



**National Disability Strategy
Implementation Plan
Exposure Draft**

**Submission
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Children with Disability Australia

Children with Disability Australia (CDA) is the national peak body that represents children and young people with disability and their families. The organisation is primarily funded through the Department of Families, Housing, Communities and Indigenous Affairs (FaHCSIA) and is a not for profit, community based organisation. Additional funding is also received by the Department of Education, Employment and Workplace Relations (DEEWR). CDA has a national membership of 5000 with the majority being families.

Vision

CDA's vision is that children and young people with disability living in Australia are afforded every opportunity to thrive, achieve their potential and that their rights and interests as individuals, members of a family and their community are met.

CDA's Role

CDA has the mandate to advocate for children and young people with disability living in Australia and undertakes the following to achieve its purpose:

1. **Education** of national public policy-makers and the broader community about the needs of children and young people with disability.
2. **Advocacy** on behalf of children and young people with disability to ensure the best possible support and services are available from government and the community.
3. **Inform** children and young people with disability, families and care givers about their rights and entitlements to services and support.
4. **Celebrate** the successes and achievements of children and young people with disability.

Guiding principles

Children the priority: the rights and interests of children and young people with disability are CDA's highest priority consistent with Australia's obligations under the UN Conventions, Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.

Right to childhood: children and young people with disability are children first and foremost and have a right to all aspects of childhood that children without disability are afforded.

Right to participation: children and young people with disability have the right to participate, in whatever capacity, in the decisions that impact on their lives.

Inclusion: children and young people with all types of disability, from all cultural and religious backgrounds and all geographic locations are supported by the work of CDA.

Recognition: for the contributions made by families and care givers to support the rights and interests of children and young people with disability.

Partnerships: CDA works collaboratively with relevant government, non-government and private sector agencies to promote the rights and interests of children and young people with disability.

Transparency: CDA is accountable, effective and ethical as the national peak body charged with the mandate of advocating for children and young people with disability.

Introduction

CDA views the National Disability Strategy (the Strategy) as integral to progressing disability reform in Australia. It is seen as a 'roadmap' for action to guide collaborative practice from all levels of government and in turn the wider community to support people with disability "to maximise their potential and participate as equal citizens in Australian society" (p3 the Strategy). The identified six policy areas are seen as appropriate key focus areas for action.

It was stated that the articulation of what the Strategy would mean in practice would occur through the development of an implementation plan. The implementation plan would contain clearly defined priorities, goals, actions, timelines and measures. This in turn would demonstrate the tangible impact the Strategy will have on the Australian community and how it will become truly inclusive of people with disability through this innovative policy. It is the view of CDA that the draft implementation plan "Laying the Groundwork (2011-2014)" does not capture or articulate the key elements expected to be contained in the implementation plan.

General Comments

1. Much of the draft implementation plan simply restates the contents of the Strategy.
2. It is crucial that consultation occurs with people with disability, their representative peak bodies and/or other key stakeholders regarding the contents of the plan. It is unclear how this has occurred prior to the release of this draft plan. The obligation of Australia to do this is clearly outlined in Article 4 of the Convention on the Rights of People with Disability and a clear commitment to do this is stated in the Strategy itself.
3. The language of the plan is often reflective of a welfare model of disability when it positions people with disability as recipients of actions or services rather than using a rights based model of disability to frame actions.

In addition, referring to people with disability as 'them' by its very nature suggests a different group and negates the purpose of the strategy to promote equality. An example of this being the statement "People with disability deserve a community that is designed to include them" (p15 the Strategy).

4. Many of the identified future actions are initiatives that have previously been established and implemented.
5. There is little information included regarding State and local government actions and initiatives.
6. There is a lack of detail provided regarding many of the identified future actions.
7. There is a lack of detail provided regarding proposed evaluation processes and methodology.
8. There is no specific focus or actions to address the issues of Aboriginal and Torres Strait Islander people with disability.
9. There is no specific focus or actions to address the issues of people from a non English speaking background with disability.
10. It is unclear how collaborative and cooperative practice will occur between levels of government. Clear actions, roles and responsibilities need to be included.

11. The envisaged role of “Champion Ministers” is viewed as an effective means of progressing the aims of the strategy.
12. It is unclear what occurs if parties to the agreement act contrary to the commitments made under the Strategy. Presently a case is pending in the Federal Court. In summary, it is being argued that even if the Federal Court makes a finding of discrimination and orders a specific remedy, it cannot order the State to provide it because to do so would amount to interfering with a basic function of the State. If successful, that argument will have very significant repercussions as it would affect every single child with disability in Australia. It would substantially diminish the protections the Disability Discrimination Act provides to children with disability.

It is clear that this type of action runs contrary to the aims of the Strategy. The governance processes associated with the Strategy must accommodate processes for dealing with instances when this dichotomy occurs.

Recommendations

1. Development of an engagement strategy regarding people with disability in relation to the establishment of the implementation plans for the Strategy.
2. Ensure that the wording of the implementation strategy is reflective of a rights based model of disability.
3. The development of an implementation plan which clearly stipulates the actions each level of government will undertake in relation to each of the identified ‘outcomes’ and the identified ‘areas for future action’.
4. The inclusion of a specific focus or actions to address the issues of Aboriginal and Torres Strait Islander people with disability.
5. The inclusion of a specific focus or actions to address the issues of people from a non English speaking background with disability.
6. It is seen as being most appropriate that the Prime Minister and Premiers/Chief Ministers should undertake the role of Champion Ministers rather than the nominating process recommended. It is seen as a key way of promoting the status and importance of the strategy but also of enabling the consideration of ‘disability’ across all government portfolios rather than particular emphasis being placed on the areas of a single Minister who is nominated.
7. The establishment of a process for addressing instances where government actions are in conflict with the aims and actions of the Strategy.

Thank you for the opportunity to provide feedback.