National Disability Forum

2014

Summary of Outcomes

15 September 2014

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# Background

The rapporteur for the National Disability Forum was Darren Dick, Director – Policy at Australian Human Rights Commission. His speaking notes are provided below. A full transcript of the forum is also available on the Commission website.

# Opening session

* Senator Seselja gave an extensive overview of the developments in disability policy over time from a medical model to a more social approach. He used language such as equal participation, inclusion, and universal access to describe where current policy approaches have got to.
* I would suggest that it is now time to move to a new model – beyond a social model to a ‘human rights based model’, as exemplified by the Convention on the Rights of Persons with Disabilities.
* Senator Seselja also referred to the very significant commitments and processes in place to make the realisation of rights a reality. He spoke of the National Disability Strategy as being significant for its 10 year commitment across all governments, the National Disability Insurance Scheme as well as the existing legal processes under the Disability Discrimination Act (DDA), which have led to systemic change through the standards processes in particular and in contributing to partnerships and collaboration.
* But as we heard from participants in the first question and answer session of the day, there is a vast gulf between the rhetoric and the commitments in place, and the day-to-day realities of persons with disabilities in the community.
* In the first session there was also discussion about the proverbial ‘elephant in the room’ – namely, the decision of the government not to appoint a full time, stand-alone Disability Discrimination Commissioner (DDC).
  + There are of course precedents for this arrangement, and Commissioner Gooda noted that there was an Acting DDC for 8 years between 1997 and 2005.
  + It was noted that this was properly the decision of government and that there is work to be done to persuade government to a different decision at the end of Commissioner Ryan’s 12 month term as DDC.
  + The President and the Commissioners strongly emphasised that they are focused on ensuring that the Commission can have impact and be strategic in its work program.
  + This includes listening and engaging with the sector, and taking a more explicit cross-Commission approach to disability rights issues.
  + Commissioner Gooda was very explicit about what a truly cross-sectional approach means for the Commission: he talked about how Elizabeth Broderick is the Commissioner for women with disabilities, and how he is the Commissioner for indigenous peoples with disabilities. He also foreshadowed work that both he and Commissioner Broderick will be doing in the coming months on the issue of violence against women.
* As Commissioner Gooda and President Triggs emphasised:
  + We are independent – not government and not an NGO;
  + Our reference is international human rights law and applying it through evidence based policy, advocacy and research;
  + We expect that we too, will be held to account by government and NGOs; and
  + That there will be times where we take a path that you might not agree with – but hopefully not that often.
* So if I can summarise the challenge from this first session it was: how do we focus the Commission’s contributions to be most strategic and to ensure impact and so, to quote Susan from her opening comments, we can contribute to “the shared mission of protecting the rights of persons with disabilities and ensuring their full inclusion and participation in society”.

# Session 1: Issues affecting the Rights of People with Disabilities

* We then moved into discussion about the range of substantive issues facing persons with disabilities – informed by the results of the survey conducted prior to the Forum. The full [Summary of Survey Results](https://www.humanrights.gov.au/publications/national-disability-forum-2014-summary-survey-results) is available on our website.
* Below are some of the recurring themes that were discussed in this session:
* Upfront, it is important to note that the rights issues facing persons with disabilities are interconnected. In particular, barriers encountered in relation to access to services, education and employment were interlinked with negative attitudes, stereotypes and discrimination.
* The key issues faced by persons with disabilities also differ depending on the type of disability that a person has, their geographic location, age and other factors.
* Most of the panellists in that session indicated that they were not surprised at the issues that came out of the survey – which also indicates something fairly important and to which I will return at the end: that is, that basically, we have a high degree of awareness of many key issues that exist.
* The panel and discussion also identified two interrelated sets of challenges to be faced:
  + First, addressing the discrete issues that are disability and context specific – such as in rural areas, or regarding accessibility of technology etc.
  + Second, addressing the broader systematic concerns that apply across issues.
* Panellist Rosemary Kayess (UNSW) described these as “vertical and horizontal challenges”.

# Session 2: Employment and People with Disabilities

* We then moved into a discussion about the key issues relating to disability and employment.
* In the discussions, panellists Mark Bagshaw (Innov8 Consulting Group) and Suzanne Colbert (Australian Network on Disability) both put powerful arguments about the need to re-imagine what ‘normal’ is in the disability employment space. Suzanne referred to the system as “transactional”, where persons with disabilities are not at the centre. Mark referred to the situation as “Groundhog Day”, with the same issues having been discussed for decades.
* There was a lot of focus on the cultural challenges of getting persons with disabilities into employment, including:
  + Creating disability confident workplaces;
  + Achieving senior leadership and ownership for better outcomes;
  + Provision of information to dispel myths and to have the basic information to know what questions to ask and what steps can be taken for reasonable adjustment;
  + Mentoring;
  + Understanding the gender dimensions to employment – and the different supports that may be needed for women with disabilities; and
  + Similarly, understanding cultural contexts for people with disabilities from linguistically and culturally diverse backgrounds.
* Some basic issues that were raised included:
  + Promoting better disclosure;
  + Addressing procurement requirements in the public service to ensure accessibility of technology, as well as the possibility of targets or quotas (although there were different opinions on this issue);
  + Creating greater awareness of existing supports, such as for reasonable adjustment; and
  + Providing better information for people to understand their rights, especially where English is not someone’s first language.
* Matthew Wright (Australian Federation of Disability Organisations) talked about the current system being without consequences for lack of compliance.
* Matthew Bowden (People with Disability Australia) also provided a thought-provoking discussion about Australian Disability Enterprises and re-imagining them along the lines of the National Disability Insurance Scheme as individualised funding packages, which promote free choice and greater control for persons with disabilities.
* We started the employment session with comments by Joel Wilson, currently unemployed because of the nature of his cognitive disability which really showed in a very powerful way what employers are missing out on.
* So moving forward, if I can add a few comments about what the Commission currently has on foot as well as some events that are upcoming.
* There are a number of regular processes that we are engaged in:
  + **Parliamentary scrutiny of legislation for compliance with the Convention on the Rights of Persons with Disabilities**: For example, there are some Bills relating to welfare reform that raise potential issues in this regard that are currently being considered.
  + **Education work**: For example, the development of training materials through our Education Team for the NSW government on the CRPD to look at how the CRPD is integrated into service delivery, particularly since the passage in NSW of the Disability Inclusion Act and the commencement of the NDIS trial in the Hunter region. We will also be launching three sets of education resources from the *20 Years 20 Stories* project. These are for Health and PE; Years 9/10 - Discrimination in Sport; Years 7/8 -  Inclusion and Sport; and Year 7 – Geography: Accessibility and Liveability.
  + **International engagement**: Preparation of materials for the UN Committee Against Torture; Beijing +20 in March 2015; Preparation for Australia’s appearance before the UN Human Rights Council for the 2nd round of the Universal Periodic Review in 2015 – the deadline for submissions to the UN for that is March 2015 and preparations are now underway.
  + **As well as core work**: Processing of exemptions under the DDA, and of course our mandatory and core work of conciliating and investigating complaints – with complaints under the DDA continuing to occupy the highest proportion of complaints that we receive.
* There are also a few tangible activities that were identified during the day that could be progressed over the next twelve months:
  + A focus on procurement policies in the Commonwealth public service, particularly as they relate to accessible technology;
  + Working with the Australian Network on Disability to develop guidance materials for employers; and
  + A focus on the ‘big concept’ of re-imagining what disability is and its place in society.

# Conclusion

This forum marks:

* The formal beginning of Commissioner Ryan’s term as Age and Disability Discrimination Commissioner;
* It demonstrates a heartfelt and deep commitment to engagement by Commissioner Ryan and the Commission as a whole;
* It has offered guidance for the development of Commissioner Ryan’s work program; and
* One question to be considered further is whether forums of this type, national, annual, issues specific, at a state level etc – would form an appropriate way of strengthening engagement with the sector?

# Additional points raised

Participants then had the opportunity to raise any additional points that might have been missed.

The following points were emphasised:

* The need for a consistent and uniform approach to the translation and interpretation of resources.
* The critical importance of government leadership.
* The need to support youth engagement in disability issues.
* Longer time-frames for future forums including the provision of materials in Easy Read format.
* Participants were generally positive about the idea of holding future forums in other states. Specific points included:
  + The need to maintain continuity and follow-up from previous forums;
  + The importance of keeping people informed about developments, particularly through the Commission website; and
  + The possibility of using these interstate forum trips as an opportunity to visit people in residential care and self-advocacy groups, who are not supported to attend such events.
* The Commission to focus strategically on a few key disability rights issues and to bring the disabilities sector together on those issues.
* The Commission to build up its database on employer groups.
* The disabilities sector to get together and start action about what they want to happen after Commissioner Ryan’s 12 month appointment.