

**Consultation paper
for state disability plan
2021–2024**

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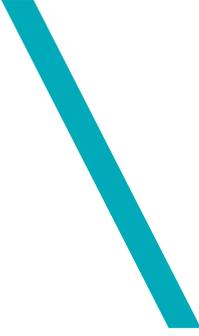
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Contents

Foreword	1
Introduction	2
About this discussion paper	2
We want your feedback	3
About state disability plans	3
What is a state disability plan?	3
The current plan: Absolutely everyone	4
The Absolutely everyone outcomes framework	4
What has been achieved and what needs more focus	6
What we know from previous consultation	7
Our six key topics	8
Topic 1: Improving how we describe disability and disability inclusion in the next plan	9
Why this topic?	9
Defining what we mean by disability and a human rights approach	9
Questions	10
Topic 2: Finding better ways to include people with disability in making the next plan	10
Why this topic?	10
Consultations and engagement with hard-to-reach groups	10
Questions	11
Codesign	12
Questions	12
Role of the Victorian Disability Advisory Council	13
Topic 3: Strengthening the state disability plan outcomes framework	13
Why this topic?	13
A possible new outcome area—Intimate Lives	13
A strengthened outcome focus—Recognition	14
Questions	14
Topic 4: Introducing overarching approaches to strengthen government commitments under the new plan	15
Why this topic?	15
Questions	15



Topic 5: Strengthening the NDIS and mainstream interface	16
Why this topic?	16
Questions	16
Topic 6: Strengthening disability inclusion under the <i>Disability Act 2006</i>	17
Why this topic?	17
Questions	18
How we will consult	19
What we will do to make our consultation accessible, inclusive and safe	20
Key timelines	20
Consultation scope	20
Appendices	21
Appendix 1: International, national and Victorian context for state disability plans	21
The United Nations' Convention on the Rights of Persons with Disability	21
National Disability Strategy 2010-2020	22
<i>Victorian Disability Act 2006</i>	22
Disability action plans	22
Appendix 2: Contemporary accounts of disability	24
Appendix 3: Victorian State Disability Plan 2021-2024 consultation	25



Foreword

Making Victoria more inclusive of people with disability is vital to our communities and our economy. The state disability plan sets out the blueprint for how we will work across government to achieve this.

The Victorian Government has invested in supporting the social, economic and civic participation of people with disability in Victoria through **Absolutely everyone: state disability plan 2017-2020**. **Absolutely everyone** has been the framework to achieve the vision of an inclusive Victoria in which people with disability live satisfying everyday lives. **Absolutely everyone** was developed through extensive consultation with the community so that it truly reflected the priorities of people with disability in Victoria.

Absolutely everyone saw significant new government investment in state disability plan initiatives, particularly around economic participation and strengthening the disability advocacy sector. This investment has been provided as part of our responsibility to make Victoria more inclusive. We know that we can lead the way for Victorian communities, organisations, and businesses. State disability plans embody our shared responsibility to reduce and remove barriers to inclusion and participation for people with disability.

With the transition to the National Disability Insurance Scheme (NDIS), the role of State and Territory governments is changing. If the promise of the NDIS is to be realised, our services, workplaces, communities, and physical environments must be accessible and available to all people with disability, regardless of whether they have an NDIS plan. The state disability plan is central to achieving this.

Victoria has a proud history of championing the inclusion and rights of people with disability. We want the next state disability plan to continue to create more opportunities for people with disability. We want the next state disability plan to drive lasting positive change.

Your input will help build a plan that reflects the strengths, diversity, and experiences of all Victorians with disability.



Introduction

About this discussion paper

The Victorian government is going to make a new state disability plan for the years 2021 to 2024.

In this consultation paper, we talk about some of our ideas for the next plan.

Before we write the plan, we want to share some of our ideas with you and find out what you think of them. We also want to know what your ideas are so we can make the plan better.

We want to hear from people with disability and their families, advocates, and carers.

This paper outlines six key topics to strengthen the next state disability plan for Victoria and our ideas about what we want to do under each topic. We want to:

- test what we mean by “disability” and “disability inclusion”, so that the plan supports real action and works as a tool for advocacy and self-advocacy
- find better ways to include people with disability in making the next plan, through processes that are accessible, inclusive and safe
- reconfirm the **Absolutely everyone** outcomes framework and find out where we may need to expand it to reflect the daily experiences and goals and ambitions of people with disability
- test an approach that puts community attitude change and universal design at the centre of all government commitments
- propose how the next plan will complement the NDIS by ensuring mainstream services¹ are accessible
- explore opportunities to amend the *Disability Act 2006* so that it supports disability inclusion more strongly.

¹ ‘Mainstream services’ deliver government services to all populations in areas such as health, mental health, education, justice, housing, child protection, family safety, training and employment

We want your feedback

We want to know:

- what you think about the six key topics
- how we can make the ideas under those topics happen
- what else should be in the plan.

This discussion paper is available online in different formats and languages, including Easy Read, on the state disability plan webpage <<http://www.statedisabilityplan.vic.gov.au/>>.

The discussion paper includes questions for you to think about when giving your feedback.

You can provide feedback by accessing the website or contacting us directly. We need your feedback by **Saturday, 4 April 2020**.

You can provide feedback by:

- using a consultation paper toolkit from the website
- making a written, video, or audio-recording submission
- emailing the Office for Disability <ofd@dhhs.vic.gov.au>
- phoning the Office for Disability on 1300 880 043 (you can use the National Relay Service 13 36 77).

We will consider what people tell us when we write the state disability plan. We will provide a summary of what people said during the consultation when we publish the final state disability plan. We look forward to hearing from you.

About state disability plans

What is a state disability plan?

State disability plans are the main tool we use to drive whole-of-government action to achieve the inclusion of people with disability. ('Whole-of-government' means that all parts of government have something to contribute, such as public planning, transport, health, sport and recreation, housing, police, and corrections, education and employment.)

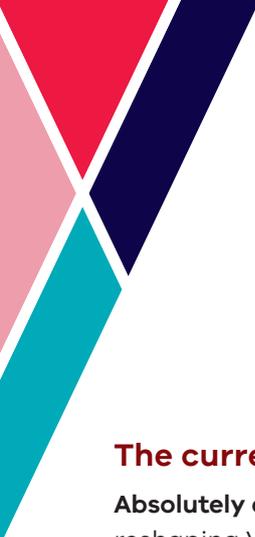
Each state disability plan describes the direction we want Victoria to take over a four-year period; the actions we will take to get there; and how we will measure our progress.

Victorian Governments are required to develop and implement state disability plans every four years under the *Disability Act 2006*.

State disability plans exist because the systemic experience of discrimination and exclusion, and therefore the need for systemic change, exists. We have a responsibility to address the physical, social, environmental and cultural barriers that deny people with disability their human rights. We recognise that making disability inclusion part of the everyday business of our communities requires continued and coordinated effort and advocacy.

State disability plans should reflect the goals, interests, concerns and human rights of Victorians with disability. They should be designed and monitored together with people with disability. They should also help advocates, self-advocates and the broader community hold governments to account for what they do to make Victoria a more inclusive place to be in.

This consultation paper will ask many questions about what we can do differently or better in the next state disability plan. To help you answer these questions, the section below describes the current state disability plan, **Absolutely everyone**.



The current plan: Absolutely everyone

Absolutely everyone has played a vital part in reshaping Victoria's disability inclusion agenda. This has included:

- broadening the focus of disability policy from service systems to inclusion in Victorian communities, services and environments
- moving the focus of state disability plans from **outputs** (what we as a government do) to **outcomes** (what people with disability experience in their daily lives)
- driving work to ensure the NDIS delivers the most benefit for all 1.1 million Victorians with disability and not just the 105,000 Victorians likely to be eligible for an NDIS plan.

Absolutely everyone was developed through an extensive consultation process to ensure it reflected the voice of people with disability. It has driven greater access to the built environment, information, jobs, transport, health, education and recreational and leisure activities for people with disability. It has supported stronger advocacy and self-advocacy for people with disability and a longer-term focus on ending systemic barriers and negative attitudes.

The Absolutely everyone outcomes framework

Through **Absolutely everyone** the Victorian government introduced an outcomes framework, which sets out the main areas of people's daily lives where we are seeking to increase equity and inclusion.

In consultation with the community and within government we arrived at four **domains** for the outcomes framework:

- Inclusive communities
- Health, housing and wellbeing
- Fairness and safety
- Contributing Lives.

These domains are the basis for actions under **Absolutely everyone** and future state disability plans.

Together, these four domains aim to achieve the vision of

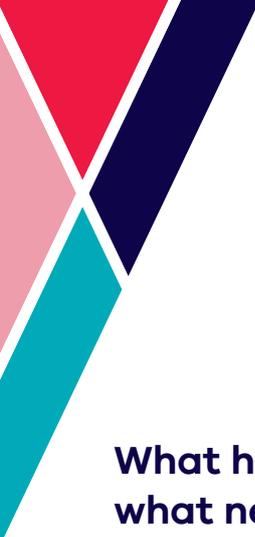
An inclusive Victoria which supports people with disability to live satisfying everyday lives.

The complete outcomes framework that was introduced in **Absolutely everyone** is shown in the table.

Domains	Outcomes
 <p data-bbox="204 674 360 725">Inclusive communities</p>	<ul data-bbox="432 506 1398 779" style="list-style-type: none"> • Connection – people with disability are active participants in communities aligned with their interests and identities • Inclusion – Victoria’s communities and places are welcoming and inclusive for people with disability • Accessibility – the built and natural environment is accessible to Victorians with disability • Mobility – people with disability are able to move around and get to the places they want to go
 <p data-bbox="193 931 381 983">Health, housing and wellbeing</p>	<ul data-bbox="432 813 1453 983" style="list-style-type: none"> • Health – people with disability achieve their optimal mental and physical health • Housing – people with disability have housing choices that are flexible, suitable, affordable and accessible • Wellbeing – people with disability experience a high level of wellbeing in all aspects of their lives
 <p data-bbox="229 1122 355 1173">Fairness and safety</p>	<ul data-bbox="432 1028 1382 1198" style="list-style-type: none"> • Respect – people with disability are as recognised and respected as any other citizen • Safety – people with disability live in safety and feel secure and protected • Opportunity – people with disability have equal opportunities to identify, pursue and achieve their aspirations
 <p data-bbox="177 1413 386 1447">Contributing lives</p>	<ul data-bbox="432 1238 1442 1547" style="list-style-type: none"> • Education and skills – people with disability actively engage and succeed in education and learning • Employment – people with disability are engaged in flexible and sustainable employment and have opportunities to develop and succeed • Economic independence – people with disability generate income through employment, business ownership and entrepreneurship and participate freely as consumers • Influence – people with disability generate income through employment, business ownership and entrepreneurship and participate freely as consumers

The outcomes framework is meant to be a lasting feature of future state disability plans so that we can measure change in outcomes across the longer term. It is already letting us start to measure outcomes. Over time it will help us see where Victoria is becoming more inclusive, and where we need to do more.

If you want to know more about state disability plans and the national and international context for disability inclusion policy, you can read more in the **Appendices**.



What has been achieved and what needs more focus

Absolutely everyone sets out our commitment to long-term action and investment to make it easier for every person with disability to participate in every part of life. State disability plan annual reports have highlighted some of the actions and initiatives under **Absolutely everyone** over 2017 and 2018, including:

- development and release of **Every opportunity: Victorian economic participation plan for people with disability 2018-2020**, which includes an employment target of six per cent for people with disability across all Victorian Government departments by 2020, increasing to 12 per cent by 2025
- 26 grants for new Changing Places facilities across the state and Victoria, which have influenced national design standards to include larger-than-standard accessible toilets in state building projects
- delivery of 700 new and upgraded accessible bus stops by Public Transport Victoria in 2017, and the re-establishment of the Public Transport Access Committee to provide independent strategic advice to the Minister for Public Transport
- allocation of \$8.2 million extra funding to meet demand for the Kindergarten Inclusion Support program, which provides children with disability or developmental delay access to quality kindergarten programs
- installation by Parks Victoria of Changing Places facilities, wheelchair accessible gas barbeques facilities, bush therapy programs for young people, and an accessible self-contained unit at Wilsons Promontory National Park
- launch of the Victorian Civil Administrative Tribunal's **Accessibility action plan 2018-22** setting out how people with disability can have better access to the Tribunal and how the Tribunal can be an inclusive workplace
- implementation of Victoria Police's **Cultural community and diversity education strategy** including development of a disability portal providing information, case studies and resources for police members to access, as well as updated training material for recruits on responses to people with disability
- the launch of the Victorian Social Procurement Framework in 2018 (an Australian first) which applies to all government departments and agencies. The Framework is designed to increase procurement from businesses and social enterprises that provide employment opportunities for people with disability and other disadvantaged groups.



In 2018, the Department of Health and Human Services funded work to establish baseline data for Victorian community attitudes about people with disability. This is the first research of its kind for Victoria, involving one thousand participants. The Community Attitudes Survey examined personally-held and perceived societal attitudes about people with disability.

The results of the survey pointed to several things:

- nearly three-quarters of those surveyed agreed that people without disability are unsure how to act toward people with disability and are aware of the harmful and stigmatising ways that society views people with disability
- most participants agreed that society is strengthened by people with disability
- fifty-five percent of participants agreed that workplaces are not accepting of people with disability
- twenty percent agreed that employers should be allowed to refuse to hire people with disability
- almost twenty percent agreed that people with disability should not raise children
- nearly two-thirds of respondents agreed that people often make fun of disabilities.
- about sixty percent of participants agreed that schools are accepting of people with disability.

The data provides a rich source for understanding where government needs to focus its attention on driving community attitude change. We will also use it to measure how attitudes are changing over time.

What we know from previous consultation

The things that people told us were important to them as part of the **Absolutely everyone** consultations will continue to be important to the next state disability plan, such as the need:

- to embed the principles of autonomy, opportunity, human-rights, diversity, and accountability across the plan
- for greater action in the areas of universal design, attitude change, economic opportunity, representation, and rights and protection
- for more inclusive and accessible practices in what the government provides through public transport; housing and building; community infrastructure; government information; health services; parks, sport and recreation; the disability workforce; safeguards; advocacy; the justice system; schools and education; arts and media
- to recognise intersecting identities for people with disability and ensure that our plan contains meaningful action and commitments for Aboriginal people, culturally and linguistically diverse people, women, LGBTIQ people, and others
- to ensure an effective transition to the NDIS
- to ensure we are accountable for what we undertake to do through the plan.

The next state disability plan will build on and strengthen the approach under **Absolutely everyone**.

For more detailed data on the daily experiences of people with disability in Victoria you can visit the state disability plan website and view our state disability plan annual reports for 2017 and 2018 at <<http://www.statedisabilityplan.vic.gov.au/annual-reports>>.



Our six key topics

In this part of the paper, we invite you to reflect on some initial proposals about the new plan. We want to see if they make sense to you and match your own thinking. These proposals are not binding. They reflect our early thinking. The advice we receive through responses to this paper and through consultations will let us change, refine or add to this early thinking.

The topics for targeted feedback that we will explore in this paper are listed below.

1. Improving how we describe disability and disability inclusion in the next plan
2. Finding better ways to include people with disability in making the next plan
3. Strengthening the state disability plan outcomes framework
4. Introducing overarching approaches to strengthen government commitments under the new plan
5. Supporting the interface between NDIS and mainstream services
6. Strengthening disability inclusion through the review of the *Disability Act 2006*.

These topics shouldn't limit your advice to us. If there are things that are important to you that don't appear here or elsewhere in this paper, we want to know about them.

In developing the proposals listed in this section of the paper, we have drawn on knowledge gathered through:

- consultations and day-to-day engagement undertaken by the Office for Disability
- implementation of **Absolutely everyone**
- advice and information provided by the Victorian Disability Advisory Council
- advice from across the Victorian Government
- disability studies literature.

Topic 1: Improving how we describe disability and disability inclusion in the next plan

Why this topic?

We think it's important that the next state disability plan makes clear:

- what we mean by "disability"
- the approach we are taking to make Victoria more inclusive of disability.

If we don't give a clear description of these things, it may be harder to describe how we plan to reach our goal of

An inclusive Victoria which supports people with disability to live satisfying everyday lives.

It may also reduce the use of the plan as a tool for advocacy and self-advocacy.

Defining what we mean by disability and a human rights approach

The Victorian Government's approach to inclusion seeks to be broadly compatible with contemporary accounts of disability.

The best known is the "social model of disability". This model says that disability does not result directly from a person's visible or invisible impairments. Instead, disability results from the attitudes, behaviours policies, and environments in society that exclude and harm people with certain kinds of real or perceived impairments.²

As well as describing how disability is created, this description of disability is a call to action. It seeks large-scale change that will make our society's behaviours, attitudes, places and systems inclusive and open to everyone.

Not everyone supports or connects with the social model of disability, and other accounts of disability have been put forward to refine and challenge elements of the model.

However, while other contemporary accounts of disability vary, they generally share with the social model the view that disability is the basis of a systemic denial of rights. They also commonly propose that any description of disability should also be a basis for action to address this systemic denial of rights. Contemporary accounts of disability give an account of what it is and call us to dismantle the structures that give rise to it. To arrive at a program for building inclusion, we can respond to these calls to action by drawing on a rights-based approach.

The human rights approach draws on the framework provided by the United Nations' **Convention on the Rights of Persons with Disabilities**. The **Convention** sets out rights that belong to people with disability and gives high-level guidance to signatory nations on how to uphold them.

The **Convention** recognises that a key way to uphold these rights is through society-wide change and action, led by signatory nations (like Australia) and their states and territories (like Victoria).

We provide more information on the **Convention** in the **Appendix**. We also acknowledge the special status of thinking about disability has been produced by people with disability as academics, teachers and advocates.

² The Social Model of Disability was first proposed more than three decades ago. M. Oliver (1983) *Social Work with Disabled People* Basingstoke Macmillan. Oliver notes that the Social Model in turn builds on earlier theoretical work (Oliver (1990) *The Individual and Social Models of Disability*).



We think that if the next state plan explains how it understands disability and takes up a human rights approach, it will:

- better reflect and support the thinking and advocacy of people with disability and disability-led organisations
- help make the case for transforming our community's environments, attitudes, behaviours and systems
- help the Victorian Government frame new commitments under the plan that address systemic denial of rights
- shine a light on practices that attempt to modify or control people with disability instead of the environments and society we all live in
- increase understanding of disability, including invisible disabilities.

Questions

How should we set out a description of disability and a human rights approach in the next state disability plan?

Are there other statements you'd like the next plan to say about what disability is, what it means to you, and how Victoria needs to do its work to be more inclusive?

Topic 2: Finding better ways to include people with disability in making the next plan

Why this topic?

A key purpose of this paper is to give Victorians the information they need so they can provide the best advice on the development of the next state disability plan.

While we welcome all Victorians' advice, our effort over the coming months will be particularly directed to seeking the advice and expertise of people with disability. We will also look to bring people with disability into the design process for the next plan.

This section talks about some of the ways in which our process will draw on and reflect the perspectives of people with disability.

Consultations and engagement with hard-to-reach groups

Not everyone has the same access to public government engagement processes. That can be for a variety of reasons, including:

- limited networks connecting people to government processes
- distrust in government processes and concerns about how safe, respectful and inclusive they will be
- belonging to groups or cohorts that have historically not participated in consultations of this kind (for example, people with disability in the corrections system)
- not identifying as a person with disability.

We recognise that some people with disability can face multiple and intersecting forms of discrimination and additional barriers to inclusion. We also recognise that people's intersecting identities are a strength and a source of pride.

The next plan needs to reflect a wide range of views of people with disability and take in the full diversity of our state, including the views of:

- Aboriginal and Torres Strait Islander people
- LGBTIQ people
- girls and women, including older women
- refugees, asylum seekers and newly arrived people
- people from culturally and linguistically diverse communities, particularly emerging communities
- parents with disability
- older people
- people in rural and remote communities
- people with complex communication needs
- people with cognitive, sensory and neurological disability
- people with psychosocial disability
- people in residential facilities, supported accommodation and nursing homes
- people experiencing family violence
- people experiencing homelessness
- people in the drug and alcohol system
- people in the corrections system
- young people, particularly young people in out-of-home care or residential services.

We have already begun conversations inside and outside government about connecting with groups underrepresented in consultations like this. We know that the Victorian community is constantly evolving, and that much of the expertise on how we should engage belongs to those very communities we are reaching out to.

We also know that different communities and groups will engage in different ways, and that we need to support this through a variety of consultation approaches.

Even if a consultation engages with a hard-to-reach group, participants will need to feel that the time they have given has been well used. They will want to understand how their advice will be reflected in work to develop the next state disability plan.

As well as prioritising the voice of people with disability, our consultations will need to engage more broadly with community service sector workers; academic institutions; families and carers, and others.

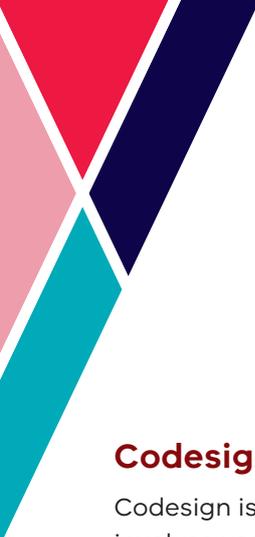
Further information on the principles that we will apply in designing our consultations can be found in **Part 3** of this paper.

Questions

What are other groups that we need to reach out to?

What are some of the specific things we can do to engage effectively with particular groups?

What are some of the things we can do to let people know that we have taken their advice seriously and have brought it into the development process?



Codesign

Codesign is a way of creating products that involves users in the design process. Codesign began as a way of bringing the expertise of “end users” into a design process, such as workers being involved in equipment they will use.

Codesign has since been adapted for bringing together lived experience and other forms of expertise when developing services and products that affect the community. We recognise that people with disability will have an interest in what the new plan sets out to do and how it is designed. They will want to recognise their own concerns, interests and ambitions in the new plan.

For that reason, it is appropriate to draw on codesign principles in creating a new plan.

Some principles of codesign are outlined below.³

Inclusion—The process involves critical stakeholders in an end-to-end process.

Respect—All forms of expertise, including lived experience, are used on an equal basis.

Participation—A range of engagement approaches are used to suit the variety of ways so that people can share knowledge and ideas on an equal basis.

Testing—The products of a codesign process are tested and refined in ongoing consultation with critical stakeholders.

We have supported Victorian projects that have successfully used codesign, but we are aware that there are many ways in which this can be done.

The codesign approach we take up for the new plan will need to work effectively in a government setting. State disability plans go through many stages of development and approval. There are periods when documents become confidential and sharing information can be difficult.

We also want a codesign approach that uses the skills of people with disability fairly and recognises the expertise that people with disability bring to this work.

Questions

What codesign approaches do you think would be good for the next state plan?

What examples have you come across of codesign working well in government policy development?

³ Adapted from NCOSS' Principles of Co-design, <https://www.ncoss.org.au/sites/default/files/public/resources/Codesign%20principles.pdf>

Role of the Victorian Disability Advisory Council

The Victorian Disability Advisory Council is established under the *Disability Act (2006)* to provide advice to the Minister for Disability, Ageing and Carers about:

- whole-of-government policy directions and strategic planning and the implementation of initiatives for people with disability
- the barriers to full inclusion and participation in the community of people with disability and the strategies for the removal of those barriers
- any matter relating to disability referred to the council by the Minister.

The council also has responsibility to:

- communicate effectively with people with disability, the Victorian Government and the community
- raise community awareness of the rights of people with disability and the role of government, the business sector and the community in promoting those rights
- monitor the implementation of strategies for promoting the inclusion and participation in the community for people with disability and for removing barriers to inclusion and participation.

Council members are appointed by the Minister under the Act for a period of three years and cannot hold office for more than two consecutive terms.

A new Council was appointed and announced in October 2019, comprising two re-appointed and 10 new members. The Council has already begun providing input into the consultation for the next plan and will have an important role in the coming months, including leading some consultation activities where appropriate.

Topic 3: Strengthening the state disability plan outcomes framework

Why this topic?

The **Absolutely everyone** outcomes framework is based on the things that people with disability have told us are important in many people's daily lives.

When we established the framework, we knew it was only a first step. We knew that we would need to look at it from time to time and seek the advice of people with disability on whether it continues to give a complete picture.

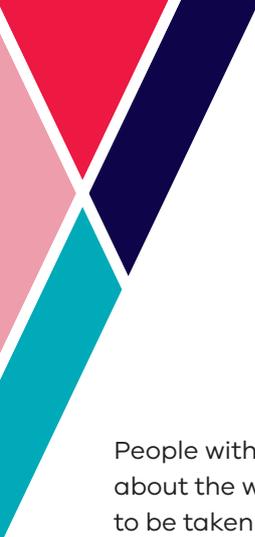
We understand that other parts of people's experience may now need to be brought into focus through the outcomes framework in the next state disability plan.

A possible new outcome area— Intimate Lives

Absolutely everyone adopts five guiding principles to steer it in the right direction and help it achieve what it sets out to achieve. One of these principles is autonomy, defined as:

having the capacity and support to make your own decisions. It is the freedom to decide upon your own beliefs and relationships.

This principle of autonomy is reflected in several outcome areas in **Absolutely everyone**, such as transport, housing, and voice and leadership. However, we are aware that the next state plan could benefit from more focus on promoting and protecting freedoms.



People with disability have given ample testimony about the ways in which their freedoms continue to be taken from them. Some of these ways are subtle. Some are not subtle. Many are illegal, regardless of how harmless or well-meaning they may appear to the perpetrators of these actions. In all cases, they take away a person's right to be fully the person they are and to live fully the life they would choose for themselves.

One option might be to add a new outcome area under **Fairness and safety** around people's exercise of freedom, agency and risk. This could include:

- quiet enjoyment and privacy (especially for people in residential services and group homes)
- freedom to enjoy sex, sexual identity and gender identity
- exercise of rights around family planning and parenting
- opportunity to make lifelong financial plans, including retirement
- freedom to make decisions around palliative care and end of life
- exercise of beliefs.

A strengthened outcome focus— Recognition

People with disability have told us that they do not have adequate opportunities for expressing pride in their identity and receiving recognition for their achievements.

Awards and formal recognition are often directed to service providers and people without disability and reinforce ableist perspectives. By focussing the attention of many disability awards on service providers and carers, we confirm unhelpful ideas about people with disability. We define them by their perceived need for oversight and institutional care.

This failure to let people with disability decide whom and what to celebrate is another way in which their daily lives and life ambitions are diminished.

There is a case for a new outcome focus on people with disability having:

- opportunities to receive formal and informal acknowledgement for their achievements
- opportunity to influence what is recognised in disability awards and events
- input and oversight for judging relevant awards
- input and oversight for formal celebrations (such as International Day of People with Disability).

There are strong links between this potential outcome focus and existing parts of the state disability plan outcomes framework, such as **Influence and Opportunity**.

This is our thinking about the outcomes framework and where it can be added to - we now welcome yours. We want to hear about what you think is missing from the outcomes framework, or what could be included more clearly.

Questions

What do you think about a new outcome around people's intimate lives?

What do you think about a new outcome around recognition and pride?

Are there any other changes to the outcomes framework that you think will be important for the next state disability plan?

Topic 4: Introducing overarching approaches to strengthen government commitments under the new plan

Why this topic?

Absolutely everyone sets out commitments that align broadly with the state disability plan outcomes framework and are driving some of the plan's intended outcomes. However, there is an opportunity to make commitments under the next plan connect with outcomes in a more systematic way.

We think that we can use two overarching approaches to guide the development of commitments and align them towards real and lasting change. These two approaches are **Community attitudes** and **Universal design**.

Community attitudes have great impact on people's lives. There is a link between community attitudes about disability and the extent to which people with disability are included in society. Attitudes are embedded in all levels of communities, from person-to-person interactions to formal policy and law.

Universal design involves making built environments, facilities, information, policies, products, programs and services accessible for all people and abilities from the start. Doing as much as possible at the start lessens the need for expensive adaptations. Universal design helps everyone.

Absolutely everyone already signals the importance of Community attitudes and Universal design by making them its first two Key priorities, and by also nominating them as two of the key approaches for achieving the plan's aims.

Several years of implementing **Absolutely everyone** has now made clear that its commitments are largely effective to the extent that they help modify community attitudes and behaviours or support a universal approach to environments and services.⁴

Improving Community attitudes and embedding Universal design are primary tools for restoring rights, freedoms and agency to people with disability. This applies across all four domains of the state disability plan outcomes framework, in areas such as transport, housing, public infrastructure planning, health and wellbeing, safety, corrections, education and employment. These two approaches are also mutually reinforcing. Without helpful community attitudes and behaviours, examples of universal design cannot be used to their full potential. Without universal design, helpful community attitudes and behaviours will encounter limitations that may over time negatively affect them.

By testing all our commitments against the extent to which they contribute to Community attitudes and reflect universal design principles we will be able to promote a consistent approach to action across government for the next state disability plan.

Questions

What do you think about including community attitudes and universal design as guiding approaches in the new plan?

Are there important things that Victoria needs to do through the next state disability plan that are not reflected under Community attitudes and Universal design? What are they?

What are other ways we can strengthen the design and accountability of commitments under the next state plan?

⁴ We recognise that Universal Design can and should also allow for approaches that work specifically for people with disability, such as modified sporting codes. A principle of Universal Design is "identical whenever possible; equivalent when not".

Topic 5: Strengthening the NDIS and mainstream interface

Why this topic?

By the time the next state disability plan is in place, Victoria will have completed transition to the NDIS. However, because the scheme takes a lifelong approach, we expect that work will be ongoing to improve the interface between mainstream Victorian services and the NDIS.

As the scheme has rolled out in Victoria, we have focused our efforts on supporting our former state clients to successfully move to the NDIS. We have learned many lessons from the roll out of the NDIS and we know there is more work needed. We need to be watchful to make sure Victorians don't fall between the cracks in and between service systems. We need to make sure the NDIS is providing value for money for Victorians.

Around one million Victorians with disability will access mainstream Victorian services that need to be designed and delivered in a way that ensures their full inclusion and participation. The sustainability of the NDIS depends on the responsiveness of those mainstream services.

The state disability plan sets out strategies and ideas to respond to the needs of Victorians with disability, such as making reasonable adjustments, and to continue building our capacity to deliver responsive and inclusive services.

There will be many Victorians who will cross both NDIS services and mainstream Victorian services. We need to make sure this experience is as seamless as possible, and we need to ensure there are clear lines of accountability. We expect that further work on improving the mainstream interface will include working with the National Disability Insurance Agency and developing appropriate models of care for joint clients.

This will be increasingly important to all people with disability, regardless of whether they are scheme participants or not.

For this reason, the NDIS mainstream interface will increasingly come within the scope of future state disability plans. It is therefore intended that the next state disability plan will be a primary mechanism for:

- outlining a detailed vision for the interface between the NDIS and mainstream services and how Victoria can contribute to its effectiveness
- outlining the commitments that can be expected to achieve these intended outcomes.

Questions

Where are the gaps between NDIS and mainstream services?

How do we ensure mainstream services are inclusive of all people with disability?

Topic 6: Strengthening disability inclusion under the *Disability Act 2006*

Why this topic?

The *Disability Act 2006* (the Act) provides a whole-of-Victorian Government and whole-of-community response to the rights and needs of people with disability. It sets out a framework for the provision of high-quality services, supports and protections.

The Act supports Victoria's inclusion agenda by setting out requirements for:

- state disability plans
- the Victorian Disability Advisory Council
- disability action plans in state government departments, statutory authorities and statutory corporations.

It also includes provisions relating to:

- delivery of disability services by the Victorian Government
- registration of disability service providers
- safeguarding and complaints systems, including Community Visitors, the Senior Practitioner, and the Disability Services Commissioner
- residential rights for people with disability
- compulsory treatment
- restrictive practices.

The introduction of the NDIS has changed the Victorian Government's role in disability.

Nearly all specialist disability services are now funded through the NDIS and provided by non-government and private sector organisations.

A new national NDIS Quality and Safeguards Commission has been established to regulate the NDIS, monitor quality of service provision, and respond to complaints.

The Government has already made several critical amendments to the Act to ensure a smooth transition of responsibility to the new Commission from July 2019. It is now timely to undertake a broader review of the Act focusing on Victoria's role in disability beyond the transition to the NDIS. We want to hear from the Victorian community, especially people with disability, about what the review should consider and how the Act should be updated.

The review will look at the whole of the Act but is expected to look in detail at how the Act approaches:

- the promotion of the social, civic and economic inclusion and participation of people with disability
- Victoria's responsibilities to provide and fund disability services
- the framework for regulating organisations which deliver services to Victorians with disability
- the role of Community Visitors and how a Community Visitor Scheme should be designed
- forensic disability services
- compulsory treatment
- restrictive practices
- residential rights and services.

We will also be considering whether the Act needs to be updated to be consistent with changes to how other social services are regulated, and to reflect what we learn from the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.



From a state disability plan perspective, the review will look at opportunities for stronger and more accountable arrangements to drive inclusion, accessibility and accountability.

This may include:

- making current provisions around state disability planning and disability action planning stronger and/or improving the accountability of the existing processes
- looking at ways to strengthen the VDAC role.

A review of the Act of this scale presents an opportunity to strengthen Victoria's inclusion agenda for many years to come.

Questions

What are the most important things that a review of the *Disability Act 2006* should consider? What are the biggest improvements we can make?

How should the Act ensure that Victoria can fulfil its role in promoting the inclusion, participation and rights of people with disability?

How does the Act need to change to reflect Victoria's role in delivering disability services after implementation of the NDIS?

How should the Act reflect, protect, or enhance human rights? What changes are needed to ensure the human rights of people with disability are protected in relation to compulsory treatment, the justice system, and restrictive practices?

Are there any specific groups of people that it is important we speak to during the review? Are there particular issues that we need to talk to them about?

How we will consult

This section gives information on how we will conduct consultations so that anyone who wants to provide advice and feedback can do so in a way that is accessible, safe and inclusive.

The consultation process will use the following methods with the timing detailed in the table below:

Method	Timing
Facilitated moderated online forums	28 January 2020 and 4 April 2020
Moderated online discussion page	Opens 3 December 2019 Ends 4 April 2020
Online Submissions	Opens 3 December 2019 Ends 4 April 2020
Survey and polls	From 14 January to 4 April 2020
Metropolitan face to face sessions – Public (Office for Disability led consultations)	3 December 2019 to 10 March 2020
Metropolitan face to face sessions – Public Service entities (Office for Disability led consultations)	3 December 2019 to 13 March 2020
Face to face sessions for hard to reach groups (External facilitators)	3 December 2019 to 1 April 2020

The state disability plan website will be used for the consultation process hosting online forums, online discussions, submissions, surveys and polls. The website can be reached here, < <http://www.statedisabilityplan.vic.gov.au/>>.

What we will do to make our consultation accessible, inclusive and safe

The consultation will be underpinned by the following principles.

- Universal access and inclusion for people with disability are considered in the physical environments we use and in the method we use to communicate with participants.
- We use a range of different approaches to ensure that people with disability can provide information about their experiences and inform the findings of the consultation process. This can include provision of visual and pictorial information and translated information.
- We review our performance throughout the consultation process and make changes to our processes based on feedback from people with disability.

We recognise that several cohorts and communities we want to hear from will require targeted engagement approaches that respect their voice and protect their cultural safety. In these circumstances, we will ask sector organisations that hold relevant expertise and/or have the trust of communities to undertake parts of the consultation for us, such as Aboriginal Community Controlled Organisations.

The initial consultation period will be from 3 December 2019 until 4 April 2020, and we will monitor participation to identify any groups who have not engaged with the consultation process. From March to 31 May 2020, we will run targeted consultations to reach identified groups.

Key timelines

Milestone	Timeframe
Public release of State Disability Plan 2021-2024 consultation paper and opening of formal consultation	3 December 2019
Formal consultation close	4 April 2020
Targeted consultation close	1 May 2020
Public release of State Disability Plan 2021-2024	3 December 2020

Consultation scope

The consultations will cover all local government areas of Victoria and will reflect a wide range of views of people with disability and take in the full diversity of our state. This will include the views of groups identified in Topic 2 on page 14 to 15 as well as the following stakeholders:

- parents and siblings of people with disability
- carers
- community organisations
- community service sector workers
- academic institutions
- mainstream services
- volunteers and volunteer organisations
- relevant government bodies and agencies (e.g. the Disability Discrimination Commissioner, Disability Services Commissioner, the National Disability Insurance Agency).

We acknowledge that some people with disability have intersecting identities and can face additional layers of discrimination and exclusion.

The consultation approach will use targeted approaches to amplify the voices of people with intersecting identities and people from other hard-to-reach groups.



Appendices

Appendix 1: International, national and Victorian context for state disability plans

International and national conventions and agreements guide our work to make Victoria a more inclusive state. They provide a human rights framework for effective action.

The United Nations' Convention on the Rights of Persons with Disability

The United Nations' **Convention on the Rights of Persons with Disabilities** (CRPD) came into force on 2008. Victoria must report to the Commonwealth every four years on how it has upheld the CRPD.

The CRPD seeks to

promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.⁵

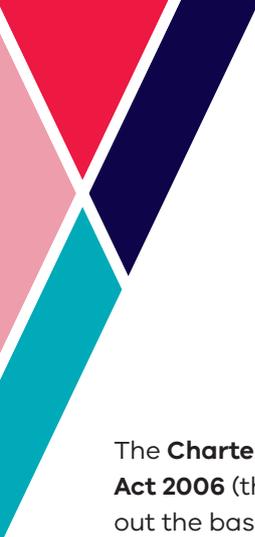
The CRPD sets out obligations that nations who are parties to the Convention must uphold. These obligations cover a wide range of areas, including safety, access to justice, liberty, independence, privacy, education, health, employment and social participation.

The Commonwealth Government ratified the CRPD in 2008. The Victorian Government has obligations arising from the CRPD, as well as other human rights instruments. The CRPD provides a description of disability. Victorian state disability plans and associated products (such as this paper) are compatible with this description.

The **Disability Discrimination Act 1992** (DDA) makes it against the law to discriminate against someone if they have a disability in various aspects of life, such as in employment, education, provision of goods and services, or accommodation.

Victoria's **Equal Opportunity Act 2010** provides further protections from discrimination for people with disability in Victorian and avenues for people to resolve disputes.

⁵ <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/convention-on-the-rights-of-persons-with-disabilities-2.html> p.4



The **Charter of Human Rights and Responsibilities Act 2006** (the Charter) is a Victorian law that sets out the basic rights, freedoms and responsibilities of all people including people with disabilities in Victoria. It is about the relationship between government and the people it serves.

The Charter requires public authorities, such as Victorian state and local government departments and agencies, and people delivering services on behalf of government, to act consistently with the human rights in the Charter.

Twenty fundamental human rights are protected in the Charter because the Victorian Parliament recognises that, as human beings, we have basic rights, including the right to be treated equally, to be safe from violence and abuse, to be part of a family and to have our privacy respected.

National Disability Strategy 2010-2020

The **National Disability Strategy 2010-2020** (the Strategy) marked the first time in Australia that all governments committed to a unified, national approach to improving the lives of people with disability.

The Strategy provides the framework for states and territories to develop and implement disability policy guided by Australia's obligations under the CRPD described above. It was also the framework through which the National Disability Insurance Scheme (NDIS) was introduced.

Victoria continues to endorse the Strategy, which expires at the end of 2020. From April to July 2019 the Commonwealth Department of Social Services undertook consultation around a future approach to national disability inclusion. The outcomes of this consultation process will feed into the development of a new national disability framework beyond the end of the Strategy.

The aligned timing of the new national policy instrument and a new Victorian state disability plan provides a valuable opportunity for the two consultation processes to inform and build off each other.

Victorian Disability Act 2006

The *Disability Act 2006* (the Act) commenced on 1 July 2007. The Act provides for:

- a strong whole-of-government and whole-of-community response to the rights and needs of people with disability
- a framework for the provision of high-quality services and supports for people with disability.

The Act also sets out principles for people with disability and for disability service providers. Disability service providers include the Department of Health and Human Services and organisations that are registered under the Act to provide disability services.

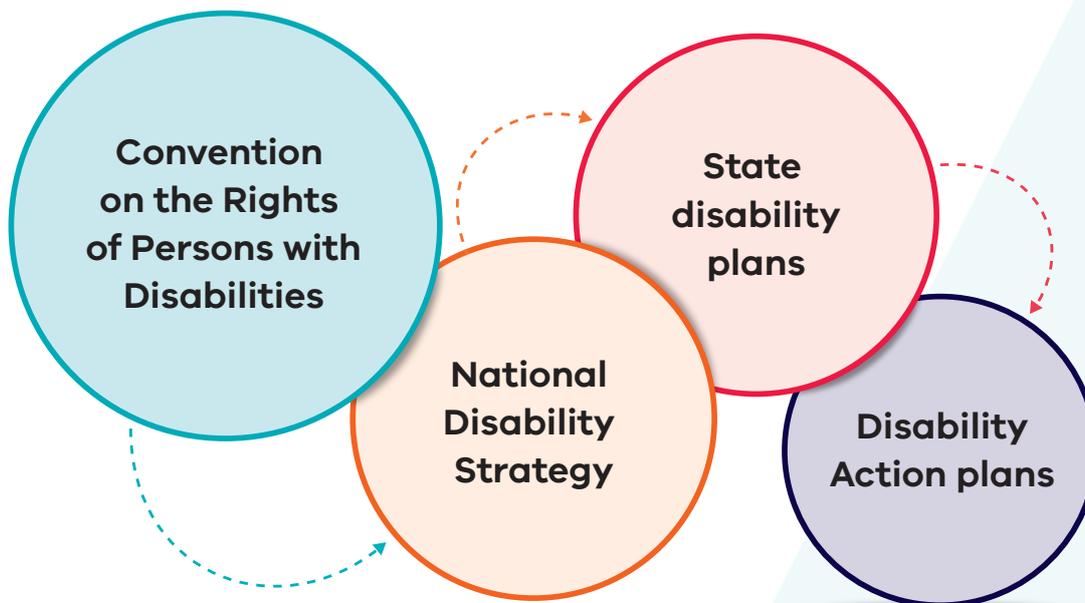
Disability action plans

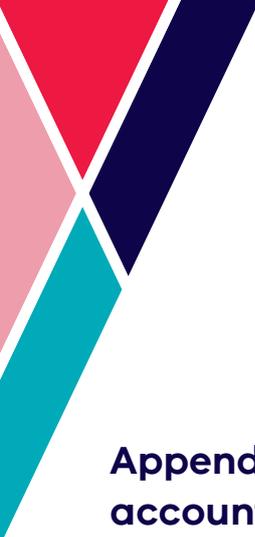
State disability plans have a statewide remit and a focus on inclusion and accessibility for all people with disability. Disability action plans are for the purpose of driving inclusion in specific organisations.

Public sector bodies are required under section 38 of the *Disability Act 2006* to develop disability action plans. This includes government departments and other department agencies, local governments, and a number of health services.

Disability action plans set out the steps that an organisation will take to make the products and services it delivers to the public more accessible and inclusive, as well as steps to make its own corporate culture more inclusive.

Disability action plans are an important tool to reduce barriers, promote inclusion and change attitudes and practices. **Absolutely everyone** committed to considering changing the current system of disability action plans to ensure that they are consistent with the state disability plan. The Victorian Department of Health and Human Services' Disability Action Plan 2018-2020 has been designed as an exemplar for how to align a disability action plan with the state disability plan. It can be found at <<https://www.dhhs.vic.gov.au/publications/disability-action-plan-2018-2020>>





Appendix 2. Contemporary accounts of disability

There are a range of community perspectives on the definition of disability. The account of disability presented in this paper aligns with the CRPD. Article 2 of the CRPD describes disability as evolving concept that results from the interaction between persons with impairments and attitudinal and environmental barriers that hinder full participation in society on an equal basis with others.

We also recognise that:

- identity is crucial to a person with disability and what they perceive their rights to be
- people with disability are diverse, but have a shared experience of systemic denial of rights
- there are different ideas about what is and is not an impairment as opposed to a personal characteristic or attribute
- contemporary descriptions of disability operate as calls to action, seeking systemic redress for systemic exclusion
- within different disability types, there are cultures based on shared physical, cognitive and emotional frames that create different experiences and shared values around existing, connecting and thriving. This is something to be supported, honoured and explored.

Appendix 3: Victorian State Disability Plan 2021-2024 consultation

Our vision is an inclusive Victoria, which supports people with a disability to live satisfying everyday lives.

We are working to ensure the rights of Victorians with a disability to live and participate in Victorian society on the same basis as everyone else – to be supported in their aspirations for an everyday life where they are judged by their efforts and achievements.

Consultation themes					
1	2	3	4	5	6
Improving how we describe disability and disability inclusion in the next plan	Finding better ways to include people with disability in making the next plan	Strengthening the state disability plan outcomes framework	Introducing overarching approaches to strengthen government commitments under the new plan	Supporting the interface between NDIS and mainstream services	Strengthening disability inclusion through the review of the <i>Disability Act 2006</i> .

Principles		
<p>Autonomy</p> <p>Autonomy is about having the capacity and support to make your own decisions. It is the freedom to decide upon your own beliefs and relationships.</p>	<p>Human-rights</p> <p>The Victorian Charter of Human Rights and Responsibilities Act protects a range of human rights, respecting the rule of law, human dignity, equality and freedom.</p>	<p>Diversity</p> <p>Human rights belong to all people without discrimination and the diversity of the people of Victoria enhances our community.</p>
<p>Opportunity</p> <p>Opportunity is a part of being treated fairly and means having the chance to take advantage of a situation.</p>		<p>Accountability</p> <p>We have developed this plan as a framework for delivering concrete actions and real outcomes for people with a disability to hold us accountable.</p>



