsibilities under the CRPD**

104. It is important that each level of government (Commonwealth, state and territory, and local) understands that Australia's obligations under the CRPD extend to all levels of government.<sup>69</sup> Article 4(5) provides that:

The provisions of the present Convention shall extend to **all parts** of federal States without any limitations or exceptions.<sup>70</sup> (emphasis added)

105. The New Strategy should state that all levels of government have roles and responsibilities with respect to the CRPD, including:

- a. ensuring disability-specific and mainstream services are in conformity with the CRPD
- b. promoting the full realisation of all human rights and fundamental freedoms for all persons with disability
- c. taking measures to eliminate discrimination on the basis of disability.<sup>71</sup>

106. **Recommendation 10: That the New Strategy clearly state that the roles and responsibilities of governments outlined in the CRPD extend to all levels of government (Commonwealth, state, territory and local government). The New Strategy should also consider how these roles and responsibilities are implemented at each level of government (for example, through disability awareness training, the development of codes of conduct or other measures).**

## **6.2 NDIS and other government services**

107. The Position Paper proposes that the New Strategy will clarify the roles and responsibilities of government and the National Disability Insurance Scheme (the NDIS) in disability policy and service delivery.<sup>72</sup>

108. The Commission supports the New Strategy outlining the roles and responsibilities of the NDIS.

109. The Commission notes however, that the NDIS is only intended to assist approximately 10% of people with disability in Australia.<sup>73</sup> For those Australians with disability who are not NDIS participants, it is not always clear who can and will provide services to them to ensure they can live a dignified life. Even for people who *are* participants of the NDIS, all people with disability can and do require access to services outside of the NDIS: for example, transport, health, education and employment.

110. It is not always clear which level of government or which government department is responsible for disability service delivery. By way of example, serious confusion arose for people with disability living with dysphagia in late 2018.<sup>74</sup> At the time, the National Disability Insurance Agency (the NDIA) considered swallowing supports to be the responsibility of state and territory health departments. Following this uncertainty and a decision from the Administrative Appeal Tribunal (AAT) in June 2019,<sup>75</sup> the Council of Australian Governments (COAG) Disability Reform Council reformed its position and announced that the NDIS would fund and be responsible for dysphagia supports.<sup>76</sup>
111. The New Strategy should create clear lines of responsibility for all levels of government and government departments, including the NDIA in its administration of the NDIS. The New Strategy should clarify not only the lines of responsibility amongst levels of government, but also amongst government departments or authorities at any one level of government. These lines of responsibility must be transparent and updated regularly to facilitate better disability policy and outcomes for all Australians with disability, and they must be clear to people with disability seeking supports and services.
112. **Recommendation 11: That the New Strategy clearly outline which level of government and which government department or authority is responsible for different aspects of service delivery for people with disability.**

### **6.3 Non-government sector**

113. The Position Paper proposes that the New Strategy will:
- Outline the important role of the non-government sector in improving outcomes for people with disability.<sup>77</sup>
114. It is important that the role of the non-government sector in improving outcomes for people with disability is captured within the New Strategy. Further discussion on this point is included in part 7 below.
115. The NDIS Information, Linkages and Capacity Building (ILC) grant programs are an example of the important role that the non-government sector plays in providing a space for government and non-government bodies to work together to improve outcomes for people with disability. While the idea behind ILC grant programs is laudable, funding to deliver projects that benefit all Australians with disability, their carers and families,<sup>78</sup>

the programs are dependent on organisations (most non-government) being able to identify complementary needs in the community.

116. There is a clear role for state and territory and local governments to work with non-government organisations, including local organisations and people with disability, to ensure local needs are recognised and met in ILC projects. The New Strategy should reflect this important intersection.
117. **Recommendation 12: That the New Strategy expressly outlines the important role the non-government sector plays in improving outcomes for people with disability.**

## 7 Question five – non-government sector

118. Question five of the Position Paper asks:

How do you think the Strategy should represent the role that the non-government sector plays in improving outcomes for people with disability?<sup>79</sup>

119. The New Strategy should expressly outline the role that the non-government sector can play in improving outcomes for people disability in relation to both:
- a. Not-for-profits and advocacy bodies
  - b. Business.
120. People with disability in Australia are supported and advocated for by a broad array of disability advocacy organisations, both disability representative organisations and disabled people’s organisations.<sup>80</sup> In recognition of the important role these organisations play in giving voice to the concerns of people with disability their role should be expressly captured within the New Strategy.
121. Based on our experience the Commission recommends that the New Strategy captures the role that business can play in improving outcomes for people with disability with specific reference to:
- a. Employment of people with disability
  - b. Accessible technology.
122. In 2016, the Commission conducted a national inquiry into discrimination against both people with disability and older workers: *Willing to Work*.<sup>81</sup> The

CRPD Committee has recommended that the Government develop a national disability employment strategy that incorporates the recommendations from *Willing to Work*.<sup>82</sup>

123. As noted earlier, the labour force participation rate for people with disability in Australia is 53.4%, compared to 84.1% for people without disability.<sup>83</sup> These rates have remained largely unchanged for the past 15 years.<sup>84</sup> The New Strategy is an important opportunity to highlight the role that businesses can play in addressing this concerning statistic.
124. It is common for large Australian businesses and employers to have corporate social responsibility (CSR) policies.<sup>85</sup> Many businesses have aligned their CSR policies with the United Nations Sustainable Development Goals (UN SDG).<sup>86</sup>
125. UN SDG 8 outlines targets for 'decent work and economic growth.'<sup>87</sup> Target 8.5 provides:
- By 2030, achieve **full and productive employment** and decent work for all women and men, including for young people and **persons with disabilities**, and equal pay for work of equal value.<sup>88</sup>
126. This connection demonstrates a willingness on the part of businesses to actively and publicly participate in the betterment of the Australian community.
127. In *Willing to Work*, the Commission recommended that the remit of the Workplace Gender Equality Agency be expanded beyond gender to include broader diversity characteristics and, specifically, that it would play a role in collecting and publicly reporting on disability employment data reported to it by businesses.<sup>89</sup>
128. The Commission reiterates this recommendation and recommends that the role of businesses as a source of important data on progress is captured in the New Strategy.
129. The non-government sector, including business, plays an important role in the promotion and provision of accessible digital information and communications technologies. Accessible technology can promote a more inclusive community.
130. The Commission has consulted extensively with the technology sector and civil society in the Technology Project as outlined in part 3.2 above. This process has revealed that the incorporation of an inclusive and accessible

design process benefits people with disability, business, and the broader community. It has also revealed that, as a whole, there needs to be better adherence to recognised accessibility standards across the private sector when developing and deploying digital information and communications technologies.

131. Inclusive and accessible design approaches focus on the importance of embedding accessibility into the entire technology cycle—from concept, research and design, testing and production through to implementation and use—but focusing especially on the earliest phases of this cycle.
132. These approaches are effective ways of producing human rights compliant goods and services for people with disability, supporting the fulfilment of Australia’s CRPD obligations to promote the design, development and production of accessible digital information and communications technologies.<sup>90</sup>
133. Inclusive and accessible design approaches in the development of digital information and communications technologies have several benefits:
  - a. People with disability can use these technologies, enabling opportunities for work, study and participation in all areas of life.
  - b. Businesses can gain a competitive advantage, increased market share and enhanced reputation, and greater resilience to external forces such as market changes and law reform.<sup>91</sup>
  - c. The usability and functionality of technology improves for all users of technology,<sup>92</sup> because these design principles encourage designers to be more creative, innovative and consider ‘edge users’.<sup>93</sup>
134. Some businesses that provide digital information and communications technologies adhere to recognised accessibility standards, such as WCAG 2.1 and AS EN 301 549, while others do not. People with disability experience significant barriers to full and effective participation in society when goods, services and facilities that use digital information and communications technologies are inaccessible to them.
135. The New Strategy should consider measures that improve business compliance with recognised accessibility standards, and the adoption of inclusive and accessible design practices, including:
  - a. A government-wide commitment to the procurement of accessible digital information and communications technologies, which would

increase demand for these items and act as a lever to enhance accessible design and compliance in business practices.<sup>94</sup>

- b. A government review into compliance by business and the technology sector with recognised accessibility standards, such as WCAG 2.1 and Australian Standard EN 301 549, and consider strategies to improve compliance and promote best practice in the private sector.
- c. Building capacity for business and the technology sector to adopt inclusive and accessible design processes for digital information and communications technologies. Avenues for education and training of STEM professionals developing these technologies could include ongoing professional development, and curricula in tertiary and vocational education courses.

136. **Recommendation 13: That the New Strategy expressly references the role of disability advocates, business and the technology sector in improving outcomes for people with disability. The New Strategy should specifically capture the role of businesses as an important source of data regarding disability employment.**

## 8 Question six – reporting

137. Question six of the Position Paper asks:

What kind of information on the Strategy's progress should governments make available to the public and how often should this information be made available?<sup>95</sup>

138. The Commission recommends that it is resourced and empowered to monitor and report on the progress of the New Strategy and Australia's obligations under the CRPD on a biennial basis. The Commission recommends that this role takes the form of a biennial report. This is consistent with Article 33 (National implementation and monitoring) of the CRPD.<sup>96</sup>

139. The Commission performs a similar monitoring and reporting role in relation to the enjoyment and exercise of human rights by children in Australia.<sup>97</sup> The National Children's Commissioner has provided regular reports to the Attorney-General since the role was first created.<sup>98</sup> The Aboriginal and Torres Strait Islander Social Justice Commissioner was also previously required to submit reports to the Attorney-General regarding the

enjoyment and exercise of human rights by Aboriginal persons and Torres Strait Islanders.<sup>99</sup>

140. In a recent report commissioned by the Disability Royal Commission, Emeritus Professor Ron McCallum AO noted that the powers of the Commission should be strengthened, and sufficient resources should be made available to enable it to monitor compliance with Australia's obligations under the CRPD.<sup>100</sup>
141. Given its monitoring, reporting and human rights expertise, together with its understanding of the different levels and role of government, the Commission is well placed to monitor and report on Australia's obligations under the CRPD together with the progress of the New Strategy.
142. Both the New Zealand Human Rights Commission and the United Kingdom's Equality and Human Rights Commission operate independent monitoring mechanisms in their respective jurisdictions in relation to the CRPD.<sup>101</sup> The Commission recommends that a similar model is adopted in Australia.
143. In 2009 the United Kingdom Government designated the Equality and Human Rights Commission, the Equality Commission for Northern Ireland, the Northern Ireland Human Rights Commission and the Scottish Human Rights Commission as the United Kingdom's 'independent mechanism' under Article 33, tasked with promoting, protecting and monitoring implementation of the CRPD.<sup>102</sup>
144. In 2010 the New Zealand Government established its Independent Monitoring Mechanism (IMM) to fulfil its obligations under Article 33 of the CRPD. The IMM is comprised of the New Zealand Human Rights Commission, the Office of the Ombudsman and the Disabled People's Organisations Coalition.<sup>103</sup>
145. Adopting a similar monitoring mechanism in Australia for the New Strategy would align with the CRPD.
146. While the Current Strategy provided for a progress report to be provided every two years, the stakeholder engagement and filing of reports and reviews has not occurred in a way that was envisaged. Similarly, no national trend indicators have been developed.<sup>104</sup> Some state bodies, such as the NSW Disability and Ageing Commission, have an obligation to monitor, assess and report on their state's implementation of the Current Strategy.<sup>105</sup>

147. Centralising the monitoring of the progress of the New Strategy, with specific input from the states and territories, would be a more effective and efficient way to assess the national position. This approach would also instil confidence in the disability community, overcome the risk of consultation fatigue, and promote constructive policy discussions.

148. **Recommendation 14: That the Commission is resourced and empowered to report on the progress of the New Strategy and Australia's obligations under the CRPD on a biennial basis.**

## 9 Question seven – targeted action plans

149. Question seven of the Position Paper asks:

What do you think of the proposal to have Targeted Action Plans that focus on making improvements in specific areas within a defined period of time (for example within one, two or three years)?<sup>106</sup>

150. The Position Paper proposes an action-oriented approach to the implementation of the New Strategy and proposes Targeted Action Plans to achieve this approach.<sup>107</sup> The Commission understands Targeted Action Plans to refer to plans that will be developed by the government to facilitate the implementation of the New Strategy.

151. The Commission supports the development of Targeted Action Plans to implement the New Strategy. To ensure that the action plans drive change the deliverables that they outline should be specifically incorporated into the outcomes framework for the New Strategy and the subject of formal monitoring and reporting as outlined in part 8 above.

152. **Recommendation 15: That Targeted Action Plans are developed to support the implementation of the New Strategy. The deliverables identified in the Targeted Action Plans should be linked to the outcomes framework, and monitoring and reporting on the progress of the New Strategy.**

## 10 Question eight – engagement plan

153. Question eight of the Position Paper asks:

How could the proposed Engagement Plan ensure people with disability, and the disability community, are involved in the delivery and monitoring of the next Strategy?<sup>108</sup>

154. To ensure the voices and experiences of people with disability are central to the delivery and monitoring of the New Strategy the Commission recommends that a permanent consultation mechanism is established.
155. A permanent consultation mechanism ensures people with disability are consulted on the development and assessment of policies, programs and services which impact their lives.
156. The consultation mechanism could be modelled on the New South Wales Disability Council but with representatives of each state and territory Council coming together as part of a Commonwealth Council.<sup>109</sup> Membership of a Commonwealth Council should be diverse and should specifically include representation of women, young people, Aboriginal and Torres Strait Islander people, people from culturally and linguistically diverse backgrounds, and people from rural and remote areas.<sup>110</sup>
157. Bringing together senior members of government, the academy and people with disability will facilitate meaningful consultations and policy development.
158. The Commission recommends that the following three features are incorporated into any consultation mechanism that is developed to support the New Strategy:
- a. The mechanism should be led or chaired by a person who is independent of government and has lived experience of disability (for example, the Disability Discrimination Commissioner).
  - b. The mechanism must be properly resourced with members paid to attend. This would, assist in attracting people with disability who have professional qualifications or significant life experience in certain policy domains.
  - c. The terms of reference should expressly provide for support for people with complex support needs to attend as members or observers with appropriate support to ensure they can participate in a meaningful way.
159. **Recommendation 16: That the New Strategy incorporates a permanent consultation mechanism that is comprised of and led by people with disability, and appropriately resourced.**

<sup>1</sup> Australian Government, Department of Social Services, *National Disability Strategy* (Position Paper, July 2020) <<https://engage.dss.gov.au/nds-stage2-consultation/national-disability-strategy-position-paper/>>.

<sup>2</sup> Australian Human Rights Commission, 'National Disability Strategy Future Forum: Beyond 2020' (YouTube, 28 September 2020) 00:00:00-01:51:07 <<https://www.youtube.com/watch?v=FnNpvFNQiqw>>.

<sup>3</sup> Australian Government, Department of Social Services, *National Disability Strategy* (Position Paper, July 2020) 6 <<https://engage.dss.gov.au/wp-content/uploads/2020/07/national-disability-strategy-position-paper-accessible-pdf.pdf>>.

<sup>4</sup> *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008) arts 1, 3.

<sup>5</sup> Australian Government, Department of Social Services, *National Disability Strategy* (Position Paper, July 2020) 6 <<https://engage.dss.gov.au/wp-content/uploads/2020/07/national-disability-strategy-position-paper-accessible-pdf.pdf>>.

<sup>6</sup> Australian Government, Department of Social Services, *SHUT OUT: The experience of people with disabilities and their families* (National Disability Strategy Consultation Report, 2009) <<https://www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/shut-out-the-experience-of-people-with-disabilities-and-their-families-in-australia>>; Council of Australian Governments, *2010-2020 National Disability Strategy* (2011) <[https://www.dss.gov.au/sites/default/files/documents/05\\_2012/national\\_disability\\_strategy\\_2010\\_2020.pdf](https://www.dss.gov.au/sites/default/files/documents/05_2012/national_disability_strategy_2010_2020.pdf)>.

<sup>7</sup> Australian Human Rights Commission, *Guidelines on the rights of people with disability in health and disability care during COVID-19* (Guidelines, August 2020) <<https://humanrights.gov.au/our-work/disability-rights/publications/guidelines-rights-people-disability-health-and-disability>>.

<sup>8</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *About the Royal Commission* (Brochure) 2

<<https://disability.royalcommission.gov.au/system/files/2020-09/About%20the%20Disability%20Royal%20Commission%20brochure.pdf>>.

<sup>9</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, 'Statement regarding the death of Ann Marie Smith' (Media Release, 20 May 2020) <<https://disability.royalcommission.gov.au/news-and-media/media-releases/statement-regarding-death-ann-marie-smith>>; George Roberts and Tim Swanston, 'Death of 4yo Willow Dunn came after 'sustained mistreatment', Brisbane detective alleges', *ABC* (online, 29 May 2020) <<https://www.abc.net.au/news/2020-05-29/willow-dunn-death-mistreatment-alleged-child-family-commission/12300306>>.

<sup>10</sup> Australian Government, Productivity Commission, *Review of the National Disability Agreement* (Study Report, January 2019) <<https://www.pc.gov.au/inquiries/completed/disability-agreement/report>>; University of New South Wales, Social Policy Research Centre, *Review of implementation of the National Disability Strategy 2010-2020* (Final Report, August 2018) <[https://www.arts.unsw.edu.au/sites/default/files/documents/NDS\\_Review\\_Final\\_Report.pdf](https://www.arts.unsw.edu.au/sites/default/files/documents/NDS_Review_Final_Report.pdf)>.

<sup>11</sup> Robin Banks et al, 'Statement of concern-COVID-19: human rights, disability and ethical decision making', Disabled People's Organisations Australia (Publication, 14 April 2020) <<https://dpoa.org.au/statement-of-concern-covid-19-human-rights-disability-and-ethical-decision-making/>>. See also: Australian Human Rights Commission, *Guidelines on the rights of people with disability in health and disability care during COVID-19* (Guidelines, August 2020) 14-16

<<https://humanrights.gov.au/our-work/disability-rights/publications/guidelines-rights-people-disability-health-and-disability>>.

<sup>12</sup> Council of Australian Governments, *National Disability Strategy 2010-2020* (2011) 10

<[https://www.dss.gov.au/sites/default/files/documents/05\\_2012/national\\_disability\\_strategy\\_2010\\_2020.pdf](https://www.dss.gov.au/sites/default/files/documents/05_2012/national_disability_strategy_2010_2020.pdf)>.

<sup>13</sup> The Australian Building Codes Board, *Proposal to include minimum accessibility standards for housing in the National Construction Code* (Consultation Regulation Impact Statement, July 2020)

<[https://consultation.abcb.gov.au/engagement/consult-ris-accessible-housing/supporting\\_documents/Consultation\\_RIS\\_Proposal\\_to\\_include\\_minimum\\_accessibility\\_standards\\_for\\_housing\\_in\\_the\\_NCC.pdf](https://consultation.abcb.gov.au/engagement/consult-ris-accessible-housing/supporting_documents/Consultation_RIS_Proposal_to_include_minimum_accessibility_standards_for_housing_in_the_NCC.pdf)>.

<sup>14</sup> The Australian Building Codes Board, *Proposal to include minimum accessibility standards for housing in the National Construction Code* (Consultation Regulation Impact Statement, July 2020) 1

<[https://consultation.abcb.gov.au/engagement/consult-ris-accessible-housing/supporting\\_documents/Consultation\\_RIS\\_Proposal\\_to\\_include\\_minimum\\_accessibility\\_standards\\_for\\_housing\\_in\\_the\\_NCC.pdf](https://consultation.abcb.gov.au/engagement/consult-ris-accessible-housing/supporting_documents/Consultation_RIS_Proposal_to_include_minimum_accessibility_standards_for_housing_in_the_NCC.pdf)>.

<sup>15</sup> The Australian Building Codes Board, *Proposal to include minimum accessibility standards for housing in the National Construction Code* (Consultation Regulation Impact Statement, July 2020)

23 <[https://consultation.abcb.gov.au/engagement/consult-ris-accessible-housing/supporting\\_documents/Consultation\\_RIS\\_Proposal\\_to\\_include\\_minimum\\_accessibility\\_standards\\_for\\_housing\\_in\\_the\\_NCC.pdf](https://consultation.abcb.gov.au/engagement/consult-ris-accessible-housing/supporting_documents/Consultation_RIS_Proposal_to_include_minimum_accessibility_standards_for_housing_in_the_NCC.pdf)>.

<sup>16</sup> In 2010 an aspirational target was agreed at the National Dialogue for Universal Housing Design. The target was that by 2020 all new housing would include minimum access features in the form of a Universal Housing Design Standard. It is estimated that less than 5% of this target had been met. See: Australian Network for Universal Housing Design and Rights Inclusion Australia, *Report on the Progress of the National Dialogue on Universal Housing Design 2010-2014* (Report, January 2015) 8 <<https://apo.org.au/sites/default/files/resource-files/2015-01/apo-nid53494.pdf>>.

<sup>17</sup> The Australian Building Codes Board, *Proposal to include minimum accessibility standards for housing in the National Construction Code* (Consultation Regulation Impact Statement, July 2020)

25 <[https://consultation.abcb.gov.au/engagement/consult-ris-accessible-housing/supporting\\_documents/Consultation\\_RIS\\_Proposal\\_to\\_include\\_minimum\\_accessibility\\_standards\\_for\\_housing\\_in\\_the\\_NCC.pdf](https://consultation.abcb.gov.au/engagement/consult-ris-accessible-housing/supporting_documents/Consultation_RIS_Proposal_to_include_minimum_accessibility_standards_for_housing_in_the_NCC.pdf)>; Sarah Sinclair et al, *Exploring the economic value embedded in housing built to universal design principles: Bridging the gap between public placemaking and private residential housing* (Report, September 2020) 5

<<https://apo.org.au/sites/default/files/resource-files/2020-09/apo-nid308331.pdf>>; Bert Provan et al, *No Place Like an Accessible Home: Quality of life and opportunity for disabled people with accessible housing needs* (Report, July 2016) 14 <<https://www.lse.ac.uk/business-and-consultancy/consulting/assets/documents/No-Place-Like-an-Accessible-Home.pdf>>.

<sup>18</sup> Committee on the Rights of Persons with Disabilities, *Concluding observations on the combined second and third periodic reports of Australia*, UN Doc CRPD/C/AUS/CO/2-3 (15 October 2019) [17(b)] and [18(b)].

<sup>19</sup> *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008) art 9.

<sup>20</sup> The Commission invited feedback on questions and proposals in three consultation documents: Issues Paper (July 2018); White Paper (January 2019); and Discussion Paper (December 2019). See: Australian Human Rights Commission, *Human Rights and Technology Issues Paper* (Issues Paper, July 2018) <<https://humanrights.gov.au/our-work/rights-and->

[freedoms/publications/human-rights-and-technology-issues-paper-2018](#)>; Australian Human Rights Commission, *Artificial Intelligence: governance and leadership* (White Paper, January 2019) <<https://tech.humanrights.gov.au/sites/default/files/2019-12/AHRC%20WEF%20White%20Paper%20online%20version%20FINAL.pdf>>; Australian Human Rights Commission, *Human Rights and Technology* (Discussion Paper, December 2019) <[https://tech.humanrights.gov.au/sites/default/files/2019-12/TechRights\\_2019\\_DiscussionPaper.pdf](https://tech.humanrights.gov.au/sites/default/files/2019-12/TechRights_2019_DiscussionPaper.pdf)>.

<sup>21</sup> See for example: Senate Community Affairs References Committee, Commonwealth of Australia, *Delivery of outcomes under the National Disability Strategy 2010-2020 to build inclusive and accessible communities* (2017)

<[https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/AccessibleCommunities/Report](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/AccessibleCommunities/Report)>; Australian Government, Department of Social Services, *SHUT OUT: The experience of people with disabilities and their families* (National Disability Strategy Consultation Report, 2009) <<https://www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/shut-out-the-experience-of-people-with-disabilities-and-their-families-in-australia>>; Australian Bureau of Statistics, *4159.0 – General Social Survey: Summary Results, Australia* (2014).

<sup>22</sup> *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008) art 27.

<sup>23</sup> *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008) art 24.

<sup>24</sup> *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008) art 25.

<sup>25</sup> *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008) art 21.

<sup>26</sup> Council of Australian Governments, *National Disability Strategy 2010-2020* (2011) 10 <[https://www.dss.gov.au/sites/default/files/documents/05\\_2012/national\\_disability\\_strategy\\_2010\\_2020.pdf](https://www.dss.gov.au/sites/default/files/documents/05_2012/national_disability_strategy_2010_2020.pdf)>.

<sup>27</sup> 'What is economic security?', *International Committee of the Red Cross (ICRC)* (Web Page, 18 June 2015) <<https://www.icrc.org/en/document/introduction-economic-security>>. See also: Australian Institute of Health and Welfare (AIHW), *People with Disability in Australia* (Report, 2020) 293 <<https://www.aihw.gov.au/getmedia/ee5ee3c2-152d-4b5f-9901-71d483b47f03/aihw-dis-72.pdf.aspx?inline=true>>.

<sup>28</sup> International Labour Organisation (ILO), *COVID-19 and the World of Work: Ensuring the inclusion of persons with disabilities at all stages of the response* (Policy Brief, June 2020) <[https://www.ilo.org/wcmsp5/groups/public/---ed\\_emp/---ifp\\_skills/documents/publication/wcms\\_746909.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_746909.pdf)>.

<sup>29</sup> International Labour Organisation (ILO), *COVID-19 and the World of Work: Ensuring the inclusion of persons with disabilities at all stages of the response* (Policy Brief, June 2020) 4 <[https://www.ilo.org/wcmsp5/groups/public/---ed\\_emp/---ifp\\_skills/documents/publication/wcms\\_746909.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_746909.pdf)>.

<sup>30</sup> International Labour Organisation (ILO), *COVID-19 and the World of Work: Ensuring the inclusion of persons with disabilities at all stages of the response* (Policy Brief, June 2020) <[https://www.ilo.org/wcmsp5/groups/public/---ed\\_emp/---ifp\\_skills/documents/publication/wcms\\_746909.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_746909.pdf)>.

<sup>31</sup> Australian Human Rights Commission, *Willing to Work: National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability* (Report, 2016) 35

<<https://humanrights.gov.au/our-work/disability-rights/publications/willing-work-national-inquiry-employment-discrimination>>.

<sup>32</sup> See: Australian Bureau of Statistics, *Disability, Ageing and Carers, Australia: Summary of Findings, 2003* (Catalogue No. 4430.0, 15 September 2004); Australian Bureau of Statistics, *Disability, Ageing and Carers, Australia: Summary of Findings, 2018* (Catalogue No. 4430.0, 24 November 2019). By comparison, the labour force participation rate for people without disability increased from 63.6% in 2003 to 84.1% in 2018. See: Australian Bureau of Statistics, *Australian Labour Market Statistics, Jan 2005* (Catalogue No 6105.0, 7 January 2005); Australian Bureau of Statistics, *Disability, Ageing and Carers, Australia: Summary of Findings, 2018* (Catalogue No. 4430.0, 24 November 2019).

<sup>33</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Employment Issues Paper* (May 2020) 3

<<https://disability.royalcommission.gov.au/system/files/2020-07/Issues%20Paper%20-%20Employment.pdf>>; Australian Bureau of Statistics, *Survey of Disability, Ageing and Carers, Australia, 2018* (Catalogue No 4430.0, Table 7.1, 24 October 2019).

<sup>34</sup> Simon Darcy et al, *Australia's Disability Entrepreneurial Ecosystem: Experiences of People with Disability with microenterprises, self-employment and entrepreneurship* (UTS Research Report, March 2020) iv

<<https://www.uts.edu.au/sites/default/files/article/downloads/Australias%20Disability%20Entrepreneurial%20Ecosystem%20Report%201%20240620%20%28Accessible%29.pdf>>.

<sup>35</sup> Simon Darcy et al, *Australia's Disability Entrepreneurial Ecosystem: Experiences of People with Disability with microenterprises, self-employment and entrepreneurship* (UTS Research Report, March 2020) iv

<<https://www.uts.edu.au/sites/default/files/article/downloads/Australias%20Disability%20Entrepreneurial%20Ecosystem%20Report%201%20240620%20%28Accessible%29.pdf>>.

<sup>36</sup> Australian Government, Department of Social Services, *National Disability Strategy* (Position Paper, July 2020) 7 <<https://engage.dss.gov.au/wp-content/uploads/2020/07/national-disability-strategy-position-paper-accessible-pdf.pdf>>.

<sup>37</sup> Australian Government, Department of Social Services, *National Disability Strategy* (Position Paper, July 2020) 7 <<https://engage.dss.gov.au/wp-content/uploads/2020/07/national-disability-strategy-position-paper-accessible-pdf.pdf>>.

<sup>38</sup> *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008) art 3.

<sup>39</sup> Committee on the Rights of Persons with Disabilities, *General comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention*, UN Doc CRPD/C/GC/7 (9 November 2018). In the context of the CRPD, a General Comment is an interpretation of a provision, or provisions, of the CRPD made by the CRPD Committee.

<sup>40</sup> Committee on the Rights of Persons with Disabilities, *General comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention*, UN Doc CRPD/C/GC/7 (9 November 2018) [43]-[46]. See also the draft indicator for article 8 (awareness raising), developed from the Bridging the Gap I project: 'EU and OHCHR project Bridging the Gap', Office of the High Commissioner for Human Rights (Web Page) <<https://www.ohchr.org/EN/Issues/Disability/Pages/EUAndOHCHRProjectBridgingGapI.aspx>>.

<sup>41</sup> The Australian Human Rights Commission has significant expertise in the design of consultation mechanisms and processes. As an example, the Commission conducted targeted

stakeholder consultations Australia-wide to inform the development of the *Guidelines: Equivalent Access under the Disability Standards for Accessible Public Transport 2002 (Cth)*, see: Australian Human Rights Commission, *Guidelines: Equivalent Access under the Disability Standards for Accessible Public Transport 2002 (Cth)* (Guidelines, July 2020) 8-9 <<https://humanrights.gov.au/our-work/disability-rights/publications/guidelines-equivalent-access-under-disability-standards>>.

<sup>42</sup> *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008) art 2.

<sup>43</sup> *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008) art 2.

<sup>44</sup> Australian Government, Department of Social Services, *National Disability Strategy* (Position Paper, July 2020) 7 <<https://engage.dss.gov.au/nds-stage2-consultation/national-disability-strategy-position-paper/>>.

<sup>45</sup> *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008) preamble(p)-(r), arts 6, 7, 30(4).

<sup>46</sup> Australian Government, Department of Social Services, *National Disability Strategy* (Position Paper, July 2020) 8 <<https://engage.dss.gov.au/wp-content/uploads/2020/07/national-disability-strategy-position-paper-accessible-pdf.pdf>>.

<sup>47</sup> NSW Government, Department of Family & Community Services (FACS), *Changing community attitudes toward greater inclusion of people with disabilities: A Rapid Literature Review* (Literature Review) <[https://www.facs.nsw.gov.au/\\_data/assets/file/0008/372608/Rapid-Review-V3-interactive.pdf](https://www.facs.nsw.gov.au/_data/assets/file/0008/372608/Rapid-Review-V3-interactive.pdf)>.

<sup>48</sup> United Nations Human Rights Council, *Awareness-raising under article 8 of the Convention on the Rights of Persons with Disabilities - Report of the Office of the United Nations High Commissioner for Human Rights*, UN Doc A/HRC/43/27 (17 December 2017).

<sup>49</sup> Committee on the Rights of Persons with Disabilities, *Concluding observations on the combined second and third periodic reports of Australia*, UN Doc CRPD/C/AUS/CO/2-3 (15 October 2019) [16]: 'The Committee recommends that the State party develop a national government strategy to promote a positive image and awareness of the rights of all persons with disabilities and that it ensure the consultation and participation of representative organizations of persons with disabilities, particularly women, Aboriginal and Torres Strait Islander persons, persons with disabilities from culturally and linguistically diverse backgrounds and lesbian, gay, bisexual, transgender, intersex and queer persons with disabilities, in the development and delivery of all awareness-raising activities'. The CRPD Committee consists of eighteen 'experts' of 'high moral standing and recognized competence and experience in the field covered' by the CRPD, see: *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008) art 34.

<sup>50</sup> Ron McCallum AO, *The United Nations Convention on the Rights of Persons with Disabilities: An Assessment of Australia's Level of Compliance* (Research Report, October 2020) 32 <[https://disability.royalcommission.gov.au/system/files/2020-10/Research%20Report%20-%20The%20United%20Nations%20Convention%20on%20the%20Rights%20of%20Persons%20with%20Disabilities%20-%20An%20Assessment%20of%20Australia%E2%80%99s%20Level%20of%20Compliance\\_1.pdf](https://disability.royalcommission.gov.au/system/files/2020-10/Research%20Report%20-%20The%20United%20Nations%20Convention%20on%20the%20Rights%20of%20Persons%20with%20Disabilities%20-%20An%20Assessment%20of%20Australia%E2%80%99s%20Level%20of%20Compliance_1.pdf)>.

<sup>51</sup> University of New South Wales, Social Policy Research Centre, *Review of implementation of the National Disability Strategy 2010-2020* (Final Report, August 2018) 4 <[https://www.arts.unsw.edu.au/sites/default/files/documents/NDS\\_Review\\_Final\\_Report.pdf](https://www.arts.unsw.edu.au/sites/default/files/documents/NDS_Review_Final_Report.pdf)>.

<sup>52</sup> Anne Kavanagh et al, 'Community Attitudes towards Australians with Disability: Results from a National Survey, June 2019' (Presentation, June 2019) 33

<[https://melbourne.figshare.com/articles/Community Attitudes towards Australians with Disability Results from a National Survey June 2019/8341343](https://melbourne.figshare.com/articles/Community_Attitudes_towards_Australians_with_Disability_Results_from_a_National_Survey_June_2019/8341343)>. See also, Anne Kavanagh et al, *Survey of Community Attitudes toward People with Disability: A report for the Victorian Department of Health and Human Services* (Report, 13 August 2018) 48

<[https://www.statedisabilityplan.vic.gov.au/application/files/5415/7526/0530/University of Melbourne Community Attitudes Final Report 19.06.19 - PDF.PDF](https://www.statedisabilityplan.vic.gov.au/application/files/5415/7526/0530/University_of_Melbourne_Community_Attitudes_Final_Report_19.06.19_-_PDF.PDF)>.

<sup>53</sup> Anne Kavanagh et al, 'Community Attitudes towards Australians with Disability: Results from a National Survey, June 2019' (Presentation, June 2019) 32

<[https://melbourne.figshare.com/articles/Community Attitudes towards Australians with Disability Results from a National Survey June 2019/8341343](https://melbourne.figshare.com/articles/Community_Attitudes_towards_Australians_with_Disability_Results_from_a_National_Survey_June_2019/8341343)>. See also, Anne Kavanagh et al, *Survey of Community Attitudes toward People with Disability: A report for the Victorian Department of Health and Human Services* (Report, 13 August 2018) 52

<[https://www.statedisabilityplan.vic.gov.au/application/files/5415/7526/0530/University of Melbourne Community Attitudes Final Report 19.06.19 - PDF.PDF](https://www.statedisabilityplan.vic.gov.au/application/files/5415/7526/0530/University_of_Melbourne_Community_Attitudes_Final_Report_19.06.19_-_PDF.PDF)>.

<sup>54</sup> Anne Kavanagh et al, *Survey of Community Attitudes toward People with Disability: A report for the Victorian Department of Health and Human Services* (Report, 13 August 2018) 25

<[https://www.statedisabilityplan.vic.gov.au/application/files/5415/7526/0530/University of Melbourne Community Attitudes Final Report 19.06.19 - PDF.PDF](https://www.statedisabilityplan.vic.gov.au/application/files/5415/7526/0530/University_of_Melbourne_Community_Attitudes_Final_Report_19.06.19_-_PDF.PDF)>.

<sup>55</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Rights and Attitudes Issues Paper* (28 April 2020) 4

<<https://disability.royalcommission.gov.au/system/files/2020-07/Issues-paper-Rights-and-attitudes.pdf>>.

<sup>56</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, *Rights and Attitudes Issues Paper* (28 April 2020) 4

<<https://disability.royalcommission.gov.au/system/files/2020-07/Issues-paper-Rights-and-attitudes.pdf>>.

<sup>57</sup> United Nations Human Rights Council, *Awareness-raising under article 8 of the Convention on the Rights of Persons with Disabilities - Report of the Office of the United Nations High Commissioner for Human Rights*, UN Doc A/HRC/43/27 (17 December 2017).

<sup>58</sup> United Nations Human Rights Council, *Awareness-raising under article 8 of the Convention on the Rights of Persons with Disabilities - Report of the Office of the United Nations High Commissioner for Human Rights*, UN Doc A/HRC/43/27 (17 December 2017) [7].

<sup>59</sup> United Nations Human Rights Council, *Awareness-raising under article 8 of the Convention on the Rights of Persons with Disabilities - Report of the Office of the United Nations High Commissioner for Human Rights*, UN Doc A/HRC/43/27 (17 December 2017) [7]-[10].

<sup>60</sup> University of New South Wales, Social Policy Research Centre, *Community Attitudes to people with disability: Scoping project* (Occasional Paper No 39, 2011) viii

<[https://www.arts.unsw.edu.au/sites/default/files/documents/Australian\\_community\\_attitudes\\_to\\_disability.pdf](https://www.arts.unsw.edu.au/sites/default/files/documents/Australian_community_attitudes_to_disability.pdf)>.

<sup>61</sup> Social Policy Research Centre, Disability Studies and Research Centre, University of New South Wales, *Community Attitudes to people with disability: Scoping project* (Occasional Paper No 39, 2011) vi

<[https://www.arts.unsw.edu.au/sites/default/files/documents/Australian\\_community\\_attitudes\\_to\\_disability.pdf](https://www.arts.unsw.edu.au/sites/default/files/documents/Australian_community_attitudes_to_disability.pdf)>.

<sup>62</sup> *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008) art 8.

<sup>63</sup> See: Attitude Foundation, 'Perspective Shift' (Web Page)

<<https://www.attitude.org.au/perspective-shift>>; NSW Government, 'Don't Dis My Ability' (Web Page) <[https://www.facs.nsw.gov.au/about/media/news/archive/dont\\_dis\\_my\\_ability\\_2012](https://www.facs.nsw.gov.au/about/media/news/archive/dont_dis_my_ability_2012)>.

<sup>64</sup> Screen Australia, *Seeing Ourselves – Reflections on diversity in Australian TV drama* (Report, 2016) 4 <<https://www.screenaustralia.gov.au/getmedia/157b05b4-255a-47b4-bd8b-9f715555fb44/TV-Drama-Diversity.pdf>>.

<sup>65</sup> Screen Australia, *Seeing Ourselves – Reflections on diversity in Australian TV drama* (Report, 2016) 15 <<https://www.screenaustralia.gov.au/getmedia/157b05b4-255a-47b4-bd8b-9f715555fb44/TV-Drama-Diversity.pdf>>.

<sup>66</sup> Australian Government, Department of Social Services, *National Disability Strategy* (Position Paper, July 2020) 8 <<https://engage.dss.gov.au/wp-content/uploads/2020/07/national-disability-strategy-position-paper-accessible-pdf.pdf>>.

<sup>67</sup> Australian Government, Department of Social Services, *National Disability Strategy* (Position Paper, July 2020) 8 <<https://engage.dss.gov.au/wp-content/uploads/2020/07/national-disability-strategy-position-paper-accessible-pdf.pdf>>.

<sup>68</sup> Australian Government, Department of Social Services, *National Disability Strategy* (Position Paper, July 2020) 8 <<https://engage.dss.gov.au/wp-content/uploads/2020/07/national-disability-strategy-position-paper-accessible-pdf.pdf>>.

<sup>69</sup> *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008) art 4(5).

<sup>70</sup> *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008) art 4(5).

<sup>71</sup> *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008) art 4.

<sup>70</sup> Australian Government, Department of Social Services, *National Disability Strategy* (Position Paper, July 2020) 8 <<https://engage.dss.gov.au/wp-content/uploads/2020/07/national-disability-strategy-position-paper-accessible-pdf.pdf>>.

<sup>73</sup> Data from the latest NDIA Quarterly Report (Q4) states that the NDIS currently supports 391,999 people with disability and that within the next three years, the scheme will support approximately 500,000 participants. In Australia, as at 2018, there were 4.4 million Australians with disability. This would suggest that between now and three years' time, dependent on population changes and the prevalence of disability, the NDIS will support anywhere between 8% to 12% of people with disability in Australia. See: National Disability Insurance Agency (NDIA), *NDIS Quarterly Report to disability Ministers* (Q4 Report, 30 June 2020) 86

<<https://www.ndis.gov.au/about-us/publications/quarterly-reports>>; Australian Bureau of Statistics, *Survey of Disability, Ageing and Carers, Australia: Summary of Findings 2018* (Catalogue No 4430.0, 24 October 2019).

<sup>74</sup> See, for example: Luke Henriques-Gomes, 'Backdown over axing of NDIS funding to life-threatening condition', *The Guardian* (online, 13 December 2018)

<<https://www.theguardian.com/australia-news/2018/dec/13/backdown-over-axing-of-ndis-funding-to-life-threatening-condition>>.

<sup>75</sup> *Burchell and National Disability Insurance Agency* [2019] AATA 1256 (4 June 2019).

<sup>76</sup> Council of Australian Governments, Disability Reform Council, *How the National Disability Insurance Scheme (NDIS) and health services will work together* (Fact Sheet, 28 June 2019)

<[https://www.dss.gov.au/sites/default/files/documents/06\\_2019/attachment-drc-communique-fact-sheet-health-related-supports.pdf](https://www.dss.gov.au/sites/default/files/documents/06_2019/attachment-drc-communique-fact-sheet-health-related-supports.pdf)>; Council of the Australian Governments, Disability Reform Council, *Meeting of the COAG Disability Reform Council* (Communiqué, 28 June 2019)

<[https://www.dss.gov.au/sites/default/files/documents/07\\_2019/communique-drc-28-june-2019.pdf](https://www.dss.gov.au/sites/default/files/documents/07_2019/communique-drc-28-june-2019.pdf)>. See also: Luke Henriques-Gomes, 'Australians with life-threatening swallowing condition win NDIS battle', *The Guardian* (online, 14 June 2019)

<<https://www.theguardian.com/australia-news/2019/jun/14/australians-with-life-threatening-swallowing-condition-win-ndis-battle>>.

<sup>77</sup> Australian Government, Department of Social Services, *National Disability Strategy* (Position Paper, July 2020) 8 <<https://engage.dss.gov.au/wp-content/uploads/2020/07/national-disability-strategy-position-paper-accessible-pdf.pdf>>.

<sup>78</sup> The NDIS, 'Information, Linkages and Capacity Building (ILC)' (Web Page, 9 September 2020) <<https://www.ndis.gov.au/community/information-linkages-and-capacity-building-ilc>>.

<sup>79</sup> Australian Government, Department of Social Services, *National Disability Strategy* (Position Paper, July 2020) 9 <<https://engage.dss.gov.au/wp-content/uploads/2020/07/national-disability-strategy-position-paper-accessible-pdf.pdf>>.

<sup>80</sup> 'National disability representative organisations', *Department of Social Services* (Web Page) <<https://www.dss.gov.au/our-responsibilities/disability-and-carers/program-services/consultation-and-advocacy/national-disability-peak-bodies>>.

<sup>81</sup> Australian Human Rights Commission, *Willing to Work: National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability* (Report, 2016) <<https://humanrights.gov.au/our-work/disability-rights/publications/willing-work-national-inquiry-employment-discrimination>>.

<sup>82</sup> Committee on the Rights of Persons with Disabilities, *Concluding observations on the combined second and third periodic reports of Australia*, UN Doc CRPD/C/AUS/CO/2-3 (15 October 2019) [50(a)].

<sup>83</sup> Australian Bureau of Statistics, *Survey of Disability, Ageing and Carers, Australia: Summary of Findings 2018* (Catalogue No 4430.0, 24 October 2019).

<sup>84</sup> Australian Bureau of Statistics, *Disability, Ageing and Carers, Australia: Summary of Findings, 2018* (Catalogue No. 4430.0, 24 November 2019); Australian Bureau of Statistics, *Disability, Ageing and Carers, Australia: Summary of Findings, 2003* (Catalogue No. 4430.0, 15 September 2004).

<sup>85</sup> Maggie Coggan, 'Look how far we've come: Corporate social responsibility' (online, 24 June 2020) <<https://probonoaustralia.com.au/news/2020/06/look-how-far-weve-come-corporate-social-responsibility/>>; and Deloitte, *Progress, prospects and impact: How business is preparing for the Modern Slavery Act* (Report, 2018) <[https://www2.deloitte.com/content/dam/Deloitte/nz/Documents/risk/2018\\_state-csr-report-final.pdf](https://www2.deloitte.com/content/dam/Deloitte/nz/Documents/risk/2018_state-csr-report-final.pdf)>.

<sup>86</sup> Maggie Coggan, 'Look how far we've come: Corporate social responsibility' (online, 24 June 2020) <<https://probonoaustralia.com.au/news/2020/06/look-how-far-weve-come-corporate-social-responsibility/>>; and Deloitte, *Progress, prospects and impact: How business is preparing for the Modern Slavery Act* (Report, 2018) 28 <[https://www2.deloitte.com/content/dam/Deloitte/nz/Documents/risk/2018\\_state-csr-report-final.pdf](https://www2.deloitte.com/content/dam/Deloitte/nz/Documents/risk/2018_state-csr-report-final.pdf)>.

<sup>87</sup> United Nation General Assembly, *Resolution adopted by the General Assembly on 25 September 2015, Transforming our world: the 2030 Agenda for Sustainable Development*, UN Doc A/RES/70/1 (21 October 2015).

<sup>88</sup> United Nation General Assembly, *Resolution adopted by the General Assembly on 25 September 2015, Transforming our world: the 2030 Agenda for Sustainable Development*, UN Doc A/RES/70/1 (21 October 2015). Emphasis added.

<sup>89</sup> Australian Human Rights Commission, *Willing to Work: National Inquiry into Employment Discrimination Against Older Australians and Australians with Disability* (Report, 2016) 110 <<https://humanrights.gov.au/our-work/disability-rights/publications/willing-work-national-inquiry-employment-discrimination>>.

<sup>90</sup> *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008) art 9(2)(h). These approaches also promote research and development of universally designed goods, services, equipment and facilities.

<sup>91</sup> An inclusive design approach can increase the potential market of products and services by three to four times. See: Centre for Inclusive Design, PwC Australia, *The Benefit of Designing for Everyone* (Report, May 2019) 1 <<https://centreforinclusivedesign.org.au/wp-content/uploads/2020/04/inclusive-design-infographic-report-digital-160519.pdf>>. See also: W3C Web Accessibility Initiative (WAI), 'The Business Case for Digital Accessibility' (Web Page, 9 November 2018) <<https://www.w3.org/WAI/business-case/>>.

<sup>92</sup> W3C Web Accessibility Initiative (WAI), 'Accessibility, Usability, and Inclusion' (Web Page, 6 May 2016) <<https://www.w3.org/WAI/fundamentals/accessibility-usability-inclusion/>>.

<sup>93</sup> Jutta Treviranus, 'The Three Dimensions of Inclusive Design, Part Two', *Medium* (online, 30 March 2018) <<https://medium.com/@jutta.trevira/the-three-dimensions-of-inclusive-design-part-two-7cacd12b79f1>>.

<sup>94</sup> See, for example: Gerard Goggin, Scott Hollier and Wayne Hawkins, 'Internet accessibility and disability policy lessons for digital inclusion and equality from Australia' (2017) 6 (1) *Internet Policy Review* 9.

<sup>95</sup> Australian Government, Department of Social Services, *National Disability Strategy* (Position Paper, July 2020) 9 <<https://engage.dss.gov.au/wp-content/uploads/2020/07/national-disability-strategy-position-paper-accessible-pdf.pdf>>.

<sup>96</sup> *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008) art 33.

<sup>97</sup> *Australian Human Rights Commission Act 1986* (Cth) ss 46MB(1)(a), (3), as at 1 July 2016 <<https://www.legislation.gov.au/Details/C2016C00711>>. Section 46MB was amended in 2016 so that annual reports were no longer required, however the ability to provide reports to the Attorney-General was retained in a revised format and reports continue to be provided regularly.

<sup>98</sup> See: Australian Human Rights Commission, 'Children's Rights Reports' (Web Page) <<https://humanrights.gov.au/our-work/childrens-rights/projects/childrens-rights-reports>>.

<sup>99</sup> *Australian Human Rights Commission Act 1986* (Cth) s 46C(1)(a), as at 1 July 2016 <<https://www.legislation.gov.au/Details/C2016C00711>>. Section 46C was amended in 2016 so that annual reports were no longer required, however the ability to provide reports to the Attorney-General was retained in a revised format. See: Australian Human Rights Commission, 'Social Justice Reports Index' (Web Page) <<https://humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/publications/social-justice-reports>>.

<sup>100</sup> Ron McCallum AO, *The United Nations Convention on the Rights of Persons with Disabilities: An Assessment of Australia's Level of Compliance* (Research Report, October 2020) 160 <[https://disability.royalcommission.gov.au/system/files/2020-10/Research%20Report%20-%20The%20United%20Nations%20Convention%20on%20the%20Rights%20of%20Persons%20with%20Disabilities%20-%20An%20Assessment%20of%20Australia%E2%80%99s%20Level%20of%20Compliance\\_1.pdf](https://disability.royalcommission.gov.au/system/files/2020-10/Research%20Report%20-%20The%20United%20Nations%20Convention%20on%20the%20Rights%20of%20Persons%20with%20Disabilities%20-%20An%20Assessment%20of%20Australia%E2%80%99s%20Level%20of%20Compliance_1.pdf)>.

<sup>101</sup> 'Monitoring the Convention on the Rights of Persons with Disabilities', *New Zealand Human Rights Commission* (Web Page) <<https://www.hrc.co.nz/our-work/international-reporting/rights-disabled-people/>>; Equality and Human Rights Commission, *Progress on disability rights in the*

United Kingdom (UK Independent Mechanism update report to the UN Committee on the Rights of Persons with Disabilities, October 2018) 8  
<<https://www.equalityhumanrights.com/sites/default/files/progress-on-disability-rights-in-the-uk-crpd-shadow-report-2018.pdf>>.

<sup>102</sup> See, for example, Equality and Human Rights Commission, *Progress on disability rights in the United Kingdom* (UK Independent Mechanism update report to the UN Committee on the Rights of Persons with Disabilities, October 2018) 8  
<<https://www.equalityhumanrights.com/sites/default/files/progress-on-disability-rights-in-the-uk-crpd-shadow-report-2018.pdf>>.

<sup>103</sup> 'Monitoring the Convention on the Rights of Persons with Disabilities', *New Zealand Human Rights Commission* (Web Page) <<https://www.hrc.co.nz/our-work/international-reporting/rights-disabled-people/>>.

<sup>104</sup> See: Australian Government, Department of Social Services, *2010-2020 National Disability Strategy* (2011) 67-69  
<[https://www.dss.gov.au/sites/default/files/documents/05\\_2012/national\\_disability\\_strategy\\_2010\\_2020.pdf](https://www.dss.gov.au/sites/default/files/documents/05_2012/national_disability_strategy_2010_2020.pdf)>. See also: Committee on the Rights of Persons with Disabilities, *Concluding observations on the combined second and third periodic reports of Australia*, UN Doc CRPD/C/AUS/CO/2-3 (15 October 2019) [5]-[6].

<sup>105</sup> *Ageing and Disability Commissioner Act 2019* (NSW) s12(1)(h).

<sup>106</sup> Australian Government, Department of Social Services, *National Disability Strategy* (Position Paper, July 2020) 6 <<https://engage.dss.gov.au/wp-content/uploads/2020/07/national-disability-strategy-position-paper-accessible-pdf.pdf>>.

<sup>107</sup> Australian Government, Department of Social Services, *National Disability Strategy* (Position Paper, July 2020) 11 <<https://engage.dss.gov.au/wp-content/uploads/2020/07/national-disability-strategy-position-paper-accessible-pdf.pdf>>.

<sup>108</sup> Australian Government, Department of Social Services, *National Disability Strategy* (Position Paper, July 2020) 11 <<https://engage.dss.gov.au/wp-content/uploads/2020/07/national-disability-strategy-position-paper-accessible-pdf.pdf>>.

<sup>109</sup> See: 'Disability Council', *NSW Government Department of Communities & Justice* (Web Page) <<https://www.facs.nsw.gov.au/disability-council>>; *Disability Inclusion Act 2014* (NSW) part 3.

<sup>110</sup> Another example of when bringing together government officials and people with disability has resulted in positive policy outcomes was the establishment of the Advisory Committee for the COVID-19 Response for People with Disability (the Advisory Committee) in April 2020. The Advisory Committee reports to the Chief Medical Officer and regularly informs the Australian Health Protection Principal Committee and the Communicable Network Australia with the Secretariat being part of the Commonwealth Department of Health.