

**A new National Disability Strategy
Stage 2 consultations**

**Spinal Cord Injuries Australia Policy
and Advocacy Team Submission**

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National Disability Strategy Governance and Engagement Section
Department of Social Services
Via email to disabilityreform@dss.gov.au

Introduction

Spinal Cord Injuries Australia (SCIA) welcomes the opportunity to offer a submission to the Department of Social Services' (DSS) second stage of consultations on the key features of the new National Disability Strategy (NDS). SCIA is committed to ensuring that the new NDS advances the rights, choices and entitlements of all people living disability; and to ensure that high quality, relevant services are readily available for people living with disability.

About Spinal Cord Injuries Australia

SCIA is a for-purpose organisation working for people living with spinal cord injury (SCI) and other physical disabilities. SCIA was founded by people with SCI over fifty years ago; people with disability make up over 25% of our staff, and the majority of our Board live with SCI. SCIA is a national, member-based organisation that serves 2,500 members made up of people living with disability, their family, carers, researchers, and other professionals in the sector.

SCIA's Policy and Advocacy Team provides individual and systemic advocacy, and supports self advocacy, with the aim of ensuring that people living with SCI and other disabilities do not face barriers in exercising their independence and realising their human rights. The team strives to achieve inclusivity and change for people with disability, their family members or carers.

The following submission outlines SCIA's commitment to the vision and implementation of a new, successful, outcomes-oriented NDS, by addressing each of the questions raised in the position paper.

Question 1. Vision and outcomes

The proposed change to the NDS's vision statement to replace 'citizens' with 'members' is appropriate. This directly reflects the language in the preamble to the *Convention on the Rights of Persons with Disabilities* (CRPD). It also ensures that there is no confusion that the commitments made under the NDS apply to all individuals living with disability in Australia irrespective of citizenship/immigration status.

SCIA supports the inclusion of the outcome areas outlined in the first NDS.

However, another outcome related to supporting the role of family and carers in their caring role should be included in the new NDS. This would align with the existing outcomes of the National Disability Agreement (NDA) and recognises the need to provide support services to assist them in

their caring role. Support for family and carers should not simply be a guiding principle, but also an assessable outcome area.

Question 2. Guiding principles

First, the framing of the guiding principles in question format is a helpful way for policy-makers to conduct concrete assessment of their processes and program designs prior to their implementation. It also aligns better with DSS's proposed establishment of a set of performance indicators, by providing practical guidance in defining the scope of different principles as they correlate with a specific outcomes framework. It discourages policy-makers from only notionally 'turning their mind to' guiding principles.

Likewise, the general principles outlined in Article 3 of the CRPD are similarly framed in question format. As the primary Australian document integrating the CRPD into our system of government, making policy-makers accountable to its general principles in a meaningful way ensures Australia upholds its international obligations. A proposed example is outlined below:

- a. *Does this policy or program design interfere with the inherent dignity and individual autonomy of people with disability?*
- b. *Does the policy or program design unjustifiably discriminate against people with disability and how has the policy or program design ensured that it positively supports non-discrimination?*
- c. *How does the policy or program design promote the full, effective participation and inclusion of people with disability in society?*
- d. *How does the policy or program design promote respect for difference and acceptance of persons with disabilities as part of human diversity and humanity?*
- e. *Does the policy or program promote equal opportunity for persons with disabilities?*
- f. *How does the policy or program design increase and promote accessibility for persons with disability in society?*
- g. *Does the policy or program design interfere with equality between men and women?*
- h. *Does the policy or program design recognise and respect the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities?*

The following section will address the other proposed guiding principles.

Involve and engage

The general intention of this principle is crucial to improving outcomes for people with disability, however, the current phrasing of the question does not go far in its definition of involvement and engagement of people with disability and their support networks. In the first stage of consultations, one of the most significant underlying messages was "all decisions that are made that affect people with disability must involve people with disability...it also includes ensuring people with disability are employed in positions in government and the disability sector".¹ Additionally, the consultations highlighted the need to be co-designed with "specific and diverse groups of people with disability".² As such, this guiding principle needs to specifically refer to this. Involvement and engagement involves not simply 'engaging and listening' to people with disability, it involves proactively ensuring

¹ Department of Social Services, *Right to Opportunity: Consultation report to help shape the next national disability strategy – Summary Report*, December 2019, p. 6.

² Ibid.

that people with disability co-design policy and programs, by promoting employment in relevant government bodies and through direct, ongoing consultation with disability representative organisations. This principle should also emphasise that people with disability should be meaningfully involved at all stages, including initial consultation to identify what support programs are needed, their design, implementation and monitoring of policies and programs. Additionally, accessibility to democratic processes should be of central importance to ensure people with disability can use their civil and political rights to influence decision-makers.

Design universally

Universal design and accessibility are critical elements to remove barriers for people with disability to actively participate in society. This principle should involve cross-sector consultation and proactive planning by policy-makers when designing programs and projects and should involve direct consultation with people with disability. Such programs and projects must also be compliant with the *Access to Premises Standards*,³ the guidelines and best practice principles that are fit for purpose.

Further, this should also be framed as an outcome and performance indicator to hold policy-makers to account. It should be included in the NDS's proposed outcomes framework, not simply in the guiding principles. The availability of accessible, assistive technology will be addressed at greater length later in this submission.

Engage the broader community

SCIA supports this principle because combatting negative community attitudes and integrating a rights-based approach across all sectors is vital to effect meaningful change and ensure that the rights articulated in the CRPD are properly integrated into all aspects of Australian life. This should involve actions including national advertising campaigns combating negative stereotypes and unfounded assumptions. These campaigns should address specific issues including the impact of intersectionality on different people, the need for wider access to assistive technology and more diverse representation of people with disability in the media. SCIA would also like to recommend that the government develop media guidelines to ensure journalists only use positive language and depictions when describing or discussing people with disability, and include a list of acceptable positive language to be used.

Address barriers faced by priority populations

The additional barriers faced by people with disability from specific populations must be recognised by the NDS. It recognises that the Australian population living with disability is highly diverse and complex and every policy-maker should consider the specific supports required by every priority population. Also, the NDS should be specific in identifying priority populations and the specific supports that will assist them. From DSS's first stage of consultations, the following groups were identified as minority and intersectional groups: people living in regional and remote areas; Aboriginal and Torres Strait Islander people; people from culturally and linguistically diverse backgrounds; children and young people; people aged over 65, women; people who identify as LGBTIQ+ and people from lower socio-economic backgrounds.⁴ SCIA recommends that these groups

³ *Disability (Access to Premises – Buildings) Standards 2010* (Cth).

⁴ Department of Social Services, *Right to Opportunity: Consultation report to help shape the next national disability strategy – Summary Report*, December 2019, pp. 12-13.

are specifically identified in the guiding principle or in the outcomes framework. Another issue relating to priority populations will be addressed in the last section of this submission.

Support carers and supporters

The inclusion of support for carers and supporters should certainly be included in the NDS as a guiding principle, however as with universal design, this should also be reflected in the outcomes framework. Support for carers is not simply a consideration for policy-makers, it requires a commitment to provide services and assistance to sustain their caring role. This is of particular concern as Australia's population ages and many more carers are themselves getting older. This has already been raised in the first stage of consultations, and should be reflected in the new NDS.⁵

Furthermore, the NDS must also consider the unique needs of young carers, predominantly children and teenagers who are supporting a parent or other sibling, and develop appropriate and timely supports needed for this cohort.

Question 3. Emphasising community attitudes

Creating attitudinal change in the community is an important aspect in the universal removal of barriers to achieving the NDS's outcomes. However, this should not only be emphasised in the wording of the NDS, it must be practically realised through proactive policies, community education programs, training and other campaigns. All schools should be delivering disability awareness training and education with the aim of improving attitudes, empathy and acceptance, and hopefully eradicate or minimise bullying against children with disability. Additionally, this should not only be an aspirational feature of the outcomes and guiding principles of the NDS, it should also be integrated into the outcomes framework and performance indicators of the new NDS.

Question 4. Outlining government responsibilities

Universal access to disability services in Australia is crucial to achieving the outcomes of the NDS. As such, identifying which government is responsible for what allows disability service users to determine how to navigate the system and hold specific government bodies to account for failure to deliver services or fill gaps in the system.

At present, there are several service gaps that have resulted from changing positions on funding responsibilities between governments.

While the National Disability Insurance Scheme (NDIS) has been a major development in the disability sector, as was found by the Social Policy Research Centre, "[the NDIS has] taken all the oxygen out of the room".⁶ As a result, state and territory governments have repeatedly shirked their responsibilities to provide, fund and promote services to people with disability who are ineligible for the NDIS. As an example, there are only 4675 NDIS participants with SCI registered as their primary disability,⁷ which leaves approximately 10,400 people living with SCI to rely on other government programs to access services. The following case study illustrates the difficulties for people living with SCI and other physical disabilities when they face barriers due to an inadequate system of funding in accessing assistive technology and equipment.

⁵ Ibid, p. 11.

⁶ Social Policy Research Centre, 'Review of implementation of the National Disability Strategy 2010-2020 Final Report', August 2018, p. 20.

⁷ National Disability Insurance Agency, 'Simple participant data tool', *NDIS Data and insights*, <https://data.ndis.gov.au/explore-data/simple-participant-data-tool> (accessed 9 October 2020).

Assistive technology and equipment

SCIA is a member of *Assistive Technology for All (ATFA)*, which is a group of organisations from the ageing and disability sectors. The ATFA is greatly concerned by the lack of access to assistive technology for people ineligible for the NDIS. For people who are ineligible for the NDIS, there are currently around 60 funding programs across different state and federal government departments and not-for-profit organisations.⁸

However, many people find themselves unable to access much needed assistive technology and equipment due to the complexity and restrictions that exist among these programs. For example, the National Injury Insurance Scheme (NIIS) was meant to be established in parallel with the NDIS to provide lifetime care and support for people who acquire catastrophic injuries (including SCI) irrespective of their age (i.e. participants who would otherwise be ineligible for the NDIS as they acquired the injury over the age of 65 would be eligible for the NIIS). However, the NIIS still does not exist with no decision on medical and general injuries. As a result, people over the age of 65 who acquire a catastrophic injury can only seek support from the aged care system. However, the aged care system does not offer specialist disability expertise, the funding for in-home support is capped at a level 4 home care package (currently approximately \$50,000 per annum) and has significant wait times to get access to the most basic home care package.⁹

Further to this, the funding has to cover in-home personal care support, domestic assistance and any assistive technology requirements. It is woefully inadequate for people with a significant disability. The right of people with disability to access assistive technologies is enshrined in the CRPD.¹⁰ The new NDS should clearly establish the responsibility of each government to ensure that all people with disability have adequate and appropriate access to assistive technology, or alternatively a national assistive technology program could be developed to ensure universal coverage beyond the current complex system of funding.

Further, there are still significant gaps between mainstream services provided at both the federal and state and territory levels in the areas of housing, education, justice, aged care and transport.¹¹ SCIA's Policy and Advocacy Team are particularly concerned with maintaining ongoing funding for individual and systemic advocacy services across Australia, but particularly in NSW. The following case study outlines the difficulties advocates and staff have in maintaining valuable services to people with disability.

Stand By Me Campaign

SCIA is a member of the *NSW Disability Alliance*, which supports 40 organisations dedicated to disability advocacy through its 'Stand By Me' campaign. As with many services funded by state and territory governments, funding arrangements for advocacy has changed following the introduction of the NDIS.¹² The NDIS does not fund systemic or individual disability advocacy as part of its Information,

⁸ Assistive Technology for All, 'Why current funding arrangements are failing', Council on the Ageing Victoria, <https://assistivetechforall.org.au/why-atfa/at-funding-outside-the-ndis/> (accessed 9 October 2020).

⁹ Ibid.

¹⁰ See Articles 4, 19 and 20 of the *Convention on the Rights of Persons with Disabilities*.

¹¹ See both Social Policy Research Centre, 'Review of implementation of the National Disability Strategy 2010-2020 Final Report', August 2018, p. 34 and Productivity Commission, 'Review of the National Disability Agreement: Productivity Commission Study Report Overview', January 2019, p. 2.

¹² NSW Disability Advocacy Alliance, 'StandByMe: Position Paper Long term funding for disability advocacy', May 2019, p. 1.

Linkages and Capacity Building (ILC) program, while acknowledging that “advocacy has an important place in the network of supports for people with disability”.¹³

Since 1991, the NSW and Commonwealth held joint funding responsibilities for advocacy but the entire disability budget (which included advocacy) was transferred to the NDIS when it was rolled out. Unfortunately, unlike other state and territory jurisdictions which have made ongoing commitments to maintain, and even increase advocacy funding, NSW is an outlier on this issue, to the detriment of people with disability.

The NSW government re-directed its funding to the Federal Government which provides funding for disability advocacy through the National Disability Advocacy Program (NDAP) via the Department of Social Services. However, NDAP only offers limited supports to 14 advocacy organisations in NSW.¹⁴ NDAP underwent a review during 2016 – 17 with public consultations and submissions sought. Many disability advocacy organisations participated in this review and consultation process. As a result of the feedback, a final proposal for a reformed NDAP was meant to be submitted to the Federal Government in 2017 and implemented during the 2017-2018 financial year. However, this never eventuated and the NDAP remains in a state of flux with little certainty in its future direction. In the meantime, a further two years of NDAP funding has been implemented for the 2020-2021 and 2021-2022 financial years.

After a “concerted campaign by people with disability and community groups, in early April 2018, the NSW Government announced interim conditional funding”, which has been extended till December 2020.¹⁵ Without further funding, major gaps in NSW advocacy funding, amounting to \$13 million per annum will result in people with disability, their families and carers without essential advocacy support. This will result in them being alone and vulnerable when trying to address issues of discrimination, exclusion or poor treatment.¹⁶ This includes individual NDIS participants who require assistance navigating the NDIS system.

Numerous reports and statements from various bodies have already affirmed the value and need for disability advocacy services, including the Productivity Commission,¹⁷ National Disability Services¹⁸ and the Australian Civil Society CRPD Shadow Report Working Group.¹⁹

¹³ Council of Australian Governments, *ILC Policy Framework*, National Disability Insurance Agency, August 2015, p. 6.

¹⁴ Department of Social Services, ‘List of Agencies funded under the National Disability Advocacy Program’, *Australian Government – Department of Social Services*, <https://www.dss.gov.au/disability-and-carers-programs-services-for-people-with-disability-national-disability-advocacy-program-ndap-operational-guidelines/list-of-agencies-funded-under-the-national-disability-advocacy-program> (accessed 12 October 2020).

¹⁵ NSW Disability Advocacy Alliance, ‘StandByMe: Position Paper Long term funding for disability advocacy’, May 2019, p. 2.

¹⁶ Ibid.

¹⁷ Productivity Commission, ‘Review of the National Disability Agreement: Productivity Commission Study Report Overview’, January 2019, p. 14.

¹⁸ National Disability Services, ‘Statement: NDS supports the continuation of funding for disability advocacy in NSW’, 28 February 2018.

¹⁹ Australian Civil Society CRPD Shadow Report Working Group, *Disability Rights Now 2019: Australian Civil Society Shadow Report to the United Nations Committee on the Rights of Persons with Disabilities, UN CRPD Review 2019*, July 2019, p. 12.

The NSW Government's approach sits in stark contrast to the Victorian Government's Disability Plan (Absolutely Everyone 2017-2020), which recognises that disability advocacy is a key priority area to ensure fairness and justice.²⁰

Moving forward, and to end uncertainty and confusion, a new NDS must look at the role and responsibilities of state and federal jurisdictions in funding disability advocacy with a view to providing greater certainty and ongoing commitment.

The above two case studies highlight the potential inequities that can arise, due to age and place of residence, when governments' responsibilities to fund services are not clearly defined or enforced. However, the NDS should not simply outline the various responsibilities of different governments, it should also emphasise that every government is bound by the outcomes and commitments under both the NDS and the CRPD. As such, there is a positive onus on governments to fill gaps where individuals cannot access disability support services. Additionally, when outlining the various responsibilities of governments, the NDS should affirm that a central aspect of effective governance involves funding commitments.²¹ Funding commitments toward respective responsibilities to the provision and promotion of disability support services should also be integrated into the NDS's outcomes framework.

Question 5. Role of the non-government sector

The role of non-government entities is crucial to improving service delivery, access and equity across Australian society for people with disability. The Strategy can represent this both rhetorically and by setting out exactly what responsibilities government agencies have in regulating and supporting these entities. The above case study has already reiterated the crucial role of advocacy services, disabled people's organisations and civic society in general. The Strategy should openly acknowledge these organisations' roles in its introduction and in the clarification of government responsibilities in funding advocacy services.

The Federal Government should further acknowledge and support the role of businesses, private research organisations (as well as public research institutions) and other individuals in adopting universal design and assistive technologies to promote accessibility for people with disability. Promoting research could take many forms including through tax incentive programs and subsidies. This would align with the government's obligations under Article 4 of the CRPD.²²

Regulation could be a crucial means by which to achieve this. For example, while the *Disability Discrimination Act 1992*, associated *Disability (Access to Premises – Buildings) Standards 2010* and National Community Housing Standards provide some forms of national protections to allow for better design standards, the Building Code of Australia and other state and territory building regulations and standards should not just sit in parallel with the disability legislation. Building codes should proactively demand universal design in projects, particularly when it involves construction of premises for public access, to improve community access to local shops and other community services. Further, regulation should be complemented by directly reaching out to target builders, developers, architects and designers at conferences and other industry-wide events to promote the benefits due to the construction of accessible housing, public and private buildings. Further, government should lead the

²⁰ NSW Disability Advocacy Alliance, 'StandByMe: Position Paper Long term funding for disability advocacy', May 2019, p. 3.

²¹ This is supported by findings from Social Policy Research Centre, 'Review of implementation of the National Disability Strategy 2010-2020 Final Report', August 2018, p. 26.

²² Articles 4(f) and (g) of the *Convention on the Rights of Persons with Disabilities*.

way by introducing a national, holistic education campaign to model best practice and the benefits of accessible housing for both people with disability and the wider community.

Integrating a human-rights based approach across different sectors, including public and private, should be a priority in the new NDS. Individuals in key decision-making roles should be targeted for training and understanding the disability experience and how the interests of people with disability are influenced by their activities.

Another possible mechanism by which to emphasise the role of non-government entities in improving outcomes for people with disability is to facilitate and promote easier access to conciliation by the Australian Human Rights Commission (AHRC). The AHRC already plays a vital role in ensuring that disability discrimination legislation is adhered to, however the results of conciliation on their Conciliation Register should be more widely publicised to the Australian public and industry-specific platforms and provide insight into how the Federal Government will hold other entities to account to ensure the rights of people with disability are protected. The AHRC provides a means for people with disability, their families and carers to obtain positive outcomes from non-government entities. However, if there is not a successful settlement, many people with disability will be forced to abandon their complaint as the potential legal fees incurred in pursuing a complaint in court is a major disincentive to hold non-government entities to account. People with disability should be made aware of their right to make complaints to the AHRC and there should be more widespread recognition that non-government entities will be held to account.

Furthermore, SCIA would like the AHRC to be given the authority and funding to enable the Commissioner to take on a role as a ‘public prosecutor’ in an attempt to address individual complaints that would result in positive systemic outcomes. This would negate the need for people with disability to be burdened with potential financial risk of pursuing a discrimination complaint in court, as well as the time, resources and emotional impact.

Question 6. Public reporting on the NDS’s progress

Transparency and accountability go hand in hand. Public reporting should be a mandatory commitment identified in the Strategy’s outcomes framework. The Strategy should focus on adopting a ‘whole of government’ approach and as such public reporting should be conducted by a centralised body that assesses the progress of the Strategy across portfolios and across governments. The information included in public reporting should, at the very least, include:

- Data measuring performance against indicators in the Strategy’s outcomes framework;
- Available updated statistics on people with disability, including:
 - demographics,
 - access to services,
 - participation in economic and social activities,
 - political agency,
 - education, and
 - accessibility and diverse representation in the media.²³

These public reports should be presented in Federal Parliament and disseminated in accessible formats to wider society using freely accessible platforms, including the internet. They should also be

²³ This complies with Article 31 of the *Convention on the Rights of Persons with Disabilities*.

made available in all formats to all people with disability (including in spoken word documents and Easy English).

SCIA supports annual reporting, which has repeatedly been the position following public consultation.²⁴ This allows for more immediate action to be taken to resolve issues that are identified in reporting. Some possible mechanisms to facilitate reporting are outlined below:

1. *Prime Minister and Cabinet*

Integrating public reporting within the Department of the Prime Minister and Cabinet provides an ongoing symbol to the public that improving outcomes for people with disability is of national importance and the highest office will be open to public scrutiny to achieve this. It has already been suggested that the *Closing the Gap* report could provide the framework for an annual disability report.²⁵ The 2020 *Closing the Gap* report suggested that “It is the story of a collective journey – a shared commitment to empower Aboriginal and Torres Strait Islander people to live healthy and prosperous lives”.²⁶ This statement precisely reflects the same collective, whole of government approach the disability sector requests to be included in the new Strategy. The establishment of an executive mechanism within the PMC has also been recommended by other disability representative organisations, a Senate Inquiry and in the Shadow Report to Australia’s periodic reports to the United Nations Committee on the Rights of Persons with Disabilities.²⁷

2. *Australian Human Rights Commission*

The AHRC could provide an annual report which considers both government and non-government submissions to independently assess governments’ progress towards achieving the Strategy’s outcomes. The first set of consultations also advocated for an independent body and the AHRC could serve this function, drawing on its existing expertise.²⁸

3. *Cross-portfolio working or advisory group*

A working or advisory group, including people with disability and disability representative organisations, could be established that would serve a similar role to that of the Independent Advisory Council to the NDIS. This group would conduct research and collate data to facilitate government’s public reporting obligations and also serve an advisory function across all portfolios.

Question 7. Targeted Action Plans

Targeted Action Plans will be the most effective method by which to transform the NDS from an aspirational document to an enforceable implementation mechanism that improves outcomes for people with disability. Despite the successes of the first NDS, participants in the first set of consultations with DSS felt that the NDS has failed to improve independence for people with disability,

²⁴ See Social Policy Research Centre, ‘Review of implementation of the National Disability Strategy 2010-2020 Final Report’, August 2018, p. 37 and Department of Social Services, *Right to Opportunity: Consultation report to help shape the next national disability strategy – Summary Report*, December 2019, p. 6.

²⁵ Productivity Commission, ‘Review of the National Disability Agreement: Productivity Commission Study Report Overview’, January 2019, p. 2.

²⁶ Australian Government, ‘Closing the Gap Report 2020: The annual report to Parliament on progress in Closing the Gap’, <https://ctgreport.niaa.gov.au/> (accessed 12 October 2020).

²⁷ Australian Civil Society CRPD Shadow Report Working Group, *Disability Rights Now 2019: Australian Civil Society Shadow Report to the United Nations Committee on the Rights of Persons with Disabilities, UN CRPD Review 2019*, July 2019, p. 12.

²⁸ Department of Social Services, *Right to Opportunity: Consultation report to help shape the next national disability strategy – Summary Report*, December 2019, p. 6.

particularly due to exclusion or inequity in accessing education, employment, transport and assistive technology.²⁹

As like many other organisations,³⁰ SCIA wishes to see the Strategy adopt a robust outcomes framework and Targeted Action Plans could sit within this framework, highlighting the specific areas for improvement over time. This will also allow the NDS to become a living document as these Target Action Plans are revised and added to in years to come. Setting deadlines is also an effective means by which to create enforceable, meaningful Action Plans.

SCIA recommends that Targeted Action Plans include the following:

- Access to assistive technologies
 - The primary objective of this plan would be the development of a national scheme to ensure universal access to assistive technologies.
- Improving community access
 - As outlined above, a holistic approach to achieving better access outcomes by strengthening regulations, reaching out to industry experts and decision-makers and adopting a national campaign to improve community understanding of the collective benefits of improving community access for all people.
- Employment
 - Existing employment initiatives should all include specific streams targeting increased participation by people with disability (including Job Maker and the New Enterprise Scheme).
 - Launch a national advertising campaign specifically on promoting the availability of Job Access and the participation of people with disability in workplace settings by focussing on their skills and talents.
 - All small and large organisations in Australia should strive toward accreditation or certification against disability employment measures. Examples of existing accountability mechanisms for businesses include B Corporation certification (B-Corps) and WGEA reporting.
- Supports for over 65s
 - Immediate review of the gaps between the aged system and disability supports for individuals over 65 years.
 - Reform of existing policies in both systems to ensure universal access to disability supports to actually meet the needs of individuals with disability over the age of 65.

Measuring progress and success against these Targeted Action Plans would be included in the annual public reporting process outlined in the response to Question 6.

Question 8. Proposed Engagement Plan

This submission has already highlighted that involvement with people with disability and the disability community must be ongoing, thorough and accessible. As already outlined minimum employment targets within government departments should also be supported.

²⁹ Department of Social Services, *Right to Opportunity: Consultation report to help shape the next national disability strategy – Summary Report*, December 2019, p. 8.

³⁰ Australian Civil Society CRPD Shadow Report Working Group, *Disability Rights Now 2019: Australian Civil Society Shadow Report to the United Nations Committee on the Rights of Persons with Disabilities, UN CRPD Review 2019*, July 2019, p. 12.

It would be advisable for a taskforce to be established, to be integrated in one of the three options listed in the response to Question 6 above, who will direct engagement with people with disability and the disability community. The taskforce should have specialty disability expertise, knowledge and understanding. The role of this taskforce can be twofold: facilitating co-design of policies and programs; and gathering feedback and data from people with disability and the disability community on governments' progress towards the NDS's outcomes framework. The taskforce can facilitate direct consultation and co-design between government policy-makers and program designers and people with disability.

Question 9. Other comments

At present, it is unclear exactly how different overarching national disability policy documents interact with one another, as there seems to be duplication, particularly with regard to the NDS and the NDA. In 2019, the Productivity Commission recommended that the NDA should set the objectives for disability policies and programs and should be informed by the policy imperatives of the new NDS.

It has already been recognised that the NDS is the primary document that incorporates the commitments of the CRPD and as such, it should not be subsumed by a new NDA. As has been noted, "The strength of the NDS is the disability community's sense of ownership of it, driven in part by its extensive consultation processes".³¹ This submission has already outlined the significance of integrating practical, measurable outcomes and setting deadlines for governments to implement programs and policies that meet these outcomes. Stakeholders should be clear that the NDS is a tool to hold government to account and is not simply a policy guide for operation of a future NDA.

Further, governments and other stakeholders need to raise the profile of the NDS, particularly to ensure that people with disability, their families and carers are aware of the commitments governments have made toward achieving its outcomes. This is particularly relevant when considering how effective the Engagement Plan may be in the future. This can be achieved through collective campaigns, involving people with disability, peak disability organisations, government figures and others, to improve general awareness and understanding of government and non-government entities' responsibilities under the NDS.

Improving outcomes for people with disability through increasing access to services, employment, education, assistive technology and promoting disability inclusion across Australian society will be bolstered by enacting a specific, consistent human rights legal framework, policy or approach across all jurisdictions. This will provide the ultimate mechanism to enforce the *Convention on the Rights of Persons with Disabilities* in the Australian context.³²

³¹ Australian Civil Society CRPD Shadow Report Working Group, *Disability Rights Now 2019: Australian Civil Society Shadow Report to the United Nations Committee on the Rights of Persons with Disabilities, UN CRPD Review 2019*, July 2019, p. 5.

³² See also Department of Social Services, *Right to Opportunity: Consultation report to help shape the next national disability strategy – Summary Report*, December 2019, p. 14 and Australian Civil Society CRPD Shadow Report Working Group, 'Australian Civil Society Shadow Report to the United Nations Committee on the Rights of Persons with Disabilities', July 2019, p. 12.

Finally, **SCIA, as a member of ATFA, endorses all of the recommendations made by ATFA in its submission to these consultations**, as outlined below:

Recommendation 1:

The new National Disability Strategy must urgently abolish Australia's ageist approach to the provision of services and supports to people with disability and equitably protect, promote and uphold the rights of older people with disability in line with Australia's obligations under the Convention on the Rights of Persons with Disabilities.

Recommendation 2:

While we broadly support the six outcome areas that have been proposed for the new National Disability Strategy, we assert that the outcome area of personal support must be given higher priority. This is in recognition of the fact that personal supports, including assistive technology, facilitate autonomy, safety and independence. They are key enablers for inclusion and participation which will help to deliver successful outcomes under each of the remaining priority areas that have been proposed for the new strategy.

Recommendation 3:

In the absence of a new National Disability Agreement, the Australian, State and Territory Governments must urgently fund and implement outcomes under the National Disability Strategy to clearly outline who will be responsible for funding assistive technology (including home modifications) for:

- People with disability who are over the age of 65 who do not meet the age eligibility requirements for the NDIS.
- People with disability who are under the age of 65 who do not meet the eligibility requirements for the NDIS.

Recommendation 4:

The new National Disability Strategy must clearly identify funding arrangements and responsibilities associated with each individual component of the assistive technology journey, including:

- Skilled assessment and referral
- Equipment trials and demonstrations
- Equipment customisation
- Purchase/installation of customised aids, equipment and home modifications
- Specialised training
- Equipment maintenance and repairs.

Recommendation 5:

The new National Disability Strategy must establish a framework to drive nationally consistent outcomes across service systems to ensure all people with disability have equitable access to the assistive technology they need.

Recommendation 6:

The new National Disability Strategy must include a funded action plan to provide urgent and equitable access to assistive technology for people with disability who are excluded from the NDIS.

Recommendation 7:

The new National Disability Strategy must prioritise the establishment of a funded National Assistive Technology Program to streamline access and provide equitable support to people with disability who are excluded from the NDIS. This program should:

- Harmonise existing state-based assistive technology programs and those operated by not-for-profit organisations. This would streamline access and drive nationally consistent outcomes for consumers while reducing administrative burden on governments
- Be aligned with the NDIS Assistive Technology Strategy to address the inequity between the support that is provided under the NDIS and other service systems
- Be driven by key performance indicators relating to the timely provision of equipment, in line with the aspirations of the NDIS Participant Service Guarantee.

If the Department would like further information or has any queries about the content of this submission, please do not hesitate to contact SCIA.

Kind regards,

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