

## Key Recommendations

- Adopt captioning targets for streaming services and catch-up TV.
- Implement the draft Disability Standards on Employment.
- Issue greater financial incentives for businesses to employ people with disabilities through the Australian Tax Office.
- All businesses with over 100 employees must have a Disability Action Plan.
- Adopt previous National Disability Strategy recommendation for a low-interest government scheme linked to CPI for businesses and facilities to purchase the necessary equipment to provide access.
- Mandatory and adequate funding for disability advocacy services.

## Question 1: Do you have any comments on the vision and outcome areas being proposed for the new National Disability Strategy?

I support the vision and outcome areas being proposed for the new National Disability Strategy, albeit with some expansion. The 2<sup>nd</sup> outcome area, accessible communities, should be expanded to include technology. One recommendation to address technology is having a target for online video content, including streaming services and catch-up TV, to have captioning and if possible, audio description. This should be authorised by the AMCA in a similar manner to existing targets for free to air TV and subscription TV.<sup>1</sup>

## Question 3: What is your view on the proposal for the new Strategy to have a stronger emphasis on improving community attitudes across all outcome areas?

Improving community attitudes has never been more critical. This is despite increasing discriminatory conduct against people with disabilities.<sup>2</sup> There also needs to be more awareness in the community that the NDIS, which will support approximately 500,000 participants,<sup>3</sup> does not cater for all people with disabilities, given there are over 4.4 million people who have a disability.<sup>4</sup> One way to improve community attitudes is upholding a 2008 recommendation in the 'Shut Out' report which advocates a low-interest government scheme linked to CPI for businesses and facilities to purchase the necessary equipment to provide access.<sup>5</sup>

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<sup>1</sup> Australian Media Communication Authority ('AMCA'), 'Provide captions on free-to-air TV' (Web Page, 3 September 2020) <<https://www.acma.gov.au/provide-captions-free-air-tv>>; AMCA, 'Provide captions on subscription TV' (Web Page, 7 October 2020) <<https://www.acma.gov.au/provide-captions-subscription-tv>>.

<sup>2</sup> Australian Human Rights Commission ('AHRC'), '2018 – 2019 Complaint statistics' (n.d.) 11, <[https://www.humanrights.gov.au/sites/default/files/2019-10/AHRC\\_AR\\_2018-19\\_Stats\\_Tables\\_%28Final%29.pdf](https://www.humanrights.gov.au/sites/default/files/2019-10/AHRC_AR_2018-19_Stats_Tables_%28Final%29.pdf)>.

<sup>3</sup> National Disability Insurance Agency, 'What is the NDIS?' (Web Page, 8 September 2020) <<https://www.ndis.gov.au/understanding/what-ndis>>.

<sup>4</sup> Australian Bureau of Statistics ('ABS'), *Disability, Ageing and Carers, Australia: Summary of Findings, 2018* (Catalogue No. 4430.0, 24 October 2019) <<https://www.abs.gov.au/ausstats/abs@.nsf/mf/4430.0>>.

<sup>5</sup> Kirsten Deane, National People with Disabilities and Carers Council (Australia) & Department of Families, Housing, Community Services and Indigenous Affairs, *Shut out : the experience of people with disabilities and their families in Australia : National Disability Strategy consultation report* (2009) 44 <[https://www.dss.gov.au/sites/default/files/documents/05\\_2012/nds\\_report.pdf](https://www.dss.gov.au/sites/default/files/documents/05_2012/nds_report.pdf)>.

It has also been noted despite the existence of the NDIS, there has been a decrease in the employment of people with disabilities.<sup>6</sup> This could potentially be overcome by the implementation of the Disability Standards for Employment (DSE), which has been drafted but yet to be implemented.<sup>7</sup> The DSE could address what needs to be done to ensure non-discrimination in the workforce, including when interviewing a person with a disability. Finally, it is believed that there needs to be greater financial and tax incentives for employers to employ people with disabilities. This would preferably be administered through the Australian Tax Office instead of Job Access as not everyone will use Job Access.<sup>8</sup> Such incentives should be regularly advertised.

#### Question 4: 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?

There needs to be a strengthened, person-centred, national reporting arrangement to assist in identifying gaps and ensuring that people with disabilities can identify whose responsibility it is to address their need.

#### Question 5: How do you think the Strategy should represent the role that the non-government sector plays in improving outcomes for people with disability?

In relation to employment across all sectors, a Disability Action Plan ('DAP') pursuant to Part 3 of the Disability Discrimination Act<sup>9</sup> should be mandatory for: businesses that employ over 100 people; hospitals; education facilities; not for profit organisations, and; government departments. Also, it should be promoted that businesses and co-operatives with over 5 permanent employees are recommended to have a DAP.<sup>10</sup>

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<sup>6</sup> Australian Institute of Health and Welfare ('AIHW'), 'Disability in Australia: changes over time in inclusion and participation in employment' (2017) <<https://www.aihw.gov.au/getmedia/f732bc12-1787-4980-a226-303bc201d50a/employment-20906.pdf.aspx>>; ABS, *Disability, Ageing and Carers, Australia: Summary of Findings, 2018* (Catalogue No. 4430.0, 24 October 2019) <<https://www.abs.gov.au/ausstats/abs@.nsf/mf/4430.0>>; Elizabeth Hemphill and Carol T. Kulik, 'Shaping attitudes to disability employment with a national disability insurance scheme' (2016) 51(3) *Australian Journal of Social Issues* 299, 310.

<sup>7</sup> Penelope S. Scott 'Addressing Ableism in Workplace Policies and Practices: The Case for Disability Standards in Employment' (2016) 18(1) *Flinders Law Journal* 121, 122 <<http://www.austlii.edu.au/au/journals/FlinLawJl/2016/4.pdf>>; AHRC, 'Initial Draft: Disability Standards for Employment' (Web Page, 1996), <<https://humanrights.gov.au/our-work/initial-draft-disability-standards-employment>>.

<sup>8</sup> Job Access, 'Access for Employers: Financial Support' (Web Page) <<https://www.jobaccess.gov.au/employers/available-support/191>>.

<sup>9</sup> AHRC, 'Disability Discrimination Act Action Plans: A Guide for Business' (Web Page, 14 December 2012) <<https://humanrights.gov.au/our-work/disability-rights/disability-discrimination-act-action-plans-guide-business>>; AHRC, 'Register of Disability Discrimination Act Action Plans' (Web Page, 7 January 2020) <<https://humanrights.gov.au/our-work/disability-rights/register-disability-discrimination-act-action-plans>>.

<sup>10</sup> Ibid.

In relation to advocacy for non-government organisations, there should be mandatory and ongoing disability advocacy funding for people with disabilities to access justice and other relevant issues.<sup>11</sup>

### Question 6: 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?

Greater clarity and transparency in government responsibility will always be needed, especially when trying to hold the government accountable in improving outcomes for people with a disability. All information that affects people with disabilities should be made available, especially in relation to the Outcome Areas. These include policy discussions, targets and outcomes.

Non-Government Organisations that receive government funding are expected to provide progress reports on outcomes back to the government twice a year. This should be the same for governments in the frequency of making progress of the National Disability Strategy publicly available.

### Question 7: 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?

I support this. However, Targeted Action Plans could be combined with the existing Disability Action Plans under the DDA.<sup>12</sup>

### Question 8: How could the proposed Engagement Plan ensure people with disability, and the disability community, are involved in delivering and monitoring the next Strategy?

Engagement should be from the start. Rather than policies and laws being drafted followed by consultation, people with disabilities should have a say as to what should be made into a law or policy. It is also important that engagement involves consulting with as many people with disabilities and disability organisations all over Australia, not just those in capital cities.

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<sup>11</sup> Tony Jones, 'People with disability in NSW need funding certainty for advocacy', *Pro Bono Australia* (Online, 27 October 2020) <<https://probonoaustralia.com.au/news/2020/10/people-with-disability-in-nsw-need-funding-certainty-for-advocacy/>>.

<sup>12</sup> AHRC, 'Disability Discrimination Act Action Plans: A Guide for Business' (Web Page, 14 December 2012) <<https://humanrights.gov.au/our-work/disability-rights/disability-discrimination-act-action-plans-guide-business>>; AHRC, 'Register of Disability Discrimination Act Action Plans' (Web Page, 7 January 2020) <<https://humanrights.gov.au/our-work/disability-rights/register-disability-discrimination-act-action-plans>>.