



Action for More Independence & Dignity in Accommodation

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Advocacy, Self Advocacy, Rights, Accessibility, & Community Living for People with a Disability

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AMIDA response to the Disability Inclusion Bill

Action for More Independence and Dignity in Accommodation (AMIDA) supports people with disability as valued members of our community. AMIDA recognises that people with disability contribute to and develop our community.

AMIDA acknowledges that people with disability have a right to a choice of who they live with and where they live. Further, people with disability have a right to good quality housing which is accessible, affordable and non-institutional. People with disability have a right to live in the community with access to support to participate and have a good quality of life.

AMIDA is an independent advocacy organization which advocates for good housing for people with disability. We provide advocacy to individuals, with priority given to people with an intellectual disability, and advocate for change in systems which prevent people from achieving good housing.

AMIDA strongly supports the United Nations (UN) Convention on the Rights of Persons with a Disability (CRPD) and works to assert these rights and community inclusion for people with a disability. The following was given to Australia from the UN after the last reporting period. Australia needs to incorporate these recommendations into

action in order to meet our obligations, having ratified the CRPD in 2008.

Concluding observations: UN Report on Australia's review of the CRPD, 24 Sep 2019. "The Concluding Observations: UN Report on Australia's Review of the Convention on the Rights of Persons with Disability (CRPD) 24 Sep 2019"

Reponses to exposure draft overview Disability Inclusion Bill paper

Purposes/ defined entities/ definitions

AMIDA endorsed the purpose of the legislation to set up a framework for whole of government and defined entity 'accountability and transparency'. Noted that this was absent in previous Disability Act (Disability Inclusion Bill (DIB)).

What does one or more accessible formats mean? Accessible formats, all documents produced need to be accessible, why not make them in accessible formats as a standard. Unless all accessible formats are provided, documents produced will not be accessible to everyone, (exclusive practice).

Q1. Do you agree with creating a new principal Act for Victoria relating to disability inclusion- why or why not?

AMIDA is concerned, is there adequate oversight to ensure that any changes are in accordance with the DIB.

Q2. What are your thoughts on the purposes of the Bill and its focus on government and defined entities?

AMIDA hopes that the DIB will add to the principles and purpose of the Vic Charter of Human Rights 2006, and that these instruments will be reflective of one another. AMIDA has noted many examples of complaints around exclusion and discrimination did not fall under the Equal Opportunity Act 2010 or the Disability Discrimination Act 1992 which we don't believe is best practice as it removes the right to take action against disability services.

Q3. Should any entities be included or excluded from the current scope? What should be added, changed or removed?

It is noted that some entities have been allowed exemption from the DIB. AMIDA questions whether the rights of people with disability are being upheld if there are then exemptions. AMIDA hopes that the DIB will be an instrument used to influence and change the way that organisations, entities and individuals perceive people with disability. AMIDA acknowledges that government is a vital part in the creation of a narrative of inclusion in the Victorian community.

Q 4&5. AMIDA endorses the Objectives and Principles of the Bill

Objectives:

- The importance of adopting a human rights-based approach
- Addressing ableism
- Strengthening government accountability
- Considering intersectionality
- Promoting self-determination of Aboriginal people and people with disability

Principles:

Under the Bill, the inclusion principles must be reflected in:

- A state disability plan
- Disability action plans.

The inclusion principles set out in the Bill are that:

- All Victorians should:
 - - Live in a safe and equal society
 - Have access to equal power, resources and opportunities
 - Be treated with dignity, respect and fairness.
- Impairment is an expected part of human diversity
- Everyone in the Victorian community is responsible for advancing disability inclusion

- Disability inclusion brings significant economic, social and health benefits for Victoria
- Accessibility is critical before there can be full and equal enjoyment of the right to equality
- Special measures and reasonable adjustments may be needed to advance disability inclusion
- People with disability offer valuable expertise in the design of programs, services and policies that affect people with disability
- Disability inclusion is a critical part of preventing violence, abuse, neglect and exploitation of people with disability
- People with disability have historically experienced segregation, discrimination and disadvantage because of ableism and other barriers to disability inclusion
- Barriers to disability inclusion may be compounded by intersectionality
- All people, regardless of disability, should be free to:
 - Develop their personal abilities
 - Pursue work, careers and vocations
 - Make choices about their lives without being limited by stereotypes or prejudices
- The right of Aboriginal people with disability in Victoria to self-determination and cultural safety should be recognised and supported. This includes upholding cultural rights and sustaining connections with family, community and Country
- Relationships between people with disability and their families, carers and significant people are a crucial part of the lives of people with disability and should be preserved
- Advocacy on behalf of people with disability, including self-advocacy and systemic advocacy, should be recognised as essential to advance disability inclusion.

AMIDA believes there should be funding to provide accessible consultation processes. Current government consultations usually require the ability to make independent online submissions. People with cognitive impairment require support to participate and have input to government consultations. Funding must be provided to Disability Led Organisations (DLO's) to facilitate the inclusion of people with disability in consultations. Funding must also be provided to DLO's to provide training and quality improvement in inclusion.

Further AMIDA believes it is the governments' responsibility to ensure training is provided to members of the disability community and others to

understand the new bill and the changes and allow for this as part of the evaluation once the bill is in practice. We also believe it is government's responsibility to promote best practice in a way that will provide the general public with a more positive outlook on disability.

Part 2 Duty to promote disability inclusion

Q7. What do you think of the proposed duty for government and defined entities to promote disability inclusion? Do you think the requirements for defined entities are appropriate or do they need any changes?

AMIDA agrees with the new duty for defined entities to take a whole of government action and actively promote disability inclusion.

Furthermore AMIDA sees the Victorian government and defined entities need to be the primary actors in inclusion. It is envisaged that the Victorian Government is the voice of the community and in the business of government, the public service needs to truly represent the community it serves (employment of people with disability in public service roles). The Victorian Government needs to lead the discussion of a positivist approach to people with disability using the social model of inclusion. **In applying the social model**, the government needs to acknowledge the impact to the people with disability community of **the medical model**, this can be done by using the Victorian Charter of Human Rights and Responsibilities and the UNCRPD. AMIDA hopes that within the Disability Inclusion Bill there can be a mechanism to enforce compliance to all medical service providers throughout Victoria. AMIDA acknowledges that over many years there have been many consultations with different people with disability stakeholder groups where training is developed but the implementation of the training or how it is practically applied is left incomplete. For example Government committees being training by Voice At the Table (VATT) to include people with disability throughout government department committees.

For example - The right of people to make their own medical decisions. OPA & Reinforce Inc.

<https://www.publicadvocate.vic.gov.au/joomlatools-files/docman-files/fact-sheet/The%20right%20of%20people%20to%20make%20their%20own%20medical%20decsions.pdf>

Part 3 Disability impact assessment

Q9. What do you think about what defined entities need to do when conducting disability impact assessment? Is there anything else defined entities should do?

There needs to be a better consultation process which promotes Universal Design and the new National Construction Code (due to be released in May 2023), to ensure new buildings are accessible to all, including social housing, both public and community (minimum standard silver plus).

The disability impact assessments need to be reviewed, evaluated and this review and evaluation needs to be done with the DLO's and actual members who have disability.

Part 4 State disability plan and disability action plans

Q13. What do you think of the proposed focus and requirements for disability action plans? Are there any practical implementation issues that should be considered?

- Progress reports should be yearly not biannually
- An evaluation mechanism (ie, all accessible transport approx. 10 years ago not withheld)
- AMIDA considers the inclusion objectives and principles be made extremely clear in the Disability State Plan and the Disability Action Plan, to lend themselves to Easy Read, video, audio captioned, Auslan interpreted versions in order for all people with disability to understand and be able to use the material to make complaints of any services that do not meet the standards. A complaints

mechanism that addresses inclusion and is easily accessed by people with disability is needed. This was a big problem stemming from the legislation for the Disability Discrimination Act, that only certain circumstances were breaches of disability inclusion able to be brought to justice.

- Disability action plans every 4 years, not a good practice, need to have a robust evaluation measure more frequently.
- People with disability should be part of planning and implementation.
- People with disability should be consulted and included in the evaluation process
- The disability commissioner should ensure that disability action plans are current and reflect the disability inclusion bill.
- They should publish disability action plans and their progress reports.
- Disability action plans should be publically available and progress reports should be held in a repository online with the plan review.

Part 5 – Monitoring and compliance

Q14. What do you think about the proposed monitoring and compliance mechanisms?

24 months is too long to comply with the Disability inclusion bill. The timeframe should be shorter perhaps 12- 18 months.

Part 6 Commissioner for Disability Inclusion

Q17. What do you think of the proposal to create a Commissioner for Disability Inclusion?

Positive, need to be congratulated, whoever commissioner is needs to be a person with disability.

Function of commissioner, needs to be fully funded. Action and powers need to be consummate to the ability to investigate and prosecute as required.

Part 7 – Victorian Disability Advisory Council

Q20. What do you think about the proposed changes to the Victorian Disability Advisory Council (VDAC)? Is there anything else you think should be included about VDAC?

The disability commissioner needs to be part of VDAC's agenda and report and consult at least every quarter. Needs to be a robust and regular reporting to commissioner not a yearly meeting.

Functions and powers of advisory council? VDAC should be able to invite other government ministers and departments to share and ensure disability inclusion throughout all areas of government.

Better interdepartmental access and reporting should be better utilised.

85% of people with disability, needs to fully comprised with people with disability only, needs to be fully representative of the community, disability types, ATSI and CALD, with the support of the Office of Disability secretary.

Members of VDAC need to be compensated for their time fairly.

Membership of the VDAC, participants must be fully supported to be able to participate in meetings, support people eg. Interpreter, physical supports, support worker supports (including supports for people with intellectual disability and cognitive impairment). This may also include pre-meetings with Office of Disability secretariat to assist with understanding the agenda and process of the meeting.

All documents used in the meetings to be provided in all accessibility formats, at least one week prior to meetings.

No indication of what or how the supports would be to enable people with disability to fully engage in meetings.

Adequately fund supports to attend meetings with people with disability to allow full access.