Review of implementation of the National Disability Strategy 2010-2020

Final report

Prepared for Department of Social Services

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Executive summary

The findings were consistent across review methods, locations and participating groups. State and Territory-specific context influenced some aspects of the Strategy's implementation. For example, in some States the rollout of the National Disability Insurance Scheme (NDIS) was less progressed, and the legislative context differed. Some stakeholders raised specific challenges affecting the Strategy's implementation in rural and remote locations.

The implications from the findings are:

1. Building on positive examples of implementation

Positive examples of the Strategy's implementation identified in the revi ew generally included the active participation of people with disability, cooperation across governments, and partnerships between local government, community organisations and business. These findings indicate the importance of:

x Facilitating the participation of people with disability at all levels of policy design and implementation

x Providing local government with resources and integrating their activities with measures at other levels of government

3.

Summary of implications

Stakeholders stated that the following actions would help to achieve the goals of the National Disability Strategy further:

x Provide increased funding for initiatives, particularly seed funding for local, start-up initiatives and demonstration projects to provide leadership and create momentum

x Establish measurable goals, i.e. set concrete targets for improvement and report against them

x Collect existing evidence and commission further research   to support the financial benefits of pursuing the Strategy's goals, e.g. cost-benefit analyses of action versus inaction on inclusion

x Conduct stronger community campaigns   to improve public knowledge and awareness of the Strategy

x Increase the profile of the Strategy within government and integrate initiatives at various levels of government

x Facilitat e the participation   of people with lived experience   from policy design through implementation

x Fund advocacy organisations   to hold governments and services to account on the Strategy's goals

x Build on and complement the NDIS , to fill gaps and address inequities in access to the Scheme

x Prioritise   implementation gaps, for example regional, rural and remote locations and the specific needs of intersectional groups

x Enhance the governance structure to facilitate systematic and integrated implementation of the Strategy, e.g. via a dedicated central unit

x Facilitate cooperation   between government agencies, community and disability representative organisations, business and services; preferably cooperation be led by people with disability

x Respond

1 Introduction

In November 2017, the Council of Australian Governments'(C OAG) Disability Reform Council agreed to commence work on the development of a new national disability policy framework for beyond 2020 (COAG Disability Reform Council 2017).

2 International context

The National Disability Strategy 2010-2020 is a framework for Australia to meet its obligations under the United Nations Convention on the Rights of Persons with Disabilities (CRPD). Australia ratified the CRPD in 2008, "join[ing] other countries in a global effort to promote the equal and active participation of all people with disability"(Commonwealth of Australia 2011, p.3). It is also a framework to implement disability relat   wiyT   8.9 4y (em)-6 (ent)4.3 ie pa(g)-d aAivappTJ   -0.0a(i)2.6h,-11.3

p.7). The New Zealand Disability Strategy (NZDS) includes fifteen "Objectives" (Ministry of Health 2001, p.7):

1) encourage and educate for a non-disabling society
2) ensure rights for disabled people
3) provide the best education for disabled people
4) provide opportunities in employment and economic development for disabled people
5) foster leadership by disabled people
6) foster an aware and responsive public service
7) create long-term support systems centred on the individual
8) support quality living in the community for disabled people
9) support lifestyle choices, recreation and culture for disabled people
10) collect and use relevant information about disabled people and disability issues
11) promote participation of disabled M ̄ori
12) promote participation of disabled Pacific peoples
13) enable disabled children and youth to lead full and active lives
14) promote participation of disabled women in order to improve their quality of life
15) value families, wh ̄nau and people providing ongoing support.

The NZDS embraces culturally diverse and indigenous people in Objective 11 "promote participation of disabled M ̄ori" and Objective 12 "promote participation of disabled Pacific peoples" (Ministry of Health 2001, p.7). Common themes from Wiley's (2009) year-long outcome evaluation of Objective 11 of the NZDS "includes issues surrounding the effectiveness of the NZDS and the conflict between indigenous worldviews framed within a mainstream service paradigm" (Wiley 2009, p.1). She concluded that "early implementation of these actions allows indigenous peoples with disabilities to participate in society while fully acknowledging their heritage".

The European Union (EU) adopted the European Disability Strategy 2010-2020 (EDS) in November 2010, shortly before the CRPD (European Parliament 2017, p.2). Implementing the Convention in the EU involves states parties embedding mainstream disability rights throughout their legislation, policies, action programs and standards (European Parliament 2017, p.2). The EDS aims to "empower people with disabilities so that they can enjoy their full rights and benefit fully from participating in society" (European Commission 2010, p.4) . The Strategy identifies actions at the EU level to supplement national ones.

The EU identified eight "main areas for actions" (European Commission 2010, p.4) similar to Australia's "six policy areas" (Commonwealth of Australia 2011, p.10) :

1) Accessibility
2) Participation
3) Equality
4) Employment
5) Education and training

6) Social protection
7) Health
8) External Action.

Like Australia, the European Commission will soon need to start preparations for the disability policy framework that will succeed the EDS after 2020. The EU Progress Report concludes that the "objectives of the 10 -year Strategy remain fully relevant" (2017, p. 2) but, "one of the UN CRPD Committee's main concerns is that the EU needs a genuine implementation strategy with an allocated budget, a time frame and a specific monitoring mechanism"(European Parliament 2017, p.2).

of access to appropriate supports" (Productivity Commission, 2011 p.2). The NDIS was established under the National Disability Insurance Scheme Act 2013 (NDIS Act). It is being rolled out nationally from 2016 to 2019.

Funding arrangements for disability policy implementation are changing across Australia with the advent of the NDIS. In the past, the Commonwealth government provided funding for the provision of disability services to State/Territory governments, who were responsible for specialist disabil

4 Implementation of   the Strategy

The Strategy was agreed to by the Commonwealth government, all State and Territory governments, and the Australian Local Government Association (ALGA) through the Council of Australian Governments (COAG) in 2011. It seeks to promote action and reform across all Australian governments, private enterprises, disability sector organisations and the broader community. It guides government action in both disability specific and mainstream areas of public policy including health, education, housing, transport and infrastructure. The governments' responsibilities include stimulating business and community actions and compliance to ensure accessibility and inclusion. An initial overview of how the Strategy works at each level of government is outlined in the sections below.

4.1   National

The first National Disability Strategy 2010-2020 Report to COAG (2012) stated that the Strategy would be guided by three implementation plans developed over its ten-year life span. Since the launch of the Strategy in February 2011, COAG has developed two implementation plans for the Strategy. The third implementation plan is currently being developed.

Under the Strategy, high-level reports on implementation progress were to be submitted to COAG in 2014, 2016, 2018 and 2020. These were intended to track national progress against each of the six outcomes (Department of Families, Housing, Community Services and Indigenous Affairs, 2012). The 2014 Progress Report was made publicly available in 2015 and the 2016 Progress Report is to be published shortly.

Laying the Groundwork 2011–   2014

The first implementation plan, Laying the Groundwork 2011–2014, established the foundations to bring about reform in the planning and delivery of mainstream and disability specific programs and services. As well as this national implementation plan, each State and Territory government is expected to have its own disability plan to drive improved outcomes through mainstream policies, programs, services and infrastructure. At the end of the first implementation plan in 2014, a progress report on achievements was provided to the Council of Australian Governments.

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4.2   States and Territories

The Second Progress Report to COAG (2014) identified the following state level initiatives that assisted with implementing the Strategy:

x   State-wide disability plans

x   State Policy Discrimination Acts

x   Frameworks, strategies and blueprints

x   Public consultations and collaborations with advisory groups.

All States and Territories were required to develop a state-wide disability plan as part of their COAG agreement under the Strategy. A few jurisdictions such as VIC, NSW and QLD updated or developed a new state disability plan after 2014.

4.3   Local

The Senate reports "planning at a local government level was both consultative and effective in achieving results"(2017 p.18). The Australian Government Action Plan states "many local governments have developed disability plans and in some states and territories these are mandatory"(Department of Social Services, 2017, p.2).

In Western Australia, Victoria and NSW it is mandatory for local governments to develop a Disability Action Plan. Some local governments in other jurisdictions are "voluntarily planning for the needs of people with disability in their communities

(ALGA, The Senate, 2017

The Senate (2017, p.72) a

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Stakeholders used the term "political will" to explain

submissions (Senate, 2017) Councils are hampered by under-resourcing for their role in the Strategy's implementation and have limited engagement from other levels of government about the implementation of disability policy objectives,

area of personal and community support (outcome four). They felt the NDIS had positive flow-on effects as it raised awareness and improved community attitudes.

Several key interface issues between the NDIS and the Strategy were identified in the consultations and the document review. These were particularly around the relationship between services funded through the NDIS, other specialist disability services and mainstream services. For example, some States will continue to provide specialist disability services outside the NDIS after full rollout and others will not. The COAG Disability Reform Council 'Communiqué' from a meeting on 30 April 2018[1] stated that Disability Ministers had identified the interface between the NDIS and justice, health, mental health and child protection and family support as priorities for resolution with outcomes to be reported to the Disability Reform Council later in 2018.

There was widespread agreement among the stakeholders that, although the NDIS was only one action under the Strategy, the NDIS had "taken all the oxygen out of the room", with limited policy attention placed on implementing other aspects of the Strategy. This point was reinforced in the document review. Numerous submissions to the Senate Inquiry argued that "the NDIS was taking all the focus and efforts of governments, which meant less focus and progress on the other outcomes of the Disability Strategy" (2017, p.61).

Submissions to the Senate (2017) reported that State and Territory governments were divesting themselves of funding responsibility for wider disability issues in response to the implementation of the NDIS. Some stakeholders in this review noted a lack of clarity about the responsibility of State and Territory governments to implement disability policy post NDIS-rollout. Stakeholders in the roundtables noted that State and Territory governments have the same responsibilities to citizens with disabilit10.5 ( ) (i)2.6 (t)-6.04 T,o havtt ha65-6.04 5.9 (pNh)]TJ -6.4784eI(r)-0u6 (ent)4.3 (di)com ha65-6

disability has not improved over the last two decades. Stakeholders wanted disability discrimination at work to be a priority focus, stating that it is the most frequent type of disability complaint to the Australian Human Rights Commission. Education was highlighted as a policy area that had received increased attention over the life of the Strategy. Further reform to build on inclusive education initiatives was suggested.

x Advocacy
Many stakeholders commented on the insecurity of funding for advocacy services (including systemic advocacy, individual advocacy and self-advocacy) in the NDIS environment. They argued that because State and Territory governments were questioning whether to fund advocacy into the future, the voices of people with disability were not heard as well as in the past, despite the considerable change in disability policy affecting their access to specialist and mainstream services.

x Transport
Stakeholders across rural, regional and metropolitan areas emphasised the critical role of accessible and affordable transport in facilitating access to other opportunities.

x Information accessibility
Stakeholders stated that information should be made available in languages other than English and in alternative formats, including easy read, Auslan, and audio-description. Concerns about funding cuts for interpreting/ translation services and the National Relay Service also emerged from the consultations.

x Assistive technology
Some stakeholders commented that there have been significant technological developments over the past decade which should be reflected in the Strategy moving forward. They also reiterated the importance of gathering input from people with disability at the design stage of any policy initiatives around assistive technology to ensure that it meets their needs.

x Culture and recreation
Participants in several roundtables felt an enhanced focus on what one person described as "the fun things in life" – including sport, recreation, cultural and arts activities – would improve the health, well-being and community inclusion of people with disability.

x Women and girls
The Strategy does not include any gender-specific measures to ensure the rights of women and girls with disability. The publication from Women With Disabilities Australia "Gender Blind, Gender Neutral: the effectiveness of the

Stakeholders identified funding commitment as a central aspect of effective governance. They emphasised that achieving outcomes required allocating resources to: support the leadership and coordination of the Strategy; enable the participation of people with disability; implement changes at a systems level, not just local initiatives; and contribute to the evidence base. They said the governance arrangements associated with the Strategy ET(EMC   Q   BT /P <</MCID 4/in-2BDC 0.0TT2-6n)Tvs0.0ed-1

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disability user group in the process of building a new stadium and making it fully accessible. The process worked well because:

> We brought the group in at the very start, at the ground floor, and worked in consultation with the group from day dot through design, through build .I. think that if you bring a group in half way through you're really not doing it right. It wasn't an afterthought, it was, you know, we need to get this right, so let's do it from the start.

Stakeholders emphasised that effective mechanisms for cooperation had to engage mainstream hon- disability'departments and promote sharing of good practice and good ideas across different levels and domains of government. One State stakeholder reported:

> We had an across-government steering committee at the very beginning [of the Strategy], and all government departments and local government were represented on that. We used to meet quite regularly and developed guidelines, developed a template, made it sort of easy for people to … develop their plans, and also provided personal support, and I think that helped a lot and will help in the future as we move forward with the [state disability act] implementation. So I think it was the willingness and goodwill of the organisations involved to come along to support each other, and also the collaborative relationships they built. People would come to the meetings, see someone from somewhere else, and they would talk about what they're doing and there would be connections made.

Some State disability plans were developed after consultations with people with disability and local communities, and this was considered effective to identify issues relevant to each State.

Stakeholders also highlighted the importance of cooperating and collaborating with businesses. For example, the Changing Places initiative (discussed in section 5.1), inclusive playgrounds initiatives (discussed below) and other examples of creating inclusive and accessible spaces in the community relied on effective partnerships with business owners. Engaging with businesses about how they can be inclusive of people with disability as clients/customers and as employees was also viewed as critical to implementing the Strategy's goals around economic security.

of producing a report every two years meant the information produced was often outdated by the time it was published.

Most stakeholders identified effective reporting as a key mechanism for facilitating responsiveness. They suggested a reformed reporting process could act as a mechanism for meaningful evaluation of progress on the Strategy's goals. The document review showed that some State governments have produced outcomes-based frameworks or annual reports that

evaluation report on the National Arts and Disability Strategy (NADS), which aims to improve the accessibility of the arts to people with disability.

Stakeholders commented that ARTfinder and similar actions under NADS were effective because they engaged with a range of arts providers and community organisations to promote awareness about how they could become more disability inclusive.

Employable Me, ABC TV

Stakeholders in one roundtable described the 2018 ABC TV program Employable Me as a positive example of pub prrrrre.nt6.6 e Td 10.5 (2011)-6.7 6fr on .9 (am)-5.9 (pl)niy toede wre

funding demonstration projects about inclusive and accessible process and outcomes can be a positive way to lead implementation of the Strategy.

The effectiveness of local change requires central leadership and coordination of the Strategy, to raise the profile of the Strategy within government and the community and to facilitate an integrated, whole of government approach to implementation.

6.2   Complementing the role of   the NDIS

Key interface issues between the NDIS and the Strategy were identified in the consultations around the relationships between services funded through the NDIS, other specialist disability services, mainstream services and other government portfolios.

NDIS legislation sets out two main responsibilities – individual packages for a small proportion of people with disability; and building the capacity of the community to create an inclusive society for all Australians. Stakeholders pointed out that accessible and inclusive communities, infrastructure and mainstream services are critical for all people with disability, whether or not they receive a package; at the same time, the Strategy is especially important for the vast majority of Australians with disability who are not eligible for NDIS packages.

Stakeholders argued that demand for specialist disability support will continue to increase if people with disability do not have the same access to mainstream services and their community as other citizens. These findings indicate the need to consider the complementary roles of NDIS packages; NDIS capacity building, including public awareness; and the focus on societal inclusion and accessibility of the Strategy to fill gaps and address inequity. Several stakeholders suggested the ILC funding under NDIS was one mechanism to contribute to these functions. In addition, it requires national coordination of Strategy implementation across other parts of government, with implications for the rest of the community, including businesses.

This complementarity is particularly important for people who face additional barriers to accessing mainstream services due to factors such as location, Indigeneity, culture and language, age or socio-economic circumstances.

Key priorities identified were to implement the Strategy in rural and remote locations; address the specific needs of intersectional groups, and address the barriers experienced by people who do not receive NDIS packages (e.g. older people with disability, carers and people with psychosocial disability). These findings indicate that:

x   Addressing the interface of the NDIS and the Strategy is a high priority for future implementation of the Strategy's goals (see Section 6.2 above). It is a priority a) for people who receive NDIS packages and still require access to mainstream services, infrastructure and an inclusive society and b) to address the access, equity and continuity of support issues experienced by people who do not receive NDIS packages

x   The experiences and needs of groups such as people with disability from culturally and linguistically diverse and Indigenous backgrounds, women with disability, children with disability, LGBTI people with disability, people who live in rural and remote lyuT50.002 Tw 0.e[(is)-5 (a)-3.3 ( )]TemyT-2.543 Td.0grTc suanesTc90.23.

6.4   Enhancing governance arrangements

A key implication of the review findings is that enhancing the governance arrangements that underpin the Strategy could facilitate a systematic approach to implementation. Changes to governance could include:

x   Measurable and manageable targets that can be monitored and an effective performance reporting framework to guide progress on the Strategy's implementation

x   A dedicated secretariat with resources to act as the central focal point for building communities of practice and coordinating the Strategy's implementation

x   Funding allocations to support a) leadership of the Strategy and the

online scorecards (short surveys distributed via email communication channels with representative organisations and other stakeholders)

x   Annual focus or 'spotlight' areas   to build momentum and practice on key issues, determined through participatory processes such as those described above, combined with information and awareness campaigns and supported by data/evidence.

6.7   Promoting public awareness and engagement

The review found that public awareness is critical to implementation. Awareness about the human rights of people with disability and guidance on inclusive practice can affect everything from the readiness of local communities to develop inclusive play spaces to the organisational culture and practices within disability services, schools, and health clinics.

Raising awareness throughout society, including through public awareness campaigns, to foster respect for the rights, dignity and capabilities of people with disability and combat stereotypes, discrimination and harmful practices is an obligation under the CRPD (Article 8 – Awareness Raising). Although the accountable bodies are governments, the actors who create inclusive and accessible communities are throughout society.

One of the aims of the NDIS, stipulated in the legislation, is to 'raise community awareness of the issues that affect the social and economic participation of people with disability, and facilitate greater community inclusion of people with disability" (NDIS Act, Section 3.1.h). This obligation is articulated in the NDIS legislation and the Strategy.

The review findings imply that public awareness and engagement with the Strategy could be improved through clarifying agency responsibilities for promoting awareness and a commitment to supporting public awareness campaigns, including the following strategies:

x   A branding strategy to enable public recognition and engagement, including social marketing, drawing from the lessons of the Every Australian Counts' campaign for the NDIS

x   A move away from the acronym NDS – many stakeholders commented on its closeness to NDIS and NDA.

x   Reflecting the diversity of people with disability and the varied actions that members of the public can take in creating an inclusive society, so that people can 'see themselves in the Strategy'.

Appendix A Review methodology

capital during the first three weeks of July 2018. A summary of the roundtables can be seen in Figure 2 below.

Figure 2: Summary of Roundtable Consultations

Table 1

Approximately 150 people from 81 organisations participated in the consultations. The full list of organisations that participated is included at Appendix C.

Appendix B Review questions

National Disability Strategy   2010-2020 Review

Consultation questions

These questions for stakeholders are about implementation of the National Disability Strategy 2010-2020 (the Strategy), a ten -year national policy framework for improving the life of people with disability in Australia. The questions will inform the reform process for a new Disability Policy Framework after 2020. The reform process will commence in the second half of 2018 and will include consultation with the public.

1. The Strategy's vision is for an inclusive Australian society that enables people to fulfil their potential as equal citizens. What are examples of how the Strategy has achieved this vision in one or more of its six policy areas?

    x   Inclusive and accessible communities
    x   Rights protection, justice and legislation
    x   Economic security
    x   Personal and community support
    x   Learning and skills
    x   Health and wellbeing

Who benefited from these achievements, and how?
Who has not, and how could that change?

2. How did these policy achievements come about?

    x   What actions, people, organisations or processes helped these successes to happen?
    x   What would help similar initiatives to be successful?

3. What policy areas do you think should be more of a priority in the Strategy?

    x   Where are the key gaps in implementation of the Strategy?
    x   What would you like to see done to most effectively achieve an inclusive society for people with disability in these areas?

4. The National Disability Insurance Scheme (NDIS) sits within the overall framework of the Strategy. How has the NDIS affected the implementation of other areas of the Strategy?

    x   How has the NDIS affected the implementation of other disability policy, given the changing role of state and territory governments?
    x   Has the Strategy brought about improvements for all people with disability, including those who are not NDIS participants?

Appendix C Document list

Disability Rights Now: Civil Society Report to the United Nations Committee on the rights of persons with disability'2012 (Compiled by a project group from Disability Representative, Advocacy, Legal and Human Rights Organisations)

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National Disability and Carers Advisory Council (NDCAC), 2018, National Disability Strategy Reinvigoration Working Group 'National Disability Priorities – Desktop Review''(confidential report)

National Disability Insurance Agency, 2016, Rural and Remote Strategy 2016–2019'

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National Disability Insurance Agency, 2018 Cultural and Linguistic Diversity Strategy 2018',

National Disability Services (NDS) Western Australia (WA), NDS WA 2018-19 Pre-Budget Submission Highj 0.554 0 Td (5A6.6 (ur)-5r)-5.9s

(a (6 Budget

Mental Health Australia

Michael Small Consulting Pty Ltd (TAS)

Multicultural Services Centre WA

Muscular Dystrophy WA

National Disability and Carer Advisory Council

National Disability Insurance Agency

National Disability Services

National Disability Strategy 2010-2020 Reform Steering Group

Neami National (WA)

Northern Territory Anti-Discrimination Commission

NSW Carers Advisory Council

NSW Council for Intellectual Disability

NSW Department of Family and Community Services

NSW Local Government Association

NT Health and Community Services Complaints Commission

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Appendix E CRPD articles

Article 4 – General Obligations

1. States Parties undertake to ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability. To this end, States Parties undertake:

a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;

b) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;

c) To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;

d) To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention;

e) To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;

f) To undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines;

g) To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost;

h) To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities;

i) To promote the training of professionals and staff working with persons with disabilities in the rights recognized in the present Convention so as to better provide the assistance and services guaranteed by those rights.

2. With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law.

and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.

3. Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.