



A companion document
to a discussion paper of the
Victorian state disability plan
2017–2020

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Where the term 'Aboriginal' is used it refers to both Aboriginal and Torres Strait
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1 Introduction

There are approximately 1.1 million Victorians with a disability,¹ and this figure is expected to grow as our population ages. Many people with a disability are able to lead full lives without the need for assistance from government. However, for some people barriers exist which prevent participation and inclusion in everyday activities.

The National Disability Insurance Scheme (NDIS) will provide support to approximately 105,000 Victorians with a disability to undertake everyday activities – many more than can be currently be supported. The NDIS presents real opportunities to improve the lives of people with a disability, but this can only occur with corresponding enhancements to the mainstream service system and supportive environments and communities.

The Victorian state disability plan 2017-2020 (the Plan) is an overarching framework for improving the way mainstream services and environments work for people with disabilities – not just for those supported by the NDIS, but for all people with a disability living in or visiting Victoria.

We all have a responsibility to make Victoria a better place, to help remove the barriers that prevent people with a disability from being full citizens and having the same opportunities as everyone else. In this context the Victorian Government plays an important leadership role to drive change across all elements of Victoria's diverse community.

1.1 About this document

This document is a companion to the discussion paper of the Victorian state disability plan 2017-2020 (the discussion paper). It provides a succinct summary of the evidence that was used to inform the discussion paper. This evidence was gathered through:

- talking with over 200 people, including people with a disability and other key stakeholders, during early engagement
- reviewing the responses to a survey on the Victorian state disability plan 2013-2016
- a desktop review of contemporary literature related to disability
- considering the findings from and submissions to Parliamentary and Ombudsman inquiries.

This document is not intended to provide a comprehensive analysis of all disability issues in Victoria.

¹ ABS 2012a, Survey of disability ageing and carers: Victoria 2012, 'Table 3: All persons, disability status, by age and sex', Commonwealth of Australia, Canberra.

1.2 Defining disability

Both this paper and the discussion paper are based on the social model of disability. The social model of disability is the basis for the United Nations Convention on the Rights of Persons with Disability and considers disability to be a social problem rather than a medical problem. The model considers broader issues of equality and elimination of legal and social barriers to participation, social opportunities, health, education, employment and personal development.²

1.3 The relationship between the state disability plan and the NDIS

The Victorian Government is committed to the successful roll-out of the NDIS, which will provide ongoing specialist disability support for approximately 105,000 Victorians. The roll-out of the NDIS will change the Victorian Government's roles and responsibilities in relation to people with disability.

The government also has an important role in ensuring that the interface between NDIS supports and mainstream services is streamlined. Mainstream services will need to make some changes to the way they operate in order to effectively complement NDIS-funded activities and meet the needs of both NDIS participants and non-participants.

The state disability plan will be an important vehicle for effort to complement the services funded through the NDIS, as well as for continuing to progress work to make our communities, schools, workplaces and other environments as inclusive as possible.

VCOSS noted in its submission to the Parliament of Victoria's Family and Community Development Committee Inquiry into Social Inclusion and Victorians with Disability (Social Inclusion Inquiry) that some of its members consider that once the NDIS is in operation 'disability is done'.³ There is a pressing need to continue to highlight that there are broader policy and service delivery considerations for people with disability, given only two per cent of the Victorian population is expected to participate in the NDIS in Victoria, while Victorians with disability make up 20 per cent of the population.⁴

2 United Nations Department of Public Information, 'Backgrounder: disability disability treaty closes a gap in protecting human rights', <http://www.un.org/disabilities/default.asp?id=476>.

3 Victorian Council of Social Services 2014, 'Social inclusion and Victorians with a disability: Submission to the Victorian Parliament Family and Community Development Committee Inquiry,' Victorian Council of Social Services, Melbourne, p. 11.

4 *Ibid.*, 10.

1.4 Context

The state disability plan is the mechanism through which the Victorian Government delivers on a number of international, national and state-based obligations and policy initiatives as well as providing a strategic framework for delivering improved outcomes for people with disability in mainstream settings.

The 2017-2020 Plan will be the third such plan produced by the Victorian Government. The first state disability plan 2002-2012 primarily focused on the provision of specialised disability services, in particular the move towards individualised planning and support that addressed the needs of people with a disability. The subsequent Victorian state disability plan 2013-2016 created a framework for a whole-of-government approach to supporting the inclusion of people with a disability.

United Nations Convention on the Rights of Persons with Disabilities

In 2008, Australia became a signatory to the United Nations Convention on the Rights of Persons with Disabilities. The Convention, underpinned by the social model of disability, is a rights-based approach that provides more choice, control and independence for people with disability. The implementation of the Victorian state disability plan 2017-2020 will continue to support the Victorian Government in meeting its obligations under the convention.

National disability strategy 2010-2020

The Council of Australian Government's National disability strategy 2010-2020 has been endorsed by the Commonwealth and all state and territory governments and has a strong focus on making mainstream systems more responsive to people with disability, their families and carers. The National disability strategy 2010-2020 has six areas of policy action that all jurisdictions have agreed to implement change through. These are:

- inclusive and accessible communities
- rights protection, justice and legislation
- economic security
- personal and community support
- learning and skills
- health and wellbeing.

The state disability plan is Victoria's mechanism to implement the National disability strategy 2010-2020.

Disability Act 2006

Under the **Disability Act 2006**, the Victorian Government is required to have a state disability plan in place every four years. In addition, this Act also requires all public sector agencies (government department, statutory authorities and corporations and local councils) to prepare disability action plans.

Disability Discrimination Act 1992

The **Disability Discrimination Act 1992** became Commonwealth law in 1992. This Act makes it illegal to discriminate in areas such as employment, education, access to premises and provision of goods and services against someone if they have a disability.

Victorian Charter of Human Rights and Responsibilities Act 2006

The **Victorian Charter of Human Rights and Responsibilities Act 2006** aims to ensure human rights are valued and protected within government and the community.

Victorian Equal Opportunity Act 2010

The **Victorian Equal Opportunity Act 2010** ensures that every person in Victoria is able to live freely without fear of discrimination on the basis of personal characteristics or preferences, including disability or impairment.

2 Early engagement findings

We started the process of developing the state disability plan for 2017-2020 with an early engagement process in mid-2015. We met with over 200 people with a disability, held two roundtable discussions with peak bodies, statutory authorities and advocacy organisations, and worked with the Victorian Disability Advisory Council to elicit submissions from local government authorities.

Some broad comments were made about the state disability plan including:

- that inaccessible environments, structures, systems and services continue to exclude people from truly being a part of the community
- the far reaching and pervasive impact of negative community attitudes on people's lives
- the continuing struggle for people to be independent, and have more say over their lives and the matters that are important to them
- the importance of economic participation – for identity, security and social inclusion
- the need for measures and targets to drive change.

Respondents felt strongly that the Plan needs to be a plan for the whole community, not just for people with a disability; that it should be owned by all government departments; and that there needs to be clear accountability for every part of it.

The following is a snapshot of the kinds of comments that were made during the early engagement process. These comments told us a lot about what's important to people with a disability and where change is needed the most.

2.1 Inaccessible environments, structures, systems and services

People with a disability told us:

- I can park in a disability space at a car park, but can't access the travelator to get to the shopping precinct.
- The Aboriginal community needs to know about what disability support services exist because currently there's a communication gap between service providers and community.
- Changes in the community, like changes to transport and buses, needs to be communicated in a way that is easy to access and understand.
- [It's important to be] getting information the way I want.
- I wasn't able to get a library card as I didn't have a licence.
- [We need] funding for a hoist at the swimming pool so everyone can swim.

Advocates and stakeholders told us:

- It's hard for a person with a disability to exercise their rights and take a complaint somewhere. Even if the ruling is successful, who follows up to see if action is taken?
- Universal design should be a first principle for all policies, programs, services and physical infrastructure.
- It's more than the NDIS – we need a seamless mainstream system where a person's impairment is irrelevant.

Local governments told us:

- Accessibility in the community – from the built environment, to structures and processes of government, and to local business – was a key issue for people with a disability in their area.
- One council noted that '[it is] unrealistic to expect broad and increased participation in our communities if the basic ... infrastructure of toilets [and] continuous paths are ... inaccessible'.
- Other local councils noted that 'the built environment remains a key barrier to participation in community life, particularly in accessing cafes, public buildings, community centres, swimming pools, libraries, sport and recreation facilities and movie theatres ... [T]hese barriers significantly constrain the ability for people with a disability to participate in community life and feel a sense of belonging.'

2.2 Community attitudes

People with a disability told us:

- People push in front of my wheelchair when I'm out shopping.
- [I like] being understood in my town, but I'm not sure if I would be in other places.
- People walk in front of me – they don't look at me.
- I would like to see more people getting involved with helping people with a disability in everyday life.
- I've been picked on by people on the train – adults and children. They call me names. I walk away.
- I'd like to get married.
- Taxi drivers go the wrong way and they don't listen to us.
- [There should be] training on 'respecting others in the community' for people in the community.

Advocates and stakeholders told us:

- 'A vision for a world where it's remarkable if you don't see the disability' – there is still tendency for people to be hidden, not seen by the community.
- Community attitudes are important.
- Disability doesn't mean any differences – a friend in San Francisco didn't have a disability, it returned when they came back to Australia.

Local governments told us:

- The impact of negative community attitudes is a key issue. Some local governments told us about initiatives to improve community attitudes, like working with local traders to improve access to local shopping precincts and to educate traders on disability awareness.
- Councils told us that 'community attitudes and perceptions towards disability must be addressed in order to ensure that people with a disability are treated with respect and dignity and as equal members of society'.

- In order to ensure that people with a disability are treated with respect and dignity as equal members of society, local governments told us that sectors have to work together – ‘building an inclusive community founded on mutual respect and meaningful participation in the life of the community requires cross-sector collaboration’.

2.3 Having more say about their lives and the matters that are important to them

People with a disability told us:

- Families need to feel good about coming out and be supported to come out (like through yarning circles), they won’t do it on their own.
- It’s been really hard to organise a holiday and get permission to go after someone passed away on our holiday the last time we went away. So I’m missing out.
- I’d like to move house, but I’m not allowed.
- Sometimes I can’t get on the bus.
- I don’t get to go to the movies as often as I want as I have to rely on staff to take me.
- I want to be able to move out and live independently but I can’t tell Mum.
- More control over what I do and more choice.

Advocates and stakeholders told us:

- Flexibility in meeting different needs, different stages of life, different disabilities.
- The plan should reflect needs and interests of young people with disability, especially education and being part of the general community.
- People need capacity to make choices about recreation and social life, sexuality, spirituality, volunteering, social connections, especially people who rely on support.

Local governments told us:

- All local governments that responded to our call for feedback told us they had structures and groups to engage people with a disability, from formal structures like Disability Advisory Councils, to informal methods, including ‘... catching up in the street or responding to phone calls or email’.
- It is important to measure the work being done to improve the social inclusion of people with a disability. Further, some local governments noted that ‘it is difficult to identify, without evidence or reports on evaluations ... on what works and what needs further adjustments.’

2.4 The importance of economic participation

People with a disability told us:

- There should be more jobs for people with a disability.
- Getting some training and finding a job is important.
- Better jobs and better paying jobs – I've still got bills to pay!
- Mum and Dad would like me to be earning some money and get a job. I'd like to work in hospitality. I've talked to someone I know who works in a café – hopefully they can keep me in mind for a job.
- I'd get a job at Bunnings helping with the trollies.
- I am saving up to buy my own house but cost of houses is high and keeps going up and the cost of rent keeps going up.
- A job – doing anything, packing, cleaning.
- I need a certificate, someone to train me how to do a job.
- I'd like to change my work and get paid more for my artwork.

Advocates and stakeholders told us:

- Potential employers focus on the disability and don't recognise the attributes of people with disability.
- Government could be a role model for the private sector – need more targets, workplace experience.
- Barriers include employers not knowing requirements, reasonable adjustment.

Local governments told us:

- Economic participation was the number one issue raised by local governments, noting that improving the economic participation of people with a disability wasn't something that they could do alone. '[We need to] work with service providers and local business sector to create pathways and support transition for people of all abilities into employment and further education.'
- One inner-city local government told us that 'increases in the level of paid employment of people with disability at all levels is required. This includes management and high levels, where people with disability are under-represented'.

3 Recent research

3.1 Active citizenship

Inequality in access to places, services, public amenities and information contributes to social isolation of people with a disability. The Inquiry into Social Inclusion and Victorians with Disability (the Social Inclusion Inquiry) noted that people with a disability are often excluded from civil dimensions of life, as a result of issues and barriers experienced by people with a disability every day. According to survey findings from Scope⁵ and Deakin University, only nine per cent of people with a disability said their social contact needs were fully met, with even fewer, six per cent, saying that their community participation needs were fully met.⁶

The Social Inclusion Inquiry found that while mainstream settings are considered ideal for improving belonging and social inclusion, many are not fully inclusive.⁷ People with a disability participate in sport at lower rates than people without disability (67.7 per cent compared with 78.6 per cent).⁸ Less than a third of Victorians with a disability (31 per cent) are actively involved in community groups, compared with approximately 36 per cent of the total population. Even fewer (13 per cent) are actively involved in governance or civic groups⁹ (18.7 per cent for the total population¹⁰).

Strategies to equip people with a disability for leadership roles within the community could assist in addressing the gap. Furthermore, integrating opportunities for people with a disability to participate in mainstream sporting activities and sports clubs leads to both increased social and civic participation,¹¹ and helps to break down negative attitudinal barriers.¹²

In 2015, less than one per cent of public board and committee members identified as a person with a disability.¹³ While this is likely to be an under-representation as not all people with a disability disclose their impairment, it is still very concerning. The Victorian Government has committed to improving the governance of public boards and improving the makeup of boards to more broadly reflect our diverse community.¹⁴ This should lead to an increase in the number of people with disabilities on public boards and committees.

5 Scope is a not-for-profit disability services organisation.

6 Scope 2014, 'Submission to the Social Inclusion Inquiry'.

7 Family and Community Development Committee 2014, *Inquiry into Social Inclusion and Victorians with a Disability*, State Government of Victoria, Melbourne, p. 6-12.

8 ABS 2012b, *Perspectives on Sport*, July 2012, cat. no. 4156.0.55.001, Commonwealth of Australia, Canberra. " (2012).

9 ABS 2013a, *Disability, ageing and carers, Australia: summary of findings, 2012*, Commonwealth of Australia, Canberra.

10 ABS 2013b, *Measuring Australia's progress*, Commonwealth of Australia, Canberra.

11 Family and Community Development Committee 2014, *op. cit.*, p. 6-50.

12 *Ibid.*, p. 6-51.

13 Data provided by the Victorian Public Sector Commission 2016.

14 The Premier of Victoria, Premier's circular no. 2015/02: good board governance, Department of Premier and Cabinet, State Government of Victoria, Melbourne.

If a Deaf person wants to sit on a board of directors for a community organisation or sporting organisations, it is very unlikely the organisation will pay for access requirements, such as an interpreter or note taker, to aid their participation.¹⁵

The UN Convention on the Rights of Persons with Disability acknowledges that people with a disability should be able to participate in political and public life on an equal basis with others.¹⁶ There are benefits for both individuals and the broader community when people participate in civic society. Opportunities for civic participation and leadership for people with a disability tend to be through specialised or targeted roles rather than through mainstream opportunities.¹⁷ Greater attention is needed to raise the profile of people with a disability and their capability to undertake leadership positions across all areas of society. Only six per cent of local government councillors identified as a person with a disability.¹⁸

One of the primary avenues through which issues of importance to people with a disability can be directed to government is through the Victorian Disability Advisory Council (VDAC). The VDAC is mandated under the **Disability Act 2006** to advise the minister and is comprised of people with a disability, their families and carers. Findings from the Social Inclusion Inquiry¹⁹ suggest that there is untapped potential for the VDAC and an opportunity to increase its profile within the general community.

There is a growing body of evidence that demonstrates that people with a disability, particularly those with intellectual disability, are excluded from civic participation and input into policy making. The Victorian Government, and other governments across Australia and internationally have considered a range of forums for enabling direct input to government by people who are often excluded from the process. In particular, research has indicated that people with intellectual disabilities are at significant disadvantage given the historical context of being deemed 'non-citizens' and excluded from most forms of civic participation.²⁰

Unchallenged negative community attitudes have led to an alarmingly high number of people with an intellectual disability not being enrolled to vote and in some circumstances, people have been unable to vote even after enrolling due to a lack of support.²¹ This was supported during early engagement, where the consistent message from people with intellectual disability was that they do not vote.

15 Deaf Victoria 2014, 'Social Inclusion and Deaf and Hard of Hearing People in Victoria', Deaf Victoria, Melbourne.

16 United Nations Convention on the Rights of Persons with Disabilities, 'Article 29: Participation in political and public life', <http://www.un.org/disabilities/convention/conventionfull.shtml>.

17 Family and Community Development Committee 2014, op. cit., p. 8-56.

18 Municipal Association of Victoria 2013, Councillor Census Municipal Association of Victoria, Melbourne.

19 Family and Community Development Committee 2014, op. cit., 2-20.

20 Frawley P 2008, 'Participation in government disability advisory bodies in Australia: An intellectual disability perspective', La Trobe University, Melbourne, p. 3.

21 Despott N, Hirsch A and Leighton D, 'Sound minds, double standards and the right to vote,' Ramp Up, ABC, <http://www.abc.net.au/rampup/articles/2013/09/06/3843082.htm>.

3.2 Rights and equality

Upholding rights and ensuring equality

People with a disability and their families are identified as one of the most disadvantaged groups in Australia, and are typically underrepresented in economic, civil and social dimensions of life.²²

Despite the legislation outlined in section 1.4, people with a disability still experience discrimination, disadvantage and inequality. Almost one in every two people with a disability lives in or near poverty (approximately 44 per cent, compared with less than 20 per cent for people without disability),²³ and people with a disability report poorer health outcomes, with only seven per cent rating health as 'excellent' compared with 26 per cent for those without disability.²⁴ Through surveys conducted for the Victorian state disability plan 2013-2016, people with a disability have continually reported experiencing difficulty obtaining health services due to some health service providers not having appropriate equipment or knowledge to provide the services they seek.

During the early engagement process, we heard many different stories about how people with a disability, particularly people with intellectual disability, experience discrimination or are unable to lead an equitable life. For example, one person told us that they couldn't stay out after 9 pm as they needed to be home before staff finished their shift at 10 pm.

For the past five years, disability discrimination has been the single largest cause of complaints to the Victorian Equal Opportunity and Human Rights Commission (VEOHRC).

Table 1: Percentage of complaints to VEOHRC related to disability discrimination

Financial year	2010–11	2011–12	2012–13	2013–14	2014–15
Percentage of complaints	22.0	24.1	27.6	25.2	25.3

Further, the number of complaints increased by 10 per cent from 2013–14 to 2014–15.²⁵

In *Beyond doubt: the experiences of people with disabilities reporting crime*, VEOHRC found that the rights of people with a disability are often compromised when they come into contact with the justice and criminal systems. 'People with disabilities in Victoria are routinely denied justice because police and other sections of the justice system are ill equipped to meet their needs.'²⁶

²² Family and Community Development Committee 2014, op. cit., p.1-32.

²³ OECD 2011, *Sickness, disability and work: breaking the barriers – a synthesis of findings across OECD countries*, OECD, Paris.

²⁴ ABS 2014, *General social survey*, 'Table 11.3: All persons, selected personal characteristics—by whether has disability', Commonwealth of Australia, Canberra.

²⁵ Victorian Equal Opportunity and Human Rights Commission 2011–2015, *annual reports 2010–11 to 2014–15*, Victorian Equal Opportunity and Human Rights Commission, Melbourne.

²⁶ Victorian Equal Opportunity and Human Rights Commission 2014, *Beyond doubt: the experiences of people with disabilities reporting crime – research findings*, Victorian Equal Opportunity and Human Rights Commission, Melbourne.

Key areas of complaint in the 2014–15 year related to employment, provision of goods and services and accommodation.²⁷ In its World report 2016, Human Rights Watch noted that Australia has done little to improve the rights of people with a disability.²⁸

'If I had a dollar for every time I've entered a building via the bins, the car park, or both ...'²⁹

Discrimination leads to social exclusion and limits opportunities for participation within the broader community. The Social Inclusion Inquiry found that the Victorian Government has a key role to lead and promote a social inclusion agenda and facilitate opportunities for communities, employers, schools and individuals to institute change.³⁰

Accessible transport continues to be a key area of concern for people with a disability, even though there is significant activity being undertaken to improve accessibility across all modes of public transport.³¹ Without accessible public and private methods of transport, people cannot easily travel to work, social events or school, enhancing the likelihood of exclusion.³² This is exacerbated in regional and remote areas due to the infrequency of services and limited availability of taxis.³³

About one in 10 respondents to the Victorian state disability plan 2013–2016 surveys answered 'no' to the statement 'my disability services respect my choices about my life'. People with a disability have also advised through consultation that they desire more equitable choice and control in their daily life.

Negative perceptions are a contributing factor to the social isolation of people with a disability. In the Shut out report, 56 per cent of public submissions related to exclusion and negative social attitudes towards people with a disability.³⁴ People with a disability and their families, friends and carers reported regular cases of being discriminated against or ignored and, at best, treated as different.³⁵

27 Victorian Equal Opportunity and Human Rights Commission 2011–2015, op. cit.

28 Human Rights Watch 2016, World Report 2016, Human Rights Watch, New York, https://www.hrw.org/sites/default/files/world_report_download/wr2016_web.pdf.

29 Young S 2013, 'The politics of exclusion,' Australian Broadcasting Commission, <http://www.abc.net.au/rampup/articles/2013/04/26/3745990.htm>.

30 Family and Community Development Committee 2014, op. cit., p. 8–4.

31 Public Transport Victoria 2013, Action plan, Public Transport Victoria, Melbourne, <http://ptv.vic.gov.au/getting-around/accessible-transport/improving-accessibility/publications-and-resources/action-plan/>.

32 ABS 2009, Transport, Commonwealth of Australia, Canberra, <http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/4446.0main+features122009>.

33 Family and Community Development Committee 2014, op. cit., p.7–14.

34 Commonwealth of Australia 2009, Shut out: the experience of people with disabilities and their families in Australia, Commonwealth of Australia, Canberra, p. 3.

35 774 ABC Melbourne 2016, 'Yarra Trams driver refused to deploy wheelchair ramp, man with MS says,' March 2016; Commonwealth of Australia 2009, Shut out: the experience of people with disabilities and their families in Australia, Commonwealth of Australia, Canberra.

Key contributing factors to the ongoing discrimination and inequitable treatment of people with a disability are prevailing social and attitudinal barriers that marginalise and ignore people with a disability – social inclusion is not the responsibility of any one organisation, body or individual – it is a whole-of-community responsibility.³⁶

Discrimination and inequitable treatment can be compounded when a person experiences disadvantage from multiple aspects of their background and identity. In its submission to the Social Inclusion Inquiry, the Office of the Public Advocate noted that Aboriginal people with a disability and people from culturally and linguistically diverse backgrounds require additional consideration³⁷ to ensure that interactions are culturally appropriate.

Aboriginal people with disability are over-represented in the criminal justice system. The Koori prisoner mental health and cognitive function study found that an overwhelming majority of Aboriginal people in Victorian prisons have a long-term mental illness and/or cognitive impairment.³⁸ The Beyond doubt report highlighted that specific adjustments may be needed within the justice system for both women with a disability and Aboriginal people with a disability.³⁹

People with a disability are also vulnerable to violence, abuse and neglect.⁴⁰ An Australia-wide survey of 367 family violence agencies found that nearly one in four women and girls with disabilities are victims of family violence, although this is likely to be under-reported.⁴¹

The recently released report from the Royal Commission into Family Violence (Royal Commission) substantiates this evidence, noting that women with a disability experience all kinds of violence at higher rates than women without a disability and that the violence is more severe and longer lasting.⁴² The report documents that people with a disability may not report family violence is due to a fear of not being believed, and that there are added complexities with respect to family violence in residential settings and in relation to support workers.⁴³ The report further notes that “the Victoria Police Code of Practice for the Investigation of Family Violence acknowledges that people with disabilities who report family violence are more likely to be disbelieved...”.⁴⁴ The Victoria Police submission also noted that Victoria Police data does not reflect the true picture of violence against people with disabilities.

36 Family and Community Development Committee 2014, *op. cit.*, p. 2-7; Centre for Rural Regional Law and Justice 2014, ‘Submission to the Social Inclusion Inquiry,’ Deakin University, Melbourne.

37 Office of the Public Advocate 2014, ‘Inquiry into the Social Inclusion of Victorians with a Disability: Submission to the Parliament of Victoria, Family and Community Development Committee,’ Office of the Public Advocate, Melbourne.

38 Professor James R. P. Ogloff et al. 2013, Koori prisoner mental health and cognitive function study, Centre for Forensic Behavioural Science, Monash University, Melbourne.

39 Commonwealth of Australia 2009, *op. cit.*

40 Disability Services Commissioner 2012, Occasional paper 1, 2 vols., vol. 1, ‘Learning from complaints’, Disability Services Commissioner, Melbourne; ABS 2014, Personal safety Australia 2012, ‘Table 11: Experience of violence during the last 12 months, disability status’, Commonwealth of Australia, Canberra.

41 Stop the Violence Program 2013, ‘Stop the violence: addressing violence against women and girls with disabilities in Australia’, in National Symposium on Violence Against Women and Girls with Disabilities in Australia.

42 State of Victoria 2016, Royal Commission into Family Violence: Summary and recommendations, vol. 5, p. 173.

43 *Ibid.*, p. 175.

44 *Ibid.*, p. 184.

In addition, the Royal Commission found that people with a disability who are victims of family violence face additional challenges in seeking support. There is limited accessible crisis accommodation for women with disabilities.⁴⁵ There is also a possibility that a violent partner acts as their carer, so by fleeing the person with a disability loses the support they need to undertake basic life skills such as showering or toileting.⁴⁶

Women with disabilities are particularly vulnerable to sexual abuse,⁴⁷ with more than 70 per cent of women with disability having experienced a violent sexual encounter.⁴⁸ Further, 90 per cent of women with intellectual disabilities have been sexually abused at some point in their life and 60 per cent of women with an intellectual disability will be subjected to sexual abuse before they reach 18.⁴⁹

Conversely, the right to sexual expression as a person with a disability is often not considered, meaning that issues related to sexual health, safe sex practices and sexual identity are often ignored, especially for people with intellectual disabilities.⁵⁰ Girls and women with a disability are often treated either as being asexual or hypersexual and uncontrollable⁵¹ which leads to limited capacity to exercise their sexual and reproductive rights.

While the Victorian Equal Opportunity and Human Rights Commission can take complaints and work towards dispute resolution,⁵² there is currently no authority within government that can play a leadership role in advocating for systemic change to reduce the experiences of discrimination for people with a disability. Systemic advocacy and representation is able to achieve things which service providers, individuals and individuals' advocates cannot. Systemic advocacy creates change so that there is inclusion of and access for people with a disability in mainstream services (such as housing, family violence, police, education, legal and health).

People with a disability are a diverse group and the needs of each individual will vary greatly depending on their impairment. However, there is clearly much to be done at the systemic level to ensure that each person has the opportunity to participate in society as they choose and achieve equality of outcomes. People with a disability have also told us that information about rights and self-advocacy needs to form part of the education of young people with a disability.

While a range of activities have been undertaken by both state and federal governments to change attitudes⁵³ there is no one organisation who has a key focus on changing community attitudes towards people with a disability, influencing mainstream and alternative media.

45 Ibid., p. 186.

46 Ibid., p. 183.

47 Commonwealth of Australia 2009, op. cit.

48 Frohmader C 2014, Gender blind, gender neutral: the effectiveness of the National Disability Strategy in improving the lives of women and girls with disabilities, Women With Disabilities Australia, Hobart.

49 Women with Disabilities Australia 2002, There is no justice – there's just us!: the status of women with disabilities in Australia Women with Disabilities Australia, Hobart.

50 Johnson K et al. 2001, Living safer sexual lives: final report, Australian Research Centre in Sex, Health and Society, Faculty of Health Sciences, La Trobe University, Melbourne.

51 Office of the Public Advocate 2014, op. cit.

52 Victorian Equal Opportunity and Human Rights Commission 2016, 'About us,' <http://www.humanrightscommission.vic.gov.au/index.php/about-us>.

53 Family and Community Development Committee 2014, op. cit., pp. 8-17-18.

Equitable access to housing

Housing is a basic human right; however people with a disability experience inequitable access to secure accommodation. The limited accessibility features of most residential properties mean that people with a disability cannot visit many residential properties, let alone live in them. People with a disability are over-represented in state/public housing;⁵⁴ more than six per cent of Victorians with a disability rent from a state housing authority, compared with only one per cent of people without disability.⁵⁵

Accessibility, economic disadvantage and support requirements can lead to barriers in securing housing that meets the needs of people with a disability. Having little or no control about living arrangements can impact on the capacity and desire to participate in other domains of life.⁵⁶

Both the Social Inclusion Inquiry and the Australian Housing and Urban Research Institute reported that social inclusion outcomes are improved through appropriate and stable housing. The provision of affordable and secure housing can enhance an individual's overall wellbeing, independence and housing choices.⁵⁷

A person with a disability can often experience barriers in the private rental market. For example, those with a physical disability require houses with accessibility features, which are difficult to find in the private sector.⁵⁸ Landlords are under no obligation to modify properties and as such, households that include a person with a disability are often forced to choose between inappropriate accommodation in accessible locations and more appropriate housing in less accessible places.⁵⁹

People with a disability are more likely to live in public housing, compared with other people in the community. In 2014 over 48 per cent of new allocations were to households with a person with a disability.⁶⁰

The Social Inclusion Inquiry noted that one of the biggest concerns for people with a disability was needing the freedom to choose their own living arrangements – including where they live, who they live with and they type of home in which they live. This has been a long-standing issue where little progress has been made. During early engagement, one person with intellectual disability pointed out that they were unable to live with their partner of over 25 years because they received support services from different service providers.

54 Ibid., p. 5-23.

55 ABS 2012c, Survey of disability, ageing and carers, Australia: summary of findings, 2012, Commonwealth of Australia, Canberra.

56 Family and Community Development Committee 2014, *op. cit.*, p. 5-22.

57 Australian Housing and Urban Research Institute 2013, 'What effect does housing assistance have on social inclusion for people with disabilities?', Research & Policy Bulletin, AHURI, Melbourne .

58 Wiesel I et al. 2015, Moving to my home: housing aspirations, transitions and outcomes of people with disability, AHURI, Melbourne.

59 Beer A, Tually A and McLoughlin P 2011, Housing assistance, social inclusion and people living with a disability, Australian Housing and Urban Research Institute, Melbourne.

60 Australian Institute of Health and Welfare 2015, 'Priority groups', <http://www.aihw.gov.au/housing-assistance/haa/2015/priority-groups/>.

While there are standards to ensure accessibility for public buildings, those standards do not apply to private residential buildings, some holiday accommodation and some public spaces.⁶¹ If a tenant pays for modifications, unless they have long-term secure tenure they will lose the benefits when they relocate. VCOSS recommends an amendment to building regulations to include a requirement for new dwellings to meet universal housing design principles.⁶²

In its 2014 election platform the Victorian Government committed to 'ensuring Victoria's planning system and building regulations require new construction to incorporate universal design principles that facilitate better access for persons with a disability and older persons',⁶³ At the national level, there is a voluntary agreement that by 2020, all newly built housing will be built to the silver level of Livable Housing Standards (meaning all new houses should, at a minimum, be visitable by people with mobility impairment).⁶⁴ In early 2015, the Australian Network for Universal Housing Design reported that based on current projections, less than 5 per cent of new houses will meet this standard.⁶⁵ Without any mandatory requirements for accessible housing, this is unlikely to change.

Equitable access to government information

A cornerstone of upholding people's rights is ensuring that all people have equitable access to government information. The Shut out report highlighted that for people with sensory impairment or intellectual disability, access to information can sometimes be problematic.⁶⁶ People with a disability confirmed this finding during early engagement.

In 2012 more than 80 per cent of Australians used the internet,⁶⁷ and this figure is likely to have increased with the escalating prevalence of tablets and smartphones. The early engagement process highlighted that for some people with intellectual disability having access to the internet and learning to use a computer is an important, positive part of their lives. However, many government websites do not always publish information in formats that are easy to understand and read.

The Australian Human Rights Commission has reported that there should be a right to access the internet and that in line with the Disability Discrimination Act, information published on the web needs to be made accessible to people with a disability 'who, like the rest of the community, rely increasingly on the Internet to access a wide range of often critical information and service provision'.⁶⁸

61 Australian Human Rights Commission 2013, *Guidelines on the application of the premises standards*, Australian Human Rights Commission, Sydney, pp. 9–10.

62 VCOSS 2014, *op. cit.*, p. 12.

63 Victorian Labor, 'Platform 2014', <https://www.viclabor.com.au/wp-content/uploads/2014/05/Victorian-Labor-Platform-2014.pdf>.

64 Livable Housing Design Australia 2016, 'Livable housing design,' <http://www.livablehousingaustralia.org.au/>.

65 Australian Network for Universal Housing Design 2015, *Report on the progress on the national dialogue on universal housing design 2010–2014*.

66 Commonwealth of Australia 2009, *op. cit.*, p. 44.

67 ABS 2014, *Household Use of information technology, Australia, 2012–13*, Commonwealth of Australia, Canberra.

68 Australian Human Rights Commission 2013, 'A right to access the internet', *Background paper: human rights in cyberspace*, Australian Human Rights Commission, Sydney, <https://www.humanrights.gov.au/publications/background-paper-human-rights-cyberspace/8-right-access-internet>.

Some studies have investigated the relationship between usability and accessibility of websites and found that perceived usability increased with increasing degree of accessibility for both people with and without disability.⁶⁹

According to Web Content Accessibility Guidelines (WCAG), web content must be:

- **perceivable** – this relates to helping people to see and hear web content whether in the browser or using screen readers and other assistive technologies
- **operable** – web users with a disability are able to interact with website content using a keyboard, mouse or other helping device
- **understandable** – which means clear (easy to navigate to different pages, information can be understood)
- **robust** – which means web content can be accessed by a wide range of technologies (that is, readable on both a desktop computer and a mobile phone).⁷⁰

In order to ensure that information is accessible to people with a disability, the Australian Human Rights Commission recommends that government departments should audit online materials to ensure they are user-friendly for new internet users.⁷¹ Even for people without sensory or intellectual impairment, navigating some websites and interpreting information provided by government can be difficult. There are not requirements for the provision of information in a range of formats, including easy English, or user testing to ensure sites are navigable to go over and above the outdated WCAG.

3.3 Economic participation

'I just want a job.'

This comment and many like it were made repeatedly by people with a disability during the early engagement consultations.

Economic participation is fundamental to social inclusion. The Australian workforce participation rate of people with a disability is 53 per cent, compared with 83 per cent for people without disability.⁷² The rate of unemployment for people with a disability is significantly higher than the rate for people without disability: nine per cent compared with five per cent.⁷³ These employment outcomes are comparable in Victoria where people with a disability have a participation rate of 54 per cent and unemployment rate of 10 per cent.⁷⁴ People with a disability in part-time employment are also more likely to report being underemployed than people without disability (27 per cent and 22 per cent respectively in Victoria), and this is reflected in a significantly lower average income of \$400 per week for people with a disability compared with \$750 per week for people without disability.⁷⁵

69 Halbach T, Skeide Fuglerud K and Tjøstheim I, Cost-benefit analysis of Universal Design, Norsk Regnesentral, Norway, p. 15.

70 W3C 2016, 'Web content accessibility guidelines (WCAG) overview', <https://www.w3.org/WAI/intro/wcag>.

71 Australian Human Rights Commission 2013, op. cit.

72 ABS 2015, Disability and labour force participation, 2012, Commonwealth of Australia, Canberra.

73 Ibid.

74 Ibid.

75 ABS 2012, op. cit.

In order to gain education or employment, or to engage in other activities, people with a disability often have to overcome low expectations, low school achievement outcomes, concerns about their perceived disruptive influence, greater exposure to bullying, and overly protective attitudes of parents, teachers and services.⁷⁶

Paid employment allows people with a disability to support themselves and provides the means to participate within society.⁷⁷ Social participation through employment leads to social recognition and feelings of citizenship.⁷⁸

'Before starting work I didn't do much. Once I started working, a lot changed ... I became independent and now I can buy and do whatever I want. Work also provides economic independence, responsibility, freedom, making decisions, performing duties, the ability to dream, to plan the future ... To be financially dependent is far more limiting than the disability itself.'⁷⁹

Employment outcomes for people with a disability are worse in Australia than in many other OECD countries. In 2010 Australia ranked 21 out of 29 OECD countries for employment of people with a disability. According to the OECD, people with a disability in Australia are only half (50 per cent) as likely to be employed as people without disability, whereas for the OECD as a whole people with a disability are 60 per cent as likely to be employed as people without disability and, for the top eight countries, the proportion is closer to 70 per cent.⁸⁰ The disability employment rate in the Victorian public sector workforce has fallen from four to three per cent.⁸¹

Economic participation not only has benefits for people with a disability, but for society and the economy as a whole. It has been estimated that improving employment outcomes for people with a disability could boost gross domestic product by almost one per cent⁸² and create more diverse and productive workplaces.⁸³ Through the early engagement consultations, local governments have advised that economic participation of people with a disability is a key priority as means to social inclusion.

76 Family and Community Development Committee 2014, op. cit., p. 8-8.

77 Ibid., p. 6-33.

78 Toldrá RC and Santos MC 2013, 'People with disabilities in the labor market: facilitators and barriers,' *Work*, vol. 45, no. 4.

79 Ibid.

80 OECD 2011, op. cit., pp. 52-53.

81 Victorian Public Sector Commission 2015, 'State of the public sector 2014-15, Victorian Public Sector Commission, Melbourne.

82 Deloitte Access Economics 2011, *The economic benefits of increasing employment for people with disability*, Australian Network on Disability, Sydney.

83 Australian Network on Disability 2013, 'Business benefits of hiring people with disability,' <http://www.and.org.au/pages/business-benefits-of-hiring-people-with-a-disability.html>.

Despite employers' legislative obligations to make reasonable adjustments, people with a disability still face systemic barriers to obtaining and retaining employment. Three of the most commonly cited reasons⁸⁴ for low rates of employment for people with a disability are:

- **stigmatisation by employers** – this occurs where employers express inaccurate concerns about the potential risks and costs associated with employing a person with a disability
- **insufficient access to information** – employers lack easily accessible and comprehensive information to assist them to understand their legal obligations and how to comply with those obligations
- **lack of support** – people with a disability who have gained employment do not have on-the-job support to assist them to meet the inherent requirements of their position.

As a result of worse employment outcomes, people with a disability are more likely to rely on government allowances than people without disability and are much more likely to have lower incomes. Forty-three per cent of Victorians with a disability rely on government pension or allowance as their main source of income, compared with only 10 per cent of people without disability.⁸⁵

A contributing factor to economic disadvantage of people with a disability is poorer educational outcomes. We know that school completion and positive learning outcomes improve a young persons' chances of finding the employment they want and achieving economic independence. People with a disability experience greater difficulty in accessing the education system and have lower school completion rates than people without disability. Only 38 per cent of people with a disability completed year 12 compared with about 61 per cent of people without disability.⁸⁶ This limits future study and work options and the likelihood of a successful transition from school to continued study or employment.

The Social Inclusion Inquiry reported that the move from school to employment or higher education is a critical transition point for people with a disability. While many people with a disability have career aspirations and there is a range of transition and career planning programs available, the likelihood of these goals not being achieved is high.⁸⁷ Less than 27 per cent of people with a disability aged between 15 and 64 have a bachelor degree or higher, compared with about 40 per cent for people without disability.⁸⁸ In the Student outcomes survey conducted by the National Centre for Vocational Education Research in 2015 only 49.9 per cent of graduates with a disability were employed after completing their training, compared with 76.2 per cent of graduates without a disability⁸⁹.

84 Australian Network on Disability 2013, op. cit.; Deloitte Access Economics 2011, op. cit.; Human Rights and Equal Opportunity Commission 2005, op. cit.

85 ABS 2012b, op. cit.

86 ABS 2012c, op. cit.

87 Family and Community Development Committee 2014, op. cit., pp. 6-29-31.

88 ABS 2012a, op. cit.; ABS 2014, op. cit.

89 National Centre for Vocational Education Research 2015, Australian vocational education and training statistics: government-funded student outcomes 2015, National Centre for Vocational Education Research, Adelaide.

