Chapter 2

Planning and reporting

> My school received funding to build a new school hall and sports centre. The whole school was excited to attend the opening and use the new facilities. On opening day, I realised that it wouldn't be possible for me to access the building with my friends. I had to go around to the back of the building, be lifted up one step and enter through a fire door.[1]

2.1   In order to assess progress of the *National Disability Strategy 2010–2020* (Disability Strategy) in delivering inclusive and accessible communities, this chapter examines consulting, planning and reporting on the implementation of the Disability Strategy in relation to Outcome One, including:

- the implementation plans and progress reports from the Standing Council on Community and Disability Services to the Council of Australian Governments (COAG) under the Disability Strategy;

- reports on Australia's implementation of the Disability Strategy made under the *United Nations Convention on the Rights of Persons with Disabilities* (Disability Convention); and

- concerns raised within this inquiry by submitters and witnesses about Disability Strategy planning, reporting and implementation.

2.2   When compared against the evidence on progress presented to this inquiry by advocacy groups, discussed later in this chapter and also in Chapter 3, it appears the Disability Strategy progress reports present a more optimistic view of progress than the evidence on the ground suggests.

Disability Strategy: proposed plans

2.3   At its launch in 2010, the Disability Strategy foreshadowed a series of implementation plans and progress reports to be published across its duration:

- Implementation plan—following the first year of the Disability Strategy, a report which would outline the implementation plan, identify areas of 'greatest need', and set timelines for implementation in each state and territory.[2]

- Progress reports—to be delivered every two years following the first implementation plan (i.e. in 2014, 2016, 2018 and 2020).[3]

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1   *Australian Human Rights Commission National Consultation report* in Australian Human Rights Commission, *Submission 38*, p. 9.

2   Council of Australian Governments (COAG), *National Disability Strategy 2010–2010 (Disability Strategy)* , https://www.dss.gov.au/our-responsibilities/disability-and-carers/program-services/government-international/national-disability-strategy (accessed 28 November 2017).

3   *Disability Strategy,* p. 66.

2.4   As set out in the Disability Strategy, progress reports were to include a review of implementation to date and outline achievements under the strategy, as well as amend the implementation plan as necessary to ensure alignment to vision, principles and policy directions.[4] Additionally, progress reports would include high-level tracking of progress for people with disability at a national level, using data from Australian Bureau of Statistics' surveys and collected under existing national agreements.[5]

2.5   The original Disability Strategy document also stated that an evaluation plan would be developed in the first year of the Disability Strategy.[6]

2.6   To date, the following reports have been presented to COAG:

- in 2012, *Laying the Groundwork 2011–2014*, the first year report consisting of the first implementation and evaluation plans;

- in 2015, the *Progress Report to the Council of Australian Government 2014*; and

- in 2016, *Driving Action 2015–2018*, the second implementation plan.

2.7   The following summaries outline key documents relevant to Outcome One of the Disability Strategy. In evaluating progress in delivering inclusive and accessible communities, it is useful to compare the plans for promised outcomes, with the monitoring reports to see whether those outcomes were achieved.

Disability Strategy: first implementation plan

2.8   In the first implementation plan *Laying the Groundwork 2011–2014*, the Standing Council on Community and Disability Services set out a 'blueprint for action' in addressing the Disability Strategy, restating the broad goals of the Disability Strategy and outlining three implementation plans to be delivered throughout the life of the Disability Strategy; *Laying the Groundwork 2011–2014*, with *Driving Action 2015–2018* and *Measuring Progress 2019-2020* to follow. The report stated:

> This approach allows governments to embed objectives early in the development of new policies and initiatives while also ensuring that the Strategy remains relevant and responsive to the expressed needs of people with disability over time. It also outlines areas of national cooperation to give effect to Strategy objectives. People with disability will be consulted throughout each phase of implementation.[7]

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4   *Disability Strategy,* p. 69.

5   *Disability Strategy,* p. 67.

6   *Disability Strategy,* p. 69.

7   COAG, *Laying the Groundwork 2011–2014,* January 2013, p. 5, https://www.dss.gov.au/our-responsibilities/disability-and-carers/program-services/government-international/national-disability-strategy-2010-2020-report-to-coag-2012 (accessed 28 November 2017).

2.9 *Laying the Groundwork 2011–2014* also included a timeline for implementation, reproduced further below, and a framework for implementation and evaluation of the Disability Strategy between 2011 and 2021.[8]

Actions

2.10 The report detailed six main actions to be taken in policies and programs across all areas of government to improve the design and delivery of services and programs to achieve more inclusive communities for people with disability. The six main actions of the first implementation plan were:

- National Agreements and Partnerships: influencing the mainstream support system through reviews of COAG national agreements and partnerships.

- Disability champion ministers: focusing on outcomes through the appointment of a Minister from each State and Territory to identify and monitor actions to ensure that mainstream service systems and regulatory frameworks become part of the solution to overcoming barriers.

- Improving the evidence base: improvements to research and data on disability, including the National Disability Research and Development Agenda, 'Best practice workshops' to showcase innovation in service delivery, and funding to develop a standard disability identifier to help to identify persons with disability at the point of service provision and measure the effectiveness of reforms through retrospective reporting within and across service domains.

- State and territory government disability plans: developing, reviewing and implementing state and territory government disability plans and/or initiatives.

- Embedding the voice of people with disability: by including people with disability in the development and implementation of government policies and programs, not just disability-specific policies and programs.

- Embedding change through areas of national cooperation: such as undertaking work to identify gaps in achieving the Strategy's policy outcomes and directions, including identifying possible new priorities for consideration, and ensuring that progress reports provided to COAG include an assessment of whether the current and proposed national areas of cooperation are achieving their outcomes and measures of success.

2.11 For each of these six main actions, the report included a work plan with four high-level characteristics of the proposed implementation: what will be achieved; when will it occur; who has responsibility; and who will contribute. These work plans did not include specific measures or instructions.

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8 *Laying the Groundwork 2011–2014,* Figure 3, p. 28.

Monitoring

2.12   In discussing monitoring and evaluating progress of the Disability Strategy, the report noted:

> Achievements may not be immediately measurable because of the vision's long-term focus. A key initiative is the introduction of a periodic high-level report using population trend data to track national progress. These reports will be prepared every two years for the Council of Australian Governments commencing in 2014, and will be publicly available.[9]

2.13   The report noted that two-yearly progress reports were intended to monitor progress against the six policy outcomes of the Disability Strategy, and these progress reports would be based on independent reporting and trend indicators. The report further indicated that since the development of the Disability Strategy, improvements had been made to data and governments would seek advice on updating draft trend indicators from data agencies, stakeholders in the disability community and the National Disability Strategy Implementation Reference Group.[10]

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9   *Laying the Groundwork 2011–2014,* p. 22.

10   *Laying the Groundwork 2011–2014,* p. 22.

Table 2.1 Laying the Groundwork 2011–2014 Implementation plan

Year	Evaluation elements
2012	Publish plan for first implementation phase 2011–2014
2013	Commence review of first implementation phase 2011–2014
	Possible year for Australia's first appearance before the UN Committee on the CRPD about the first Australian report
2014	First two-yearly progress report
	Report on review of first implementation phase 2011–2014
	Scheduled year for the second Australian report under the UN CRPD
2015	Publish plan for second implementation phase 2015–2018
2016	Second two-yearly progress report
	Possible year for Australia's second appearance before UN Committee on the CRPD about second Australian report
2017	Commence review of second implementation period 2015–2018
2018	Third two-yearly progress report
	Report on review of second implementation phase 2015–2018
	Scheduled year for the third Australian report under the UN CRPD
2019	Publish plan for third implementation phase 2019–2020
2020	Commence review of third implementation phase 2019–2020
	Fourth two-yearly progress report
	Possible year for Australia's third appearance before UN Committee on the CRPD about second Australian report
2021	Final evaluation report (including report on review of third implementation phase)

National Disability Strategy, *evaluation timeline*[11]

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11   Adapted from *Laying the Groundwork 2011–2014*, Figure 2, p. 27.

Disability Strategy: second implementation plan

2.14   The second implementation plan, *Driving Action 2015–2018*, was released in September 2016 and presented to COAG in November 2016, over a year after the designated start date.[12]

2.15   *Driving Action 2015–2018* built on the main actions identified in *Laying the Groundwork*, and set out four additional areas of 'increased national effort':

• Transition to the full National Disability Insurance Scheme.

• Improving employment outcomes for people with disability.

• Improving outcomes for Aboriginal and Torres Strait Islander people with disability.

• Communication activities to promote the intent of the Disability Strategy throughout the community.

2.16   The *Driving Action 2015–2018* implementation phase was to be supported by the following key planning elements:

• An Australian Government Action Plan, to 'drive implementation of the Disability Strategy across Commonwealth portfolios between 2015 and 2018'.[13]

• An Australian Government Plan to Improve Outcomes for Aboriginal and Torres Strait Islander People with Disability.

• State and territory disability plans.

• Local government disability plans.

2.17   The Australian Government Action Plan had not yet been released at the time of this inquiry.

2.18   The *Australian Government Plan to Improve Outcomes for Aboriginal and Torres Strait Islander People with Disability* was released in October 2017, two years into the three-year *Driving Action* implementation phase.[14]

2.19   The *Australian Government Plan to Improve Outcomes for Aboriginal and Torres Strait Islander People with Disability* included five areas of focus:

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12   Ms Therese Sands, Director, Disabled Peoples Organisations Australia (DPOA), *Committee Hansard,* 4 July 2017, p. 2.

13   COAG, *Driving Action 2015–2018,* October 2016, p. 3, https://www.dss.gov.au/disability-and-carers/programs-services/government-international/national-disability-strategy-second-implementation-plan (accessed 28 November 2017).

14   COAG, *Australian Government Plan to Improve Outcomes for Aboriginal and Torres Strait Islander People with Disability,* October 2017, https://www.dss.gov.au/disability-and-carers/supporting-people-with-disability/resources-supporting-people-with-disability/australian-government-plan-to-improve-outcomes-for-aboriginal-and-torres-strait-islander-people-with-disability (accessed 28 November 2017).

- Area 1: Aboriginal and Torres Strait Islander people with disability have access to appropriately designed shelter and live in accessible, well designed communities that are fully inclusive of all their residents.

- Area 2: Aboriginal and Torres Strait Islander people with disability have the right to:

  - be free from racism and discrimination;

  - have their rights promoted; and

  - a disability-inclusive justice system.

- Area 3: Aboriginal and Torres Strait Islander people with disability achieve their full potential through participation in an inclusive high quality education system that is responsive to their needs. People with disability have opportunities for lifelong learning.

- Area 4: Aboriginal and Torres Strait Islander people with disability, their families and carers have opportunities to gain economic security through employment and business ownership, enabling them to plan for the future and exercise choice and control over their lives.

- Area 5: Aboriginal and Torres Strait Islander people with disability attain the highest possible health and wellbeing outcomes throughout their lives, enabled by all health and disability services having the capability to meet their needs.[15]

2.20   The *Australian Government Plan to Improve Outcomes for Aboriginal and Torres Strait Islander People with Disability* noted the two-yearly reporting process for the Disability Strategy will be the primary reporting mechanism for this plan.[16]

Implementation planning concerns

2.21   Evidence presented to the committee showed there is significant concern in the disability advocacy community on the effectiveness of the implementation plans developed under the Disability Strategy. A consistent concern raised by many submitters and witnesses, was on the quality of consultation that fed into the implementation plans. This issue is discussed in greater detail in Chapter 3.

2.22   Disabled Peoples' Organisations Australia told the committee the second implementation plan of the Disability Strategy did not reflect the views of the community, as it focused on issues of importance to the Department of Social Services, such as access to employment and the National Disability Insurance Scheme (NDIS), rather than the issues raised by the community during consultations, which were education, access to justice and human rights issues.[17]

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15   *Australian Government Plan to Improve Outcomes for Aboriginal and Torres Strait Islander People with Disability*, pp. 19–29.

16   *Australian Government Plan to Improve Outcomes for Aboriginal and Torres Strait Islander People with Disability,* p. 33.

17   Ms Sands, DPOA, *Committee Hansard*, 4 July 2017, p. 2.

2.23   The ACT Disability, Aged and Carer Advocacy Service raised similar concerns with the second implementation plan, and submitted the plan retains focus on the NDIS but does not tackle the core issues that underpin inclusive and accessible communities for people with disability.[18]

2.24   The Australian Federation of Disability Organisations (AFDO) submitted the second implementation plan is 'a high-level plan that does not contain specific actions or measurable indicators of success.' AFDO further stated:

> AFDO and its members believe the lack of an operational plan with matched funding has fundamentally compromised efforts to ensure the National Disability Strategy moves from words on a page to action.[19]

2.25   The Brotherhood of St Laurence submitted that the Disability Strategy should be revised to develop an implementation plan to identify:

> …key areas of investment and [allow] for phased implementation of responses to areas of inclusion and participation that are priorities for people with disability. This plan should be devised through extensive consultation with people with disability, their families, carers and advocates. Local Area Coordination should also be recognised as a key vehicle for achieving the National Disability Strategy and be represented within any revisions to the strategy or associated implementation plans.[20]

Local planning

2.26   Conversely, evidence was presented to the inquiry that planning at a local government level was both consultative and effective in achieving results. The Physical Disability Council of NSW told the committee:

> [T]he disability inclusion action plans that local governments are implementing are starting to have some effect, particularly in bigger areas like the City of Sydney where they have probably got more impetus and more funds to do it. They are starting to deliver on more accessible environments.[21]

2.27   The Mornington Peninsular Shire Council has established an All Abilities Consultative Committee which includes people with disability, carers, service providers, one councillor and three shire officers. Ms Kent told the committee:

> There have been great achievements using this consultation model with our committee and the Mornington Peninsula Shire Council.[22]

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18   ACT Disability, Aged and Carer Advocacy Service, *Submission 85*, p. 1.

19   Australian Federation of Disability Organisations, *Submission 43*, p. 5.

20   Brotherhood of St Laurence, *Submission 34*, p. 4.

21   Ms Serena Ovens, Physical Disability Council of NSW, *Committee Hansard*, 4 July 2017, p. 63.

22   Mrs Elizabeth Kent, Chair, All Abilities Consultative Committee, Mornington Peninsula Shire Council, *Committee Hansard*, 6 July 2017, p. 14.

2.28   The Brotherhood of St Laurence stressed the importance of Local Councils, telling the committee that, as they were the tier of government closest to their communities, they had the potential to influence a wide range of things that would affect the inclusion of people with disability.[23]

2.29   The Australia Local Government Association (ALGA) agreed with this view, and submitted that local governments/councils have a key role in ensuring the roll-out of the Disability Strategy and the accessibility of communities, stating '[c]ouncils are often at the vanguard of change, responding to the unique needs of their communities.'[24]

2.30   ALGA further submitted that although in Western Australia, Victoria and NSW, it is mandatory for local government to develop a Disability Action Plan, local governments in other jurisdictions are voluntarily planning for the needs of people with disability in their communities. To assist the planning process, ALGA released a guideline in 2016 to assist councils.[25] This guideline stresses the importance of consultation in the planning process:

> The development of a consultation plan at this early stage will help identify opportunities for co-design and collaboration throughout the entire process, rather than being a forum for reviewing a final document.[26]

2.31   However, the committee heard there is a lack of appropriate monitoring and evaluation of those local Disability Actions Plans. For example, the Western Australia government's state-level plan for Disability, *Count Me In*, requires Disability Access and Inclusion plans from state and local government entities.[27] However, People with Disabilities WA told the committee there is no reporting on planning quality or implementation progress, just whether there is a plan or not.[28]

Disability Strategy: progress reporting

2.32   Seven years into the Disability Strategy, just one progress report has been presented to date. The *Progress Report to the Council of Australian Government 2014* (2014 progress report) was published in December 2015.[29]

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23   Mr Hudson, Brotherhood of St Laurence, *Committee Hansard*, 6 July 2017, p. 42.

24   Australian Local Government Association (ALGA), *Submission 42*, p. 2.

25   ALGA, *Submission 42*, pp. 2–3.

26   ALGA, *Attachment 1*, p. 38.

27   Ms Simone Spencer, Department of Communities WA, *Committee Hansard*, 24 August 2017, p. 20.

28   Ms Samantha Jenkinson, People with Disabilities WA, *Committee Hansard*, 24 August 2017, p. 3.

29   Department of Social Services, *Progress Report to the Council of Australian Government 2014,* December 2015, https://www.dss.gov.au/disability-and-carers/programmes-services/government-international/progress-report-to-the-council-of-australian-governments-2014 (accessed 28 November 2017).

2.33   The 2014 progress report set out the progress and achievements of the Disability Strategy since 2011 across the six policy outcome areas and included two large appendixes: one with summaries of specific achievements and outcomes by jurisdiction; and one providing comprehensive trend indicator data, as prescribed in the original Disability Strategy.

2.34   The *Progress Report to the Council of Australian Government 2016* is expected to be presented later this year.

2014 Progress report

2.35   The 2014 progress report stated that the 'success indicators and achievements of [Outcome One of the Disability Strategy] are most visible in the general community' and that community expectations are also perhaps the highest for this outcome. Furthermore, the report claimed that:

> Since the launch of the strategy, there has been a positive movement at all levels of government, and across communities, towards greater consideration of accessibility and inclusiveness of the physical, sensory and technological environments that Australians enjoy.[30]

2.36   The report provided brief overviews of the following areas of improvement:

- Improving accessibility of the built environment, including raising awareness of universal design principles.

- Arts for people with disability, through the National Arts and Disability Strategy.

- Sport, including ongoing investments in sport for people with disability.

- Web accessibility, through the Web Accessibility National Transition Strategy, which concluded in 2014, as well as 'existing and emerging technological developments in media, telecommunications and IT devices, programmes and applications'.

- The role of local government in delivering state and federal government programs and accessible infrastructure.

2.37   However, the trend indicator summaries included in the report do not reflect the report's overall positive depiction of progress. The trend indicator summaries of two areas relating to inclusive and accessible communities, compare available data from 2011–12 to available data from before the Disability Strategy was released. The data was presented in further detail, without discussion, in the trend data appendix.

2.38   The first trend area, public transport, noted that people with disability reported an increase in difficulty in using public transport in 2012 (34 per cent) compared with 2009 (32 per cent) and 2003 (30 per cent). The rate of difficulty increased with the level of disability of the individual. Data from 2012 showed70 per cent of people with

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30   *Progress Report to the Council of Australian Government 2014,* p. 27.

profound disability reported difficulties, compared with 26 per cent of people with mild and moderate disability.[31]

2.39   The second trend area, cultural and recreational participation, indicated that in 2012, 96 per cent of people with a disability participated in social or community activity[32] at home and 92 per cent participated away from home during the past 3 months. This represented a slight decrease from 2009 for participation at home (0.3 per cent) and a slight increase for participation away from home (one per cent).[33]

2.40   A brief summary of stakeholder feedback to Outcome One of the Disability Strategy was also included in the progress report. This summary observed mixed public perception on the effectiveness of the Disability Strategy to meet Outcome One, specifically in the areas of public transport, and information and communication systems. It also commented on 'increasing awareness and application of universal design principles and the increasing number of inclusive playgrounds' as positive improvements noted by stakeholders.[34]

Reporting to the United Nations

2.41   In 2008, Australia ratified the Disability Convention. The six outcome areas of the Disability Strategy were developed to reflect the principals of the Disability Convention, and the Disability Strategy notes the important role it plays in fulfilling Australia's obligations under the Disability Convention:

> The Strategy will play an important role in protecting, promoting and fulfilling the human rights of people with disability. It will help ensure that the principles underpinning the Convention are incorporated into policies and programs affecting people with disability, their families and carers. It will contribute to Australia's reporting responsibilities under the Convention.[35]

2.42   All State signatories to the Disability Convention must present an initial report (Disability Convention report) to the United Nations Committee on the Rights of Persons with Disabilities (UN Disability Committee) within two years, then every four years thereafter, detailing actions taken to ensure the rights enshrined in the convention are implemented on a practical basis. The initial Disability Convention report from the Australian government was submitted in December 2010. The UN

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31   *Progress Report to the Council of Australian Government 2014,* p. 34.

32   Defined as including: visiting friends or relatives; telephone calls with family or friends; church or special community activities; voluntary activities; visiting restaurants or clubs; performing arts group activities; art or craft activities with other people; and other special interest group activities.

33   *Progress Report to the Council of Australian Government 2014,* pp. 34 and 181.

34   *Progress Report to the Council of Australian Government 2014,* p. 35.

35   *Disability Strategy,* p. 9.

Disability Committee has agreed to accept a combined second and third report no later than 17 July 2018.[36]

2.43   The Disability Convention reports are useful tools to help gauge activities undertaken in the Disability Strategy, as the outcomes of the Disability Strategy are based on articles of the Disability Convention. It is also important to note that many of the activities reported through the United Nations reporting process are not necessarily captured through the Disability Strategy reporting process. Review of both reporting processes therefore provides a fuller view of all Australian Government activities intended to achieve inclusive and accessible communities for people with disability.

2.44   However, it is also important to note that because the United Nations reporting process is primarily a reporting function rather than an evaluation function, Disability Convention reports do not assess the actual impact caused by the activities.

Initial report 2010

2.45   The initial Disability Convention report submitted by Australia to the UN Disability Committee on the implementation of the Disability Convention was prepared before the adoption of the Disability Strategy, but briefly addressed the purposes and content of the draft strategy which was, at that time, available to the public.[37]

2.46   The Disability Convention report outlined actions being taken in Australia to implement articles of the Disability Convention, the following of which are also relevant to Outcome One of the Disability Strategy: [38]

- Article 9—Accessibility:

    - The Disability Standards for Accessible Public Transport 2002 commenced on 23 October 2002 and established minimum accessibility requirements. A compliance timetable, allows between five to 30 years for existing facilities to be made compliant.

    - The Disability (Access to Premises – Buildings) Standards 2010 were due to commence on 1 May 2011 to provide minimum national standards for accessibility requirements to ensure dignified access to, and use of, buildings for persons with a disabilities.

    - The Aviation Access Working Group was established in 2009 to consider practical measures that can be taken by both industry and

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36   United Nations Committee on the Rights of Persons with Disabilities, *Concluding observations on the initial report of Australia, adopted by the Committee at its tenth session (2-13 September 2013)* (UN Concluding observations), p. 8.

37   Australian Government, *Initial reports submitted by States parties under article 35 of the Convention to the United Nations Committee on the Rights of Persons with Disabilities – CPRD/C/AUS/1* (Disability Convention report), pp. 7–8.

38   Only high level actions captured in the *Disability Convention report* are summarised here. This is not an exhaustive list.

government to improve access to air services for persons with a disability.

- The Australian Government has been working with states and territories to implement the Australian Disability Parking Scheme.

- The Australian Government has established a National Companion Card Scheme to improve the social participation of persons with severe or profound life-long disability who require life-long attendant care. The scheme allows for free or discounted tickets for registered companions.[39]

- Article 19—Living independently and being included in the community:

    - The Home and Community Care Program provides services to support older Australians and persons with disabilities and their carers to be more independent at home and in the community.

    - The Younger Persons with Disabilities in Residential Aged Care Program aims to reduce the numbers of younger persons with disabilities living in, or at risk of admission to residential aged care throughout Australia.

    - In 2008, the Australian Government announced it will establish an additional 313 supported accommodation places for persons with disabilities by 2012.

    - In 2009, the Australian Government announced it will construct more than 19 300 new social housing dwellings in two stages. Approximately 16 500 of these dwellings will incorporate universal design elements that make the properties more accessible.[40]

- Article 20—Personal mobility:

    - The Australian Government is working with States and Territories as part of broad-ranging reforms under the National Disability Agreement to ensure more consistent access to aids and equipment for persons with disabilities across Australia by the end of 2012.[41]

- Article 21—Freedom of expression and opinion, and access to information:

    - Australian Government departments and agencies are required to comply with the World Wide Web Consortium Web Content Accessibility Guidelines 2.0. The *Disability Discrimination Act 1992* also requires all web pages by individuals or organisations to be accessible to persons with disabilities.

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39   *Disability Convention report*, pp. 13–14.

40   *Disability Convention report*, pp. 25–28.

41   *Disability Convention report*, p. 28.

- The Australian Government funds Media Access Australia to caption uncaptioned educational and community DVDs and downloadable versions for people who are deaf or hearing impaired.[42]

- Article 27—Work and employment:

  - Australia's workplace relations system under the *Fair Work Act 2009* (Cth) provides remedies for 'adverse action' taken on discriminatory grounds, including physical or mental disability.

  - The National Mental Health and Disability Employment Strategy aims to increase the employment of persons with disabilities, promote social inclusion and improve economic productivity.

  - There are over 325 Australian Disability Enterprise outlets across Australia, providing supported employment assistance to approximately 20 000 persons with moderate to severe disability who need substantial ongoing support to maintain their employment.

  - Disability Employment Services are a network of service provider organisations contracted by the Australian Government to provide specialist assistance to job seekers with disabilities, injuries or health conditions to find and maintain employment in the open labour market.[43]

- Article 29—Participation in political and public life:

  - The Australian Electoral Commission provides voters with a disability with a range of options to vote.

  - The Australian Government provides funding to twelve national disability peak bodies to contribute to government policies about disability issues affecting Australian families and communities.[44]

- Article 30—Participation in cultural life, recreation, leisure and sport:

  - The National Arts and Disability Strategy focuses on access and participation of persons with disabilities, barriers which prevent emerging and professional artists and arts workers with disabilities from realising their ambitions, and audience development.

  - In 2010, the Australian Government announced support for commercial cinemas to fast track audio description and captioning technology to improve cinema access for people who are deaf, blind, visually or hearing impaired.

2.47   Australian copyright law provides a number of exceptions and statutory licenses to facilitate access to copyright materials for persons with a disability.[45] The

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42   *Disability Convention report*, p. 29.

43   *Disability Convention report*, pp. 35–38.

44   *Disability Convention report*, pp. 38–39.

45   *Disability Convention report*, pp. 39–40.

Disability Convention report also noted that the Disability Strategy would set up a framework to 'promote, protect and monitor the implementation of the Convention'.[46]

UN Disability Committee response 2013

2.48   The UN Disability Committee considered Australia's Disability Convention report at its 107th and 108th meetings, held 3 and 4 September 2013, and adopted its *UN Concluding Observations* report at its 118th meeting on 12 September 2013.[47]

2.49   The *UN Concluding Observations* report raised a number of positive aspects in Australia's Disability Convention report, as well as detailing a number of areas of concern and providing recommendations to the Australian Government.

2.50   While the UN Disability Committee commended the adoption of the Disability Strategy to 'implement the Convention across all jurisdictions',[48] it raised the following concerns in relation to accessible communities:

- Article 9—Accessibility:

    - There is a lower than acceptable level of compliance with the standards for public transport and access to premises.

    - Recommended that sufficient resources should be allocated to ensure monitoring and implementation of those standards and requirements[49]

- Article 19—Living independently and being included in the community:

    - Despite the policy to close large residential centres, many new housing initiatives replicate institutional living arrangements, and many persons with disabilities are still obliged to live in residential institutions in order to receive disability support.

    - Recommended that Australia develop and implement a national framework for closure of residential institutions, allocating resources necessary for people to live in the community. Ensure free choice for people with disabilities for where and with whom they want to live.[50]

- Article 21—Freedom of expression and opinion, and access to information:

    - Not all information is available in accessible formats, nor has there been effective promotion and facilitation of Auslan, in particular in official interactions.

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46   *Disability Convention report*, p. 44.

47   *UN Concluding Observations*, p. 1.

48   *UN Concluding Observations*, p. 1.

49   *UN Concluding Observations*, p. 3.

50   *UN Concluding Observations*, p. 6.

- Recommended that Australia recognise Auslan as one of the national languages of Australia, and allocate adequate funding for the development of accessible formats of communication.[51]

2.51   The UN Disability Committee also expressed some concerns about the data collected about people with disability, specifically recommending further disaggregation by age, gender, type of disability, place of residence and cultural background.[52]

2.52   Furthermore, the UN Disability Committee raised concerns about the national implementation and monitoring of the Disability Strategy, noting that Australia 'lacks a participatory and responsive structure for monitoring the convention' under article 33 of the Disability Convention.[53]

2.53   Finally, the UN Disability Committee recommended that civil society organisations, in particular disability organisations, should be involved in the preparation of the Australian Government's next report.[54]

Australian Civil society report 2012

2.54   The Australian Government supported the 2012 Australian Civil society report (Civil society report) to the UN Disability Committee by providing funding for the production of the report.[55]

2.55   The Civil society report, titled *Disability Rights Now*, provided 'the perspective of people with disability in relation to Australia's compliance with its obligations' under the convention and was compiled in consultation with people with disability, representative and advocacy organisations, evidence from government and community inquiries.[56]

2.56   The Civil society report highlighted positive initiatives being undertaken by the Australian Government through the development of the Disability Strategy and the National Disability Insurance Scheme. However, the Civil society report noted concerns with implementation of these initiatives. Key concerns were:

- A lack of consultation and meaningful engagement in the process of implementation and monitoring of the Disability Strategy.

- Insufficient funding of advocacy programs, and funding 'conflicts of interest' created by service agencies holding a dual role as advocacy funding decision-makers.

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51   *UN Concluding Observations*, p. 6.

52   *UN Concluding Observations*, pp. 7–8.

53   *UN Concluding Observations*, p. 8.

54   *UN Concluding Observations*, p. 8.

55   *Disability Convention report*, p. 45.

56   *Disability Rights Now, Civil Society Report to the United Nations Committee on the Rights of Persons with Disabilities* (Civil society report), p. 10.

- A lack of an individual advocacy program for Aboriginal and Torres Strait Islander People with disability.

- Legislation policy and programs that differ between state and territory governments restrict the ability of people with disability obtain equal protection of their rights and freedoms throughout the country.

- A need for a much more robust effort by all levels of government to make communities fully accessible, as compliance with the Disability Convention relies heavily on accessible infrastructure, transport and telecommunication.

- Many people with disability continue to rely on institutional warehoused housing and support arrangements due to the lack of a commitment by governments in each jurisdiction to invest in the necessary reforms and accommodation infrastructure.

- Access to aids and equipment that promote mobility and independence is rationed and not offered as an entitlement.

- There needs to be a significant effort taken by all levels of government to ensure that information available in various media is accessible in alternative formats. It is also critical for deaf people that Australian sign language (Auslan) is officially recognised by governments.

- Little has been done to address structural and systemic barriers in the workplace that limit employability of many people with disability.

- Programs that facilitate and support involvement of people with disability in a broad range of community cultural and recreation opportunities receive little attention from government and have declined over the last three decades.

- Australia must develop consistent approaches to the collection of data disaggregated by disability type and other demographic information including gender, age, geographic location, Indigenous status, ethnicity, and cultural background.[57]

Committee view

2.57   The Australian Government outlined a significant body of work in its report to the United Nations on progress under the Disability Convention. The UN Disability Committee noted this in its response, and in particular commended Australia for the adoption of the Disability Strategy. This was also noted and commended by the Civil society report.

2.58   However, both the UN Disability Committee and the Civil society report noted serious concerns with the implementation and the monitoring of the Disability Strategy, and highlighted the need for increased meaningful consultation with the disability community to ensure the Disability Strategy can fully realise its goals.

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57   *Civil society report*, pp. 10–20.

2.59   Evidence presented to this inquiry concurs with that view. There is goodwill in the Australian community towards the Disability Strategy and an acknowledgement that some work, attention and funding has been put towards this initiative by all levels of Australian Governments, industry bodies, community groups and individuals. However there is also concern that attention on the Disability Strategy has suffered while the focus has been on implementation of the NDIS.

2.60   Consistent key concerns raised throughout this inquiry focus on consultation and coordination: the quality of consultation used to determine the solutions to accessibility problems, and then the coordination of implementing those solutions. Overwhelmingly, these concerns were seen to be having a negative impact on the effectiveness of the Disability Strategy to deliver maximum positive change to the lives of Australians with disability, their families and carers.