



**Association for
Children with a
Disability**

Review of the Victorian Disability Act

ACD is the leading advocacy service for children with disability and their families in Victoria. We are a not-for-profit organisation led by and for families of children with disability. For more than 40 years we have been supporting families and advocating for children with all types of disability. We provide information, advocacy and support to more than 10,000 Victorian families a year.

Our vision is that children with disability and their families have the same rights and opportunities as all children and families.

Recommendation 1

Seek to achieve equality for people with disability

Evidence clearly shows that children with disability do best when their rights are upheld, they are included in all aspects of the community and they, and those around them, have high aspirations.

We want the Victorian Disability Act to reflect what is best for children and take a clear human rights approach informed by the rights and principles in the UN Convention on the Rights of Persons with Disabilities. The Act should express clear principles and processes to better understand and reduce ableism; identify and remove barriers for people with disability and ensure positive action to achieve equality for people with disability.

The name of the Act should reflect its focus, for example Disability Equality Act.

Recommendation 2

Broaden the definition of disability

Due to the NDIS, the Victorian disability service system has changed and the Victorian Disability Act has a stronger role to play in enabling inclusion for people with disability. For this reason, disability should be defined broadly and inclusively. Currently the definition is not consistent with the Commonwealth Disability Discrimination Act. In particular the definitions of developmental delay and intellectual disability should have broad rather than technical definitions. The definition should ensure disabilities such as ADHD are included.

Recommendation 3

Right to disability advocacy

The Act should acknowledge the important role of disability advocacy in ensuring the rights, safeguarding and supported decision-making for people with disability. The Act should enshrine the right of people with disability to access disability advocacy. People with disability will only be able to exercise this right with appropriate resourcing of disability advocacy organisations.

Recommendation 4

Strengthen the State Disability Plan

The State Disability Plan is an important document. It aims to improve disability inclusion by increasing community and economic participation for people with disability. The Plan needs to be based around the UN Convention on the Rights of Persons with Disabilities. It is also important that future State Disability Plans reflect the recommendations of the Disability Royal Commission.

For the Plan to be effective it needs key targets. Reports against progress should be tabled annually in the Victorian Parliament. In addition, the Minister for Disability should be required to provide a statement to Parliament on progress.

The Act should also require the government of the day to report against key measures that do not change from Plan to Plan. These could include educational attainment for children and young people with disability, workforce participation for people with disability and the life expectancy of people with disability.

Both the development and evaluation of the Plan must involve best practice consultation and supported decision-making with people with disability.

Recommendation 5

Strengthen Disability Action Plans

The requirements governing Disability Action Plans need to be strengthened. Too often these documents are full of principles and great statements but low on real outcomes. Unfortunately, they tend to lack concrete targets. Quantitative and qualitative targets are essential to ensure that Disability Action Plans are not simply an exercise in good intentions.

Disability Action Plans should be required to align with the State Disability Plan, including matching targets for workforce participation.

Disability Action Plans should address major gaps in data about the participation of people with disability in mainstream services. For example, public health services are not required to collect any data about whether patients have a disability. It is not possible to design safe and accessible services without comprehensive data collection and this should be addressed through the Act.

Disability Action Plans should be developed by all public sector organisations with more than 50 employees. In addition, organisations receiving more than \$10 million in government funding to deliver community services should also develop Disability Action Plans. This would include the large providers of child and family services.

While there has been a trend to include Disability Action Plans in broader diversity and inclusion plans, care should be taken when combining these. In particular, Disability Action Plans should not be combined with plans that address issues associated with ageing. This is common in local government and completely misses the specific needs of children with disability.

The framework in the Gender Equality Act, including the compliance framework, creates a renewed focus on gender equality in large public sector organisations. This model should be considered for Disability Action Plans.

Recommendation 6

Expand the role and resourcing of the Victorian Disability Advisory Council and include youth representation

The role of the Commissioner for LBGTIQ+ Communities is a relevant model for strengthening the role and resourcing of the Victorian Disability Advisory Council. The importance and role of the Council should be expanded. It should have the capacity to engage with the disability community and work with government, business and community organisations to promote the inclusion of people with disability

The Victorian Disability Advisory Council plays an important role in highlighting the perspective and voices of people with disability to government. It should have mechanisms, such as a Youth Panel, to ensure the views of young people with disability are part of its deliberations.

Recommendation 7

Simplify and strengthen safeguarding arrangements

We support a safeguarding system that helps to protect the human rights of people with disability. A simpler and much more holistic complaint system is required that covers not only disability services, but all services provided to people with disability.

Currently it is incredibly difficult to navigate how to make a complaint with more than six overlapping regulatory and complaints Commissions. This complexity reduces the protection provided to people with disability. It is too hard to work out where to complain, let alone pursue a complaint. This is a major issue for families with children with disability who have complaints about schools. It is very difficult to enforce their children's rights within the current framework.

The Act should establish one of the existing Commissions as a lead organisation that supports people with disability and their families to make a complaint and ensure compliance with the law.

Recommendation 8

Strengthen the safeguarding of children with disability in state residential care

The role of Community Visitors within the Office of the Public Advocate should be extended to monitoring young people with disability in state residential care. This is needed because too often these young people have no one to advocate for them. Typically, they receive access to basic services such as healthcare and education at much slower and lower rates than other young people. In recent years, a number of inquiries have revealed the shocking abuse, including sexual abuse and exploitation, of children with disability in institutional settings.

This submission is authorised by:

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ACD is available for questions and further consultation