

May 2016

**Subject: Australian Response to OHCHR Questionnaire pursuant to HRC Resolution 26/20**

The Department of Foreign Affairs and Trade hereby presents the Australian Government’s response to the Office of the High Commissioner of Human Rights’ (OHCHR) Questionnaire pursuant to Human Rights Council (HRC) Resolution 26/20, which renewed the mandate of the Special Rapporteur on the rights of persons with disabilities.

**Question 1**

1. Please provide information on how your country is considering the rights of persons with disabilities in their **policies aimed at** **implementing and monitoring the Sustainable Development Goals**, including:

* Existing national strategies and action plans,
* Budget allocation for their implementation,
* Existing mechanisms or frameworks to monitor their implementation,
* How do these strategies/plans take into consideration the situation of women and girls with disabilities, and of children and older persons with disabilities?
* How is the participation of persons with disabilities and their representative organizations ensured in the development and implementation of such strategies/plans?

The Australian Government is committed to creating a more inclusive Australian society, where people with disability have access to the same opportunities as other Australians. This includes a quality education, employment, housing, health care, as well as access to the full range of services and supports they may need to participate in community life. We aim to create and support enabling environments for people with disability, not only to help meet their aspirations, but to build an inclusive and productive society.

The total government expenditure on disability services (state/territory administered disability services, Australian Government employment services, administration costs and capital grants) was $8.0 billion in 2014-15, a real increase of 5.1 per cent on expenditure of $7.5 billion in 2013-14. The state and territory governments funded 70.3 per cent ($5.6 billion) of disability services while the Australian Government funded 29.7 per cent ($2.4 billion, which included $1.4 billion in transfer payments to states and territories).

Income support payments and allowances to people with disability and their carers in 2014-15 (on an accrual basis) amounted to $ 24.1 billion, comprising $16.5 billion for the Disability Support Pension, $4.6 billion for the Carer Payment, $2.1 billion for the Carer Allowance, $105.9 million for the Sickness Allowance, $155.4 million for the Mobility Allowance, $171.0 million for the Child Disability Assistance Payment and $551.7 million for the Carer Supplement.

The total funding committed to the National Disability Insurance Scheme (NDIS) for 2014-15 was $456.9 million, including cash and in-kind contributions.

**National Disability Strategy**

In Australia, the *National Disability Strategy 2010-2020* (the strategy) is the framework for driving disability reform and improving the life outcomes of people with disability. It is an important mechanism to ensure that the principles underpinning the United Nations *Convention on the Rights of Persons with Disabilities* (CRPD) are incorporated into policies and programmes affecting people with disability, their families and carers.

At the heart of the strategy is the creation of a more inclusive approach to the design of policies, programmes and infrastructure so that people with disability can actively participate in community life. This means improving access to key mainstream services and supports from education, employment and health care, to housing, transport, public buildings, as well as social and cultural events.

The National Disability Insurance Scheme (NDIS) is an important area of policy action under the Strategy. While the NDIS represents a significant step forward for many people with disability, the strategy remains the key to achieving improvements in access to mainstream services and support for all people with disability. These mainstream reforms are an essential element in the successful introduction of the NDIS, both for participants in the scheme and for the many people with disability who may not be participants.

The strategy seeks to promote, uphold and protect the rights of people with disability by committing to a range of action areas designed to improve the accessibility of communities across Australia. This includes monitoring adherence to, and evaluating the effectiveness of, accessibility standards. It also includes efforts to increase the adoption of universal design into the development of community resources from parks to houses, to shopping centres and sporting arenas, as well as the internet and other communication and information systems.

A central outcome of the strategy is to ensure that people with disability, their families and carers have economic security, enabling them to plan for the future and exercise choice and control over their lives. The Strategy recognises that work is essential to a person’s economic security and contributes to their personal wellbeing and social inclusion.

Implementation of the strategy is guided by three separate implementation plans, covering the periods 2011-2014, 2015-2018 and 2019-2020. The first implementation plan, *Laying the Groundwork 2011-2014*, was released as part of the *National Disability Strategy 2010-2020 Report* *to the Council of Australian Governments (COAG) 2012*.

The *National Disability Strategy 2010-2020 Progress Report to the Council of Australian Governments 2014* was released in December 2015. The progress report highlights outcomes and achievements under the strategy’s first implementation plan, and is the first of four two-yearly progress reports to COAG (next due in 2016, 2018 and 2020).

The strategy’s progress reports use baseline population trend data to monitor and track national progress against the strategy’s six policy outcome areas. They also include:

* feedback from people with disability, their families and carers and their representative organisations on the implementation of the strategy
* feedback from Commonwealth, state and territory Disability Services Ministers on achievements under the strategy, and
* a review of progress of current actions.

The Australian Government is currently developing the strategy’s second implementation plan, ‘*Driving Action 2015-2018*’. The second implementation plan will be supported by an Australian Government action plan, state and territory disability plans, local government plans, and an Australian Government plan to improve outcomes for Aboriginal and Torres Strait Islander people with disability.

The strategy recognises that not all people with disability are alike. People with disability have specific needs, priorities and perspectives based on their personal circumstances, including the type and level of support required, education, sex, age, sexuality, and ethnic or cultural background. Some experience multiple disadvantages. Sex, race and age can significantly impact on the experience of disability.

Women and men with disability often face different challenges by reason of their sex, or experience the same issues in different ways. For example, women and men with disability are likely to experience violence in different ways and so need different supports.

Aboriginal and Torres Strait Islander Australians experience higher rates of disability than do other Australians. After taking into account age differences between the Indigenous and non-Indigenous populations, the rate of disability among Aboriginal and Torres Strait Islander Australians is almost twice as high as that among non-Indigenous people. Strategies for improving outcomes for Aboriginal and Torres Strait Islander Australians need to tackle specific barriers faced by Aboriginal and Torres Strait Islander Australians with disability.

People from culturally and linguistically diverse backgrounds—in particular newly arrived migrants such as refugees and special humanitarian entrants—can be particularly vulnerable. Those with disability are likely to experience multiple disadvantages. Lack of accessible information, communication difficulties or cultural sensitivities and differences can create barriers to services and support.

Additional stresses are often faced by people living in rural and remote areas. Remote areas are characterised by low population density and a lack of access to larger service centres and transport routes. This can limit equity and access to services, and where services are available, providers sometimes face difficulties in recruiting and retaining an appropriately qualified workforce. The characteristics of rural and remote areas can provide challenges for people with disability that are distinctly different from those for people who live in metropolitan areas.[[1]](#footnote-1)

**National Plan to Reduce Violence against Women and their Children 2010-2022**

Australia’s *National Plan to Reduce Violence against Women and their Children 2010-2022* (the National Plan) has a strong focus on preventing violence from occurring in the first place, while supporting women who have experienced or are at risk of violence. The National Plan recognises that women with disability experience higher levels of domestic violence, family violence and sexual assault than other women and that violence is likely to be more severe and continue for longer periods.

Under the National Plan, the Government is working to better identify, support and respond to women with disability experiencing, or at risk of, domestic and family violence and sexual assault. For example, under the National Plan’s First Action Plan, the Australia Government funded the Stop the Violence Project (STVP) to investigate and promote ways to improve access to and responses by services for women with disability experiencing or at risk of violence. As part of the STVP, Australia held a *National Symposium on Violence against Women and Girls with Disabilities*.

STVP was national in scope and laid the groundwork for improved service provision for women and girls with disability who are experiencing, or are at risk of, violence. As an outcome of the STVP, the Government is working to build on and enhance the high quality of services provided by 1800RESPECT (Australia’s National SexualAssault, Domestic and Family Violence Counselling Service) to make sure the needs of women with disability who have experienced, or are at risk of, domestic and family violence and/or sexual assault are met.

Further, the Government is working to build the evidence-base on diverse experiences of violence, including for women with disability. The Government is funding Australia’s National Research Organisation (ANROWS) to deliver a state of knowledge paper on the diverse experiences of violence against culturally and linguistically diverse (CALD) women, Indigenous women and women with disability, and make recommendations to improve the available data.

The Second Action Plan of the National Plan is at the final phase of implementation. Work is underway to develop the Third Action Plan, which is planned for release later in 2016. The Government announced an additional $100 million to support initiatives under the Third Action Plan. The Third Action Plan will progress activities commenced during the First and Second Action Plans and will also include new initiatives.

In developing the Third Action Plan, governments are talking to experts across the country about what needs to be done at this particular point in time to reduce domestic and family violence and sexual assault. Consultations have included a roundtable with key stakeholders in the disability sector. Reducing violence against women with disability will continue to be considered during development of the Third Action Plan of the National Plan.

**Participation of persons with disabilities and their representative organizations**

As one of its key principles, the strategy states that “the views of people with disability are central to the design, funding, delivery and evaluation of policies, programs and services which impact on them, with appropriate support and adjustment for participation”[[2]](#footnote-2).

In 2015, the Australian Government established a new ‘disability peaks funding model’ comprising five disability people’s organisations representing cross-disability, women with disability, children and young people with disability, Aboriginal and Torres Strait Islander People with Disability, and people with disability from Culturally and Linguistically Diverse backgrounds.

The new ‘disability peaks funding model’ represents the interests and views of all people with disability within the one framework that recognises that disability is more a reflection of social barriers and discrimination, rather than a person’s medical condition or impairment.

Four of the peak Disabled People’s Organisations have formed the Australian Cross Disability Alliance:

* People with Disability Australia
* First Peoples Disability Network
* National Ethnic Disability Alliance, and
* Women with Disability Australia.

People with Disability Australia (PWDA) is funded as a national cross-disability peak and advocacy organisation representing the interests of people with all kinds of disability. Founded in 1981, the International Year of Disabled Persons, PWDA seeks to provide people with disability with a voice of their own.

First Peoples Disability Network (FPDN) is funded to represent and provide a voice for Aboriginal and Torres Strait Islander people with disability and their families, through providing advice to the government and non-government sectors about the unmet needs of Aboriginal and Torres Strait Islander people with disability can be best met, and advice on breaking down barriers and improving social and economic participation for Aboriginal and Torres Strait Islander people with disability.

National Ethnic Disability Alliance (NEDA) is funded as the national voice advocating for the rights and interests of people from non-English speaking background with disability, their families and carers throughout Australia. It works towards an inclusive Australia where cultural diversity and disability rights are valued as essential aspects of an equitable society.

Women with Disabilities Australia (WWDA) is funded as the peak organisation for women with all types of disabilities in Australia. WWDA’s work is grounded in a human rights based framework which links gender and disability issues to a full range of civil, political, economic, social and cultural rights. This rights based approach recognises that equal treatment, equal opportunity, and non-discrimination provide for inclusive opportunities for women and girls with disabilities in society. It also seeks to create greater awareness among governments and other relevant institutions of their obligations to fulfil, respect, protect and promote human rights and to support and empower women with disabilities, both individually and collectively, to claim their rights.

Children and Young People with Disability Australia (CYDA) is also funded separately to represent, and provide a link between the direct experiences of, children and young people with disability and their families to Government and other key stakeholders. CYDA will work collaboratively with the Alliance on areas of shared interest and opportunities to advance the rights of people with disability. Through systemic advocacy CYDA aims to create change and engender a true appreciation of the experiences and challenges that make up the lives of children with a disability and their families; provide children with a disability with the opportunity to live meaningful and fulfilling lives within safe, supportive and appropriate environments; and support families to provide the necessary care and support to children with a disability.

**Open employment via Disability Employment Services (DES)**

The Australian Government contracts Disability Employment Services (DES) providers to deliver uncapped, open employment services for job seekers with disability. This includes individualised, tailored assistance and supports with an emphasis on employment, skills development, education and training, and informed choice.

Eligibility for DES is determined by an independent assessment of a jobseeker’s barriers to employment. Jobseekers with disability, injury or health condition who are assessed as being able to work at least eight hours per week in open employment may be referred to DES. DES includes:

* Disability Management Service (DMS) – providing services to eligible jobseekers who require the assistance of a disability employment service but who are not expected to need regular, long-term support in the workplace, and
* Employment Support Service (ESS) – available to eligible jobseekers with permanent disability who are assessed as needing regular long-term ongoing support in the workplace.

Alternatively, jobseekers with disability can receive open employment assistance through the Department of Employment Jobactive programme, which is available to all Australian jobseekers.

Over four years from 2015-16, the Australian Government will invest approximately $3.8 billion in DES and associated services to provide open employment opportunities for people with disability.

As at 31 March 2016, there were over 179,000 participants in the DES programme. Since the introduction of the programme in March 2010, Australians with disability have been assisted into over 302,000 paid job placements.

The Government also funds a range of services targeted to support employers to employ people with disability, referred to as Employment Assistance and Other Services, which includes the Employment Assistance Fund, the Supported Wage System, the Wage Subsidy Scheme and the National Disability Recruitment Coordinator.

The Government has provided information to help jobseekers choose from local DES providers. The Star Ratings performance of each site, based on a range of outcomes, is made available and jobseekers are able to add public comments about their own experiences. The Government has recently engaged a Disability Employment Taskforce to conduct community discussions with a range of stakeholders about possible improvements to DES services.

**Supported Employment via Australian Disability Enterprises (ADEs)**

ADEs are commercial businesses that receive funding from the Australian Government to provide supported employment assistance to people with moderate to severe disability who face barriers to working in the open labour market but who are able to work for at least eight hours per week in a supported environment.

Over $650 million is being invested in ADEs over the next three years. In 2014–15, 186 ADEs received funding of $219.3 million to provide supported employment to nearly 21,000 people with disability in 295 outlets across Australia. Australian Government funding is provided to fund the types of support that individuals may require in the workplace including frequent prompting, occupational health and safety assistance, and ongoing close supervision to undertake their work tasks.

People with disability working in ADEs receive employment support based on their individual assessed need. ADEs enable people with disability to engage in a wide variety of work tasks, for example, garden maintenance, cleaning services, and food services. ADEs sell their products and services to a wide customer base, including business and government.

In 2014-15, 186 ADEs received funding of $219.3 million to provide supported employment to nearly 21,000 people with disability in 295 outlets across Australia. The types of support these individuals may require in the workplace include frequent prompting, occupational health and safety assistance, and ongoing close supervision to undertake their work tasks. The purpose of the Australian Government funding provided is to deliver this support.

**Supported Employment in the National Disability Insurance Scheme (NDIS)**

The introduction of the NDIS will foster increased economic participation of people with disability, who have the capacity to work, and their carers by providing reasonable and necessary supports to help them achieve their goals.

Funding for supported employment will gradually transition to the NDIS over time, and the priority is to ensure continuity of employment support for people with disability working in ADEs. DES and Jobactive will continue to be the providers of mainstream employment services for people with disability who are seeking work in open employment. However, one element of DES, Work Based Personal Assistance (WBPA) is being delivered via the NDIS.

**Development for All**

The Minister for Foreign Affairs, the Hon. Julie Bishop, launched ‘*Development for All 2015-2020: Strategy for strengthening disability-inclusive in Australia’s Aid Program*’ on 25 May 2015, which seeks to support people with disabilities in developing countries to improve the quality of their lives. This builds on our well-regarded first disability-inclusive development strategy ‘*Development for All: Towards a disability-inclusive Australian aid program 2009-2014*’.

*Development for All 2015-2020* aims to promote improved quality of life of people with disabilities in developing countries, through: (1) enhanced empowerment, leadership and decision-making in community, government and the private sector; (2) reduced poverty for people with disabilities; and (3) improved equality in all areas of public life (including service provision, education and employment).

*Development for All 2015-2020* supports Australia’s broader aid strategy to promote poverty reduction through sustainable economic development by building skills, creating jobs and fostering economic growth in the Indo-Pacific region. It identifies key opportunities where disability-inclusive development can be strengthened within the priorities of the aid program. These opportunities highlight where Australia can make the most difference, based on the key disability-inclusive development challenges within our region, our achievements to date and our recognised expertise.

To maximise effectiveness, implementation of *Development for All 2015-2020* is underpinned by four guiding principles. It continues to promote active participation and leadership by people with disabilities across the aid program – “nothing about us without us”. This includes working with disabled people’s organisations to build capacity and promote leadership and decision-making by people with disabilities at all levels. We have also continued our focus on building an evidence base to inform policy and programs, including supporting the collection of consistent, internationally comparable disability data. *Development for All 2015-2020* also recognises the interaction between gender and disability, and the need to improve inclusion of people with a diverse range of disabilities.

Implementation of the *Development for All 2015-2020* is guided and informed by the UN CRPD, particularly Article 32.

**Question 2**

1. Please provide information on the **legislative and policy framework in place in your country concerning non-discrimination**, including:

* Whether “disability” is specifically mentioned as a prohibited ground of discrimination,
* The existence of any budgetary mechanism to ensure the provision of reasonable accommodation by public entities,
* Whether the denial of provision of reasonable accommodation amounts to discrimination,
* The existence of any affirmative action measures for persons with disabilities,
* The existence of any legal, administrative or other effective remedies available for persons who have been subject of discrimination on the basis of disability (including denial of reasonable accommodation),
* The establishment of governmental agencies or other similar institutions to guarantee to persons with disabilities equal and effective protection against discrimination.

The CRPD came into force in Australia on 16 August 2008. Australia is proud to be a longstanding party to this Convention.

Australia was an active participant and leader in the development of the CRPD and was one of the first developed countries to ratify it in July 2008. Ratification reinforced Australia’s longstanding commitment to upholding the rights of people with disability to equal treatment and to participate as fully as possible in community life, free from discrimination. Ratification also served an important educative purpose; fostering a more inclusive society and further encouraging the participation of people with disability in the community, improving the self-esteem of people with disability and enabling them to enjoy dignity and respect.

As mentioned earlier, the *National Disability Strategy* is Australia’s primary mechanism for ensuring that the principles underpinning the CRPD are incorporated into policies and programmes affecting people with disability, their families and carers.

Prohibitions on disability discrimination are well-established in Australian law at both the Federal and State and Territory levels. At the Commonwealth level, the *Disability Discrimination Act 1992* makes it unlawful to discriminate in a number of areas of public life, such as employment, education, the provisions of goods and services and facilities, accommodation and the implementation of federal laws and programs.

‘Disability’ is broadly defined and includes past, present and future disabilities, including a genetic predisposition to a disability, as well as imputed disabilities.

‘Disability’ also expressly includes behaviour that is a manifestation of the disability (for example, behaviours which may result from psychosocial disability) and matters relating to having a disability (for example, having a carer or an assistance animal).

Equivalent State and Territory anti-discrimination laws have similar, broad, definitions of ‘disability’.

**Reasonable Accommodation**

All disability discrimination legislation in Australia requires reasonable accommodation, although the terminology differs across jurisdictions. For example, in the Commonwealth Disability Discrimination Act ‘reasonable adjustments’ are required.

In each of the protected areas of public life, a failure to make ‘reasonable adjustments’ to ensure that a person with a disability is treated in the same manner or has similar opportunities as a person without a disability is also discrimination. A reasonable adjustment is anything that does not cause unjustifiable hardship. The Commonwealth Disability Discrimination Act (section 11) contains a list of factors to consider when determining whether an adjustment will cause unjustifiable hardship, including:

* the nature of the benefit or detriment likely to accrue to, or to be suffered by, any person concerned
* the effect of the disability on any person concerned
* the financial circumstances, and the estimated amount of expenditure required to be made, by the first person, and
* the availability of financial and other assistance to the first person.

Our National Human Rights Institution, the Australian Human Rights Commission has the ability to investigate and conciliate complaints of disability discrimination under the Disability Discrimination Act. Where conciliation fails, there is a right to take the matter to the Federal Court.

The Parliamentary Joint Committee on Human Rights, established on 13 March 2012 under the *Human Rights (Parliamentary Scrutiny) Act 2011*, examines the compatibility of Commonwealth Bills, disallowable legislative instruments and existing legislation with Australia’s international human rights obligation, including the Convention on the Rights of Persons with Disabilities.

**Disability Standards**

Disability standards in relation to public transport, education and premises give further precision to the rights and obligations under that Act in specific circumstances, and provide greater certainty about how to comply with the Act, including providing reasonable adjustments.

Three disability standards are in place:

* *Disability Standards for Accessible Public Transport 2002*, which came into effect on 23 October 2002
* *Disability Standards for Education*, which came in effect on 18 August 2005, and
* *Disability (Access to Premises – Buildings) Standards 2010*, which came into effect on 1 May 2011.

**Question 3**

1. Please provide information on the **legislative and policy framework in place in your country concerning accessibility for persons with disabilities** in relation to the physical environment, transportation, information and communications, and to other facilities and services; including:

* The existence of national standards, guidelines, and regulations on accessibility and universal design, including access to Information and Communication Technologies,
* The existence of time bound action plans to make public and private facilities and services accessible for persons with disabilities,
* The existence of accessibility requirements for public procurement,
* The existence of any enforcement mechanism of accessibility standards,
* The provision of training on accessibility issues for State officials and other actors.

**The Disability Standards**

The Government considers that all people with disability have the right to participate fully in community life. To this end a series of Disability Standards have been formulated under the *Disability Discrimination Act 1992* to guide its implementation in specific circumstances. The effectiveness and efficiency of each standard is reviewed every 5 years. Not complying with a disability standard is unlawful under the DDA and dealt with by the ordinary discrimination complaints regime through the Australian Human Rights Commission.

**The Disability (Access to Premises – Buildings) Standards 2010 (Premises Standards)**

The *Disability (Access to Premises – Buildings) Standards 2010* provide a nationally applicable set of provisions that detail what must be done to provide for non-discriminatory access to public buildings for people with disability. Importantly, they bring together the access requirements under the Disability Discrimination Act and building law. The Premises Standards apply prospectively to all new buildings and where new work is undertaken on an existing building.

The Australian Government is currently reviewing the effectiveness of the Premises Standards to ensure they achieve their objectives. The review is being undertaken by the Department of Industry, Innovation and Science, in consultation with the Attorney General’s Department. The review report was provided to the Minister for Industry, Innovation and Science and the Attorney-General by the legislated date of 1 May 2016. Decisions in relation to the release of the review report and an Australian Government response to the review report will be made by Ministers in due course.

**The Disability Standards for Education**

The Australian Government has also put in place the *Disability Standards for Education 2005* (the Standards) to ensure that students with disability can access and participate in education on the same basis as other students. The Standards also explain the obligations of education and training providers including schools towards students with disability.

Under the Standards, all education providers are required to make reasonable adjustments to assist students with disability to participate in education on the same basis as other students. The Standards explain that the term ‘on the same basis’ means that a student with disability must have opportunities and choices which are comparable with those offered to students without disability. This applies to:

* admission or enrolment through an education provider
* participation in courses or programmes, and
* use of facilities and services.

Education providers have obligations under the Standards, which include making reasonable adjustments, consultation with the student and the student’s family, and eliminating harassment and victimisation towards students with disability. These obligations are described under four categories:

* enrolment
* participation
* curriculum development, accreditation and delivery, and
* student support services.

The final report on the second review of the Education Standards and the Australian Government initial response was publicly released by the Australian Government 3 December 2015. The 2015 Review recognised progress has been made since the 2010 Review in raising awareness of the Standards with educators through various initiatives and resources.

**Disability Standards for Accessible Public Transport**

The Transport Standards came into effect in 2002. The Transport Standards set the framework for public transport operators and providers to remove discrimination against people with disability to access public transport services. The Transport Standards seek to provide certainty to operators and providers of public transport services and infrastructure. The Transport Standards cover an enterprise that conveys members of the public by land, water or air and includes both publicly and privately owned services. The Transport Standards set progressive compliance timeframes between 2007 and 2032 for different sectors of transport.

The final report on the second review of the Transport Standards and the Australian Government response was publicly released by the Australian Government on 10 July 2015. The Government response recognised that, while the Transport Standards continue to be effective in encouraging investment in public transport systems, progress occurs at an uneven rate depending on the location, population and demand for accessible public transport. The Government committed to commencing a process for updating the Transport Standards which will involve close consultation with industry, all levels of government and the disability sector.

**Action plans**

Under the Disability Discrimination Act, service providers and organisations may develop Action Plans to eliminate discriminatory practices. These may be given to the Australian Human Rights Commission. An Action Plan is a strategy for changing practices within an organisation which might result in discrimination (intentional or unintentional) against people with disabilities. Over 500 plans are available on the Commission’s website. These plans have been developed by businesses, the transport sector, the telecommunications sector, schools, universities and all levels of Government.

**Access to Information and Communication Technologies**

The National Disability Strategy covers all aspects of access for people with disability, including access to information.

Within the early years of the Strategy, the Australian Government had a four year National Transition Strategy for Web Accessibility (NTS)[[3]](#footnote-3). The NTS was intended to assist Australian Government agencies to transition to a set of Web Content Accessibility Guidelines 2.0 (WCAG 2.0)[[4]](#footnote-4). Agencies were expected to continue applying WCAG 2.0 after the NTS concluded at the end of 2014.

The Australian Government Digital Transformation Office (DTO) has recently released the Digital Service Standard[[5]](#footnote-5), to “ensure digital teams build government services that are simpler, clearer and faster for all users”; all users includes people with disability.

Criteria 9 of the Digital Service Standard addresses accessibility and requires all in-scope services to “ensure the service is accessible to all users regardless of their ability and environment”. The guidance for Criteria 9 refers to WCAG 2.0.

**Question 4**

1. Please provide information on the **legislative and policy framework in place in your country concerning support services for persons with disabilities**, including:

* The diversity and coverage of services available (e.g., services for supported decision-making, communication, mobility, personal support, housing and living arrangements, access to general services such as education, employment, justice and health; and other community services),
* The availability of certified sign language interpreters,
* The types of service delivery arrangements (e.g. direct provision, public-private partnerships, partnerships with community-based or non-government organizations, contracting out, privatization),
* The financial mechanisms to ensure affordability of support services for all, persons with disabilities,
* How services enable direct choice and control of users with disabilities?

**The financial mechanisms to ensure affordability of support services for all, persons with disabilities**

The Australian Government provides financial support to people with disability who are unable to support themselves due to their level of impairment. The Disability Support Pension (DSP) is designed to give people an adequate means of support if they have a permanent physical, intellectual or psychiatric impairment which attracts at least 20 points under the Impairment Tables. The person must also be assessed as being unable to work for 15 or more hours per week, for at least the next two years, because of their impairment.

As at 20 March 2016, DSP is paid at a basic rate of $794.80 per fortnight for single recipients and $599.10 per fortnight each for members of a couple. Different rates are paid to DSP recipients who are under 21 depending on their circumstances.

In certain circumstances, people with a disability aged 16 or over who cannot use public transport without substantial assistance may also receive a Mobility Allowance of between $93.20 and $130.30 per fortnight.

DSP recipients may also receive Rent Assistance of up to $130.40 depending on their circumstances.

Eligible people may also be paid a yearly Essential Medical Equipment Payment of $149 to assist with additional costs in home energy as a result of the need to operate essential medical equipment or medically required heating/cooling.

People who receive DSP are also eligible to receive a Pension Concession Card that gives access to Australian Government health concessions as well as help with the cost of living by reducing the cost of certain goods and services.

People with disabilities who are not receiving DSP, but are receiving another Australian Government income support payment or have a low income, may receive a Health Care Card which gives access to cheaper prescription medicines under the Pharmaceutical Benefits Scheme and to various concessions from the Australian Government.

**National Standards for Disability Services (NSDS)**

In December 2013, all Australian jurisdictions endorsed a revised set of National Standards for Disability Services (NSDS). The revised standards were passed by the Australian Senate in mid-2014 via the Disability Services Act (National Standards for Disability Services) Determination 2014 and are now applicable to all employment services for people with disability and Commonwealth funded advocacy services.

These revised standards better reflect contemporary organisational practices, modernise language and concepts, focus on promoting person-centred approaches and human rights and emphasise outcomes for service users.

There are six National Standards.

1. **Rights:** The service promotes individual rights to freedom of expression, self-determination and decision-making and actively prevents abuse, harm, neglect and violence.
2. **Participation and Inclusion:** The service works with individuals and families, friends and carers to promote opportunities for meaningful participation and active inclusion in society.
3. **Individual Outcomes:** Services and supports are assessed, planned, delivered and reviewed to build on individual strengths and enable individuals to reach their goals.
4. **Feedback and Complaints:** Regular feedback is sought and used to inform individual and organisation-wide service reviews and improvement.
5. **Service Access:** The service manages access, commencement and leaving a service in a transparent, fair, equal and responsive way.
6. **Service Management:** The service has effective and accountable service management and leadership to maximise outcomes for individuals.

The NSDS were developed with the National Disability Insurance Scheme (NDIS) in mind. While some jurisdictions have adopted the NSDS others are mapping existing standards to them. Each jurisdiction has agreed to maintain existing quality and safeguarding arrangements until a framework has been finalised for the NDIS.

National Disability Services (NDS) is the peak body representing disability service providers to provide Government with advice from the services that support people with disability so their service needs can be met.

**The National Disability Insurance Scheme (NDIS)**

The Australian Government has introduced the NDIS which, when fully rolled out by 2019-20, will provide support to approximately 460,000 people with significant and permanent disability.

The NDIS represents a very significant change to the way people with disability are supported.

The scheme aims to ensure that people with disability will receive supports based on their needs, they will have choice and control over that support and the costs are controlled through an insurance approach.

The Commonwealth has now signed bilateral agreements for the transition to full scheme with New South Wales (NSW), Victoria, Queensland, South Australia (SA), Tasmania and Northern Territory. The Commonwealth is committed to finalising arrangements for the State-wide roll-out of the NDIS in Western Australia. The comparative trials will be extended for 12 months and expanded to cover new geographical areas in order to continue to move towards full state-wide roll-out.

The transition to full scheme is an extremely complex venture, with the roll-out of the scheme from the current 22,000 people in trial sites as at 31 December 2015 to about 460,000 people in 2019-20.

These arrangements provide certainty for around 90 per cent of the 460,000 Australians expected to be eligible for the NDIS.

The *National Disability Insurance Scheme Act 2013* (the Act) creates the framework for the NDIS, including eligibility criteria, age requirements, and what constitutes reasonable and necessary support. The framework set up by the legislation is supported by detailed rules that keep it flexible and allow it to be adapted. The Act also gives effect in part to Australia’s obligations under the CRPD.

The Act establishes the National Disability Insurance Agency (NDIA) as an independent body to deliver the scheme. Its Board is advised by an independent Advisory Council consisting of people with disability, carers and service providers to make sure that everyone has their voice heard. The NDIA will work with people with disability to develop a personal plan that identifies their goals and aspirations, recognises the support they receive from family and friends, and provides a statement of the support they will receive through the scheme. The legislation also supports people to manage their own funding where they choose to do so. The legislation has recently been reviewed after two years to make sure that our work to build a national scheme is informed by the evidence of what works.

**The availability of certified sign language interpreters**

The National Auslan Interpreter Booking and Payment Service (NABS)[[6]](#footnote-6) provides accredited Auslan (Australian Sign Language) interpreters to deaf Auslan users free of charge when they attend private medical consultations, including medical practitioners, specialists and other private health care providers that attract a Medicare rebate[[7]](#footnote-7). Consultations that occur in private or public hospitals are not covered by the NABS service. There is only one national service provider, Wesley Mission Brisbane, which administers the NABS[[8]](#footnote-8).

As part of the NABS funding agreement, Wesley Mission must ensure that all NABS Auslan interpreters:

* are National Accreditation Authority for Translators and Interpreters Ltd (NAATI) accredited at Para-professional level or Professional level
* abide by the Australian Institute of Interpreters and Translators Incorporated (AUSIT) Code of Ethics for Interpreters and Translators
* be covered by professional indemnity insurance, and
* adhere to appropriate Occupational Health and Safety regulations.

The National Accreditation Authority for Translators and Interpreters (NAATI) is a company jointly owned by the Commonwealth and State and Territory Governments. NAATI provides accreditation for translators and interpreters in over 60 languages, including Auslan.

**Question 5**

1. Please provide any **other relevant information** (including information from surveys, censuses, and administrative data – statistics, reports, and studies), in relation to the **implementation of existing disability-inclusive policies and action plans in your country**.

Australia’s primary source of information about people with a disability is the Survey of Disability, Ageing and Carers (SDAC) conducted by the ABS. This collection has identified that the prevalence of disability in Australia was 18.3% in 2015, a figure that has been fairly consistent over the 30 years that ABS has been conducting the survey. The relatively high estimate of disability compared to other national estimates is testament to the effectiveness of the approach used in Australia.

Australia has been collecting detailed disability information since the 1970s, and has developed three disability collection models, each inter-connected but distinct in purpose and output. The collection and maintenance of information has enabled the Australia to meet aspects of Article 31 of the UN CRPD.

Data collection is used to assist in developing the evidence base for policy development, service delivery and program administration activities regarding disability and carers issues. The Australian Government makes disaggregated information available to policy makers and researchers as well as the general public.

**Survey of Disability, Ageing and Carers (SDAC)**

The SDAC has been conducted at regular intervals since 1981, and the first results from the 2015 survey have just been released. The survey has been designed to measure (i) the prevalence of disability, and priorities for carer support; (ii) a demographic and socio-economic profile of people with disability, older people and carers compared with the general population; and (iii) people who provide care to older people and people with a disability.

It is the most detailed and comprehensive source of disability data in the ABS and considered the ‘gold-standard’ for population based disability information in Australia. Based on the International Classification of Functioning, Disability and Health (ICF), collecting disability data is defined for the survey as an umbrella term for impairments, activity limitations and participation restrictions. It denotes the negative aspects of the interaction between an individual (with a health condition) and that individual's contextual factors (environment and personal factors). In the survey, a person has a disability if they report they have a limitation, restriction or impairment, which has lasted, or is likely to last, for at least six months and restricts everyday activities. Using a detailed series of questions to measure functioning within the context of everyday life is considered to be much more reliable than simply asking someone the question “do you have a disability?”, which can be met with subjective interpretations.

The SDAC gives the most accurate measure of disability prevalence in Australia, and plays an important role in informing policy and measuring our progress towards meeting the goals of the UN Convention on the Rights of Persons with Disabilities, meaning equal access to education, employment, health care, information, justice, public transport, and the built environment. Australia ratified the Convention in 2008.

To maintain the integrity of the SDAC data, recent improvements of data collection included alignment with current standards for questionnaire wording and classification standards; and better alignment with the International Classification of Functioning, Disability and Health (ICF). Amongst other additions and changes to the 2015 SDAC, the survey included identification of additional disabilities; memory problems or periods of confusion, social or behavioural difficulties and dementia. A new module on disability discrimination was also added to the 2015 SDAC.

**Longitudinal data**

The National Centre of Longitudinal Data in DSS manages four longitudinal studies on behalf of the Australian Government:

* Household, Income and Labour Dynamics in Australia (HILDA) survey – collected annually since 2001 from about 13,000 respondents– currently has 14 waves of data publicly available
* the Longitudinal Study of Australian Children (LSAC): Growing up in Australia – collected every two years since 2004 from about 10,000 children and their parents – currently has 6 waves of data publicly available
* the Longitudinal Study of Indigenous Children (LSIC): Footprints in Time – collected annually since 2008 from about 1,250 Indigenous children and their parents – currently has 7 waves of data publicly available, and
* Building a new life in Australia (BNLA) – collected annually since 2013 when 2,399 humanitarian migrants who had recently been granted permanent protection visas were recruited. The first wave of BNLA data is publicly available.

**Consistent Collection of Data on Students with Disability**

The Australian government, together with all state and territory government and non-government education authorities has been progressively implementing the national data collection over the period 2013-2015. From 2015, all government and non-government schools will participate annually in the national data collection. National data will be collected annually to identify the number of school students with disability and the level of reasonable educational adjustment provided for them. Until now there has been a lack of comprehensive and nationally comparable data about school students with disability.

**ABS plans for future population and social statistical collections**

The ABS is proposing changes to the way it produces population and social statistics. By consolidating and integrating the existing suite of household surveys, including the SDAC, into one flexible, responsive and cost-effective Australian Population Survey, the ABS is able to create more frequent and richer statistics for data users. There will be many benefits for users of data from this new model, including more comprehensive data, integrated data, more frequent statistics, more targeted data collection and the ability to be more responsive to user needs.

**Challenges in disability data**

A particular challenge for Australia is the collection of information about Aboriginal and Torres Strait Islander persons with disability. The Aboriginal and Torres Strait Islander population represents 3% of Australia’s population with 13.7% of Aboriginal and Torres Strait Islanders living in very remote locations in Australia.

The disability landscape in Australia is changing given introduction of NDIS.

The SDAC has included a question asking whether people receive an agreed package through the NDIS and we expect this will become more useful over time, as the scheme is rolled out nationally. SDAC will provide a useful basis for understanding the needs of Australians with disability who are not receiving an NDIS package. There is a potential to explore the estimates from geographically-based NDIS trial sites from the 2015 data, assuming that there is sufficient sample in these areas. There is a recognised challenge for the NDIS in its management of people with psychosocial disability, given that it can be episodic, which places this disability group outside of the NDIS eligibility.

The NDIA collects and reports on NDIS participants and expenditure to the COAG Disability Reform Council. However, the NDIS trials currently only provide services to a small proportion of Disability Service recipients. Over time as the NDIS rolls out to the full eligible population, data from the NDIA with become the primary source of information about service provided to people with disability.

1. *National Disability Strategy 2010-2020*, 2011, p 14, [www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/national-disability-strategy-2010-2020](http://www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/national-disability-strategy-2010-2020)*.* [↑](#footnote-ref-1)
2. For further information see: *National Disability Strategy 2010-2020*, 2011, p 23, [www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/national-disability-strategy-2010-2020](http://www.dss.gov.au/our-responsibilities/disability-and-carers/publications-articles/policy-research/national-disability-strategy-2010-2020). [↑](#footnote-ref-2)
3. For further information see: Web Accessibility National Transition Strategy, <http://www.finance.gov.au/publications/wcag-2-implementation/>. [↑](#footnote-ref-3)
4. For further information see: Accessibility Web Guide, <http://webguide.gov.au/accessibility-usability/accessibility/>. [↑](#footnote-ref-4)
5. For further information see: Digital Service Standard, <https://www.dto.gov.au/standard/>. [↑](#footnote-ref-5)
6. For further information see: National Auslan Interpreter Booking and Payment Service (NABS), <http://www.nabs.org.au/>. [↑](#footnote-ref-6)
7. For further information see: Medicare services, <https://www.humanservices.gov.au/customer/subjects/medicare-services>. [↑](#footnote-ref-7)
8. For further information see: Wesley Mission Brisbane, <http://www.wmb.org.au/>. [↑](#footnote-ref-8)