



Brotherhood of St. Laurence
Working for an Australia free of poverty

Realising the vision of an inclusive society for people with disability

Submission to the review of Australia's Disability Strategy (2021–2031)

Brotherhood of St. Laurence

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Summary

The Brotherhood of St. Laurence (BSL) welcomes the opportunity to respond to the review of Australia's Disability Strategy 2021–2031 (ADS). The strategy sets out an important ambition to improve the lives of people with disability and realise the vision of an inclusive society for people with disability where they can participate as equal members of the community.

This review is occurring at a critical time with the government's response to the Disability Royal Commission recommendations having recently been released alongside the government's implementation of the National Disability Insurance Scheme (NDIS) Review recommendations.

BSL notes that the government has still not formally responded to the NDIS Review. It is critical that government responds to the review findings to ensure reforms are advanced in a coherent, coordinated, and transparent manner and any relevant actions are included in the ADS and related action plans.

BSL has not completed the online questionnaire. Instead, we have provided comment on issues that relate to important themes in the discussion paper.

1 The Brotherhood of St. Laurence and disability

The Brotherhood of St. Laurence (BSL) is a social justice organisation working towards an Australia free of poverty. Our purpose is to advance a fair Australia through our leadership on policy reform,

our partnerships with communities and the quality of our services. Our approach is informed directly by people experiencing disadvantage and uses evidence drawn from our research programs and services to develop practical solutions that work.

BSL has operated as a NDIS Partner in the Community (PITC) since 2016. We are contracted by the National Disability Insurance Agency (NDIA) to deliver Local Area Coordination (LAC) and the early childhood approach in Victoria across the North Eastern Melbourne, Hume/Merri-bek, Brimbank/Melton, Western Melbourne and Bayside Peninsula areas. This work includes the building of community capacity and inclusiveness through place-based projects.

Additionally, BSL runs the National Collaboration of Employment and Disability (NCED), which works to build the capability of the people who work within the employment, education and training systems to enable successful post-school transitions into mainstream employment for young people with disability. The NCED does this through translating research and evidence into policy solutions and practical resources that build workforce capability across the youth, disability, employment, education and training ecosystems.

Our work in all these areas incorporates continuous improvement and learning at both organisation and system levels. This learning is based on what we observe, experience and monitor at the front line of implementing the NDIS and intersecting programs and services, and research and evaluations conducted internally and with university partners. We employ people with disability in our disability services and across the organisation.

2 BSL's response to the ADS review

Embedding the Disability Royal Commission recommendations

The Disability Royal Commission (DRC) was an incredibly important landmark in highlighting the abuse, violence and neglect that people with disability experience in Australia. Through over 222 recommendations, the final report called for a radical shift to ensure the rights of people with disability are adequately protected, that their autonomy is respected, and that government services are truly inclusive. BSL notes that the recommendations of the DRC were underpinned by four years of evidence gathering, testimony, reflection and nearly 8000 submissions. We also acknowledge the courage of those people providing testimony with often traumatic lived experience.

Along with many other organisations and people with disability, BSL is deeply disappointed by the small number of recommendations that have been accepted in-full by government. The response, together with the government's delay in responding to the recommendations of the NDIS Review, and the passing of the NDIS Amendment Bill before alternative supports for people with disability are in place, have undermined the disability community's trust and confidence in government.

The review of Australia's Disability Strategy 2021–2031 (ADS Review) is therefore a critical opportunity for government to embed relevant recommendations from the DRC and demonstrate commitment to action to the disability community. This should include actions across the new and updated targeted action plans to ensure there is shared responsibility, where appropriate, across federal, and state and territory governments.

The implementation of the relevant DRC recommendations should also be considered in conjunction with the NDIS Review recommendations to ensure there are coordinated, collaborative efforts across governments and departments to ensure people with disability are able to thrive.

Recommendation 1: BSL recommends that government embed the relevant recommendations from the DRC in the update of the ADS.

Draft finding: whole-of-government implementation

BSL agrees with the draft finding in the ADS Review discussion paper that more needs to be done to support a coordinated approach to implementation of the ADS across governments. The implementation should also consider how the reforms will impact people with disability across their life.

It is important to note that the lack of coordination across governments impacts the lives of people with disability. Systems are fragmented, complex and not person-centred which means people with disability are not getting the supports they need, negatively impacting their quality of life and access to employment and other opportunities.¹ This is apparent across multiple systems including, but not limited to, inclusive early childhood education, access to personal and community supports outside of the NDIS, aged care, education and training, employment services and social security.

In order for the ADS to achieve its vision of an inclusive Australia it needs a coordinated whole-of-government approach that is appropriately resourced to meet its goals.

Draft finding: involving people with disability in the design, implementation and governance of the ADS

BSL agrees that for the ADS to successfully achieve its goals it must actively involve people with disability in its design, implementation and governance. Additionally, the United Nations Convention on the Rights of People with Disability (UNCRPD) states that ‘people with disabilities should have the opportunity to be actively involved in decision-making processes about policies and programmes, including those directly concerning them’.²

BSL supports the activities already undertaken by the ADS team to include people with disability in the Advisory Council and forums. In addition to this representation, BSL also recommends co-designing the targeted action plans and relevant communication strategies with the disability community and disability representative organisations (DROs).

Recommendation 2: BSL recommends co-designing the targeted action plans and communication strategies with the disability community and DROs.

¹ Australian Government 2023, ‘Working together to deliver the NDIS.’ Available at: <https://www.ndisreview.gov.au/resources/reports/working-together-deliver-ndis>

² United Nations Office of the High Commissioner 2019, *Committee on the Rights of Persons with Disabilities reviews report of Australia*. Available at: <https://www.ohchr.org/en/press-releases/2019/09/committee-rights-persons-disabilities-reviews-report-australia>

The DRC also noted the importance of government in its role as an employer and recommended increasing disability employment in the public sector (Recommendations 7.18–7.23), which the Australian Government accepted in principle.³ BSL therefore recommends that, in line with this recommendation, people with disability are employed to work directly on the development and implementation of the ADS.

Recommendation 3: BSL recommends employing people with disability to work on developing and implementing the ADS.

Outcome area: safety, rights and justice – strengthening disability rights

BSL welcomes the focus on the rights of people with disability across Australia. In 2019, the UN Committee on the Rights of Persons with Disabilities expressed concerns about Australia’s slow progress on the implementation of the UNCRPD.⁴ Since this report there has been significant action to address those concerns including catalysing the original ADS 2021–2031 alongside the DRC, the NDIS Review, rolling inquiries by the Joint Standing Committee on the National Disability Insurance Scheme, reform of Disability Employment Services, the development of the NDIS Participant Employment Strategy and the Employ My Ability Strategy, the inquiry into Workforce Australia, the review of the Disability Services Act and National Cabinet Agreement for Foundational Supports outside the NDIS to be jointly commissioned by the Commonwealth and the states.

The commitment to action across governments and jurisdictions is commendable. However, without coordinated accountability for outcomes, Australia’s commitment to the UNCRPD is still not fully realised. This has been noted across different service systems including the education system,⁵ universal design in housing,⁶ employment services and engagement in the justice system⁷ among

³ See Recommendations 7.18–7.23 in Department of Social Services 2024, *Australian Government Response to the Disability Royal Commission*. Available at: https://www.dss.gov.au/sites/default/files/documents/08_2024/australiangovernmentresponsetodrc_july2024.pdf

⁴ United Nations Office of the High Commissioner 2019, *Committee on the Rights of Persons with Disabilities reviews report of Australia*.

⁵ Australian Coalition for Inclusive Education 2020, *Driving change: A roadmap for achieving inclusive education in Australia*. Available at: https://treasury.gov.au/sites/default/files/2021-05/171663_children_and_young_people_with_disability_australia_supporting_document.pdf

⁶ Australian Network for Universal Housing Design 2020, *Universal design in housing: reporting on Australia’s obligations to the UNCRPD*. Available at: https://www.griffith.edu.au/__data/assets/pdf_file/0021/1182351/Publication-Universal-design-in-housing-Reporting-on-Australias-obligations-to-the-UNCRPD-updated.pdf

⁷ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability 2020, *Australia allowing human rights violations of people with disability*. Available at: <https://disability.royalcommission.gov.au/news-and-media/media-releases/australia-allowing-human-rights-violations-people-disability-disability-royal-commission-report>

others. The ADS is intended to provide national leadership across all areas of public policy and the community to be inclusive and responsive to people with disability, but it lacks both the authority and resources to realise that ambition. Inconsistent and unreliable data is also hampering strategic or coordinated planning, investment and measurement of impact of activity across and outside government to effect change at scale. BSL recommends further strengthening the implementation of the UNCRPD through the ADS and related action plans.

Recommendation 4: BSL recommends further strengthening the implementation of the UNCRPD within the ADS and related targeted action plans.

Outcome area: personal and community support – disability ecosystem

BSL also welcomes the focus on the disability ecosystem as a priority in the updated ADS. The NDIS Review recommended several major reforms to the disability ecosystem – in particular, the introduction of Foundational Supports to provide support for people with disability and address the gaps for those not eligible for the NDIS. BSL’s ambition is that all people with disability can access the supports they need, when and where they need them, both through the NDIS and through services outside of the scheme.

Federal, state and territory governments will need to ensure that there is adequate data collection on unmet needs of people with disability as Foundational Supports are introduced and implemented Australia-wide to ensure that this ambition is realised. The ADS, its outcomes framework and data collection are a critical vehicle to ensure this data is collected and acted upon to ensure all people with disability have access to the general and targeted Foundational Supports they need.

Research on ‘Tier 2’ (now called Foundational Supports) undertaken by the Melbourne Disability Institute in conjunction with BSL (2022) highlighted that there is a significant financial cliff for people with disability who are not eligible for the NDIS.⁸ For people with disability who are unable to afford the supports there is significant risk that a lack of support will further entrench disadvantage.⁹ As the NDIS Amendment Bill has been passed before alternative supports are put in place we are concerned that that risk will increase at scale, and generate significant flow-on public and private costs.

Victorian Law Reform Commission 2023, *Inclusive juries report*. Available at:

<https://www.lawreform.vic.gov.au/publication/inclusive-juries-report/6-international-obligations-about-the-rights-of-people-with-disabilities/>

Disabled People’s Organisations Australia 2019, ‘Rights of people with disability routinely ignored’. Available at: <https://dpoa.org.au/rights-of-people-with-disability-routinely-ignored-new-report/>

⁸ Olney S, Mills, A & Fallon L 2022 *The Tier 2 tipping point: access to support for working-age Australians with disability without individual NDIS funding*. Melbourne Disability Institute, University of Melbourne ISBN 978 0 7340 5695 5 <https://apo.org.au/node/319016>

⁹ *ibid.*

The NDIS Review also recognised the critical gap in supports created by the introduction of the NDIS for people with disability who are not eligible.¹⁰ Research has also highlighted that the disability supports ecosystem is complex, disconnected and incomplete, which has resulted in unsustainable reliance on informal support networks.¹¹ Being able to identify the gaps in supports for people with disability will be critical to the successful implementation of Foundational Supports.

BSL recommends collecting, monitoring and reporting on data on the unmet needs of people with disability and identifying any gaps in supports during and following the implementation of Foundational Supports. People with disability, their families and support networks should be involved in producing and analysing this data.¹² This data collection should also speak to the three key issues raised in the 'Tier 2' research which is the accessibility, affordability, and availability of supports.

Recommendation 5: BSL recommends collecting, monitoring and reporting on data on unmet needs of people with disability and gaps in support during and following the implementation of Foundational Supports.

Outcome area: inclusive education and learning

BSL welcomes the focus on inclusive education and learning as an outcome area in the strategy. All people with disability have the right to an inclusive education from early years to further education, however, they are often excluded from education settings, experience segregation or must navigate inaccessible schooling environments.

Early childhood education

BSL and the Health Issues Centre's 2022 study *The voices of families: experiences of families with children with developmental delay and/or disability*¹³ found that that childcare and kindergarten settings are not providing adequate support to meaningfully include children with developmental delay and/or disability in their programs. Families have reported being turned away from education and care services due to their child's presentation and/or additional needs.

There has also been a lack of investment in ensuring mainstream services are accessible and inclusive, which means they cannot adequately address the needs of children with developmental delay and/or disability, and their families.¹⁴ This has rendered the NDIS the only source of support for children with developmental delay and/or disability. Additionally, the use of the medical model

¹⁰ Australian Government 2023, 'Working together to deliver the NDIS.' Available at:

<https://www.ndisreview.gov.au/resources/reports/working-together-deliver-ndis>

¹¹ *ibid.*

¹² Disability Advocacy Network Australia 2023, *NDIS Review: Mainstream and Tier 2*. Available at:

<https://www.dana.org.au/wp-content/uploads/2023/08/DANA-Discussion-Paper-NDIS-Review-MainstreamTier2-1.pdf>

¹³ Brotherhood of St. Laurence and Health Issues Centre 2022, *The voices of families: experiences of families with children with developmental delay and/or disability*, (unpublished).

¹⁴ Early Childhood Intervention Best Practice Network 2023, *Discussion paper: Early childhood intervention and therapeutic supports for children and young people under age 16*, Early Childhood Intervention Best Practice Network.

of disability¹⁵ and the requirement of a diagnosis to access supports has been a barrier for many children and their families to access support and services. The medical model can be too narrow in defining the supports needed to adequately address children's needs and their inclusion in the community.

BSL therefore recommends ensuring there is adequate resourcing for early childhood centres and that early childhood educators are upskilled to better promote inclusion of children with developmental delay or disability within mainstream settings. This should also be aligned with the new Early Years Strategy (2024–2034) that all services should be equitable, inclusive and accessible.

Recommendation 6: BSL recommends ensuring there is inclusion within mainstream settings for children with developmental delay or disability by providing adequate resourcing for early childhood centres and upskilling for early childhood educators and childcare workers.

Disrupting the 'polished pathway'

BSL welcomes the focus on improving inclusion in the education system and supports action through a National Roadmap to Inclusive Education. A critical issue identified in the DRC related to the provision of services through segregated/separated or universal service systems. In particular, the 'polished pathway' of segregated education and employment systems¹⁶ which begins early in life and negatively impacts people with disability across their life.¹⁷

As government continues to consider the recommendations from the DRC on inclusive education, it is critical to provide real opportunities for young people with disability to engage in mainstream education and support with school-to-work transitions by making it more accessible and inclusive.

Through evaluations of Ticket to Work, and BSL's pilot Inclusive Pathways to Employment (IPE) program, we have identified several ways to disrupt the 'polished pathway' that government should embed in a National Roadmap to Inclusive Education:

- Provide appropriate resourcing to ensure mainstream education is inclusive and accessible for young people with disability.
- Support parental engagement in school-based career development and transition planning. This should include support to build parental expectations of their child's employability and support for them to understand the range of pathways available and steps to take in that pathway.

¹⁵ As defined by People with Disability Australia: 'The medical model of disability is all about what a person cannot do and cannot be. By contrast the social model sees "disability" as the result of the interaction between people living with impairments and an environment filled with physical, attitudinal, communication and social barriers. It therefore carries the implication that the physical, attitudinal, communication and social environment must change to enable people living with impairments to participate in society on an equal basis with others.'

¹⁶ McAlpine, C 2022, 'The Polished Pathway', speech to the NDIS Jobs and Skills Summit on 17 August 2022, Inclusion Australia.

¹⁷ Malaquias, C 2020, *Submission in response to Education and learning issues paper*, All Means All: the Australian Alliance for Inclusive Education, 17 March 2020, ISS.001.00061, p. 37.

- Resource quality school-based career education and development that starts early and is developmentally appropriate. This should include exploration activities and access to a range of real-world customised work experience and paid employment opportunities.
- Provide greater access to inclusive and accessible school-based apprenticeships and traineeships.¹⁸

Outcome area: economic and financial security

Post-school transitions

BSL welcomes the focus on school-to-work transitions and barriers to employment for people with disability. BSL has significant experience in supporting young people with disability in their school-to-work transitions through the NCED,¹⁹ Ticket to Work, the Inclusive Career Development Pilot²⁰ and our pilot IPE program that can inform the ADS to guide action on improving post-school transitions.

From the delivery of IPE and other programs the following have been identified as key elements that are critical to improving school-to-work transitions for young people with disability and support them to engage in mainstream/open employment:

- **Family involvement:** Each family should be aspirational for their child's future and be supported to be a career ally in that journey.
- **Person-centred/self-determination:** Each young person's supports must be personalised. It will be different for every person and every situation depending on their goals, challenges and needs. Each young person should be in control of their own life and supported to make their own choices.
- **Skills development:** Young people with disability should have opportunities to develop skills in-school and post-school. This may be through vocational education, life skills, work-based training or university opportunities.
- **Work experience:** Young people with disability should have work experience at an early age that is structured and well supported, utilises social networks to find work opportunities and builds relationships with employers.
- **Employment supports:** Young people with disability should have customised and person-centred employment support. This includes having access to mainstream training and youth employment services that are designed to cater for the young person's needs.

¹⁸Centre for Social Impact 2024, *School to work transition for young people with disability, the current ecosystem and the Ticket to Work approach*. Available at: https://nced-media.s3.ap-southeast-2.amazonaws.com/media/download_resources/word/CSI_School_to_Work_transition_for_young_people_with_disability_F_ny523iL.pdf

¹⁹ NCED 2024, 'What is the National Collaboration on Employment and Disability'. Available at: <https://nced.org.au/>

²⁰ University of Newcastle 2023, *Inclusive Career Development project evaluation report*. Available at: https://nced-media.s3.ap-southeast-2.amazonaws.com/media/download_resources/word/Inclusive_Career_Development_Evaluation_2023_XdVgJg7.pdf

- **Collaboration across supports:** There should be collaboration across key formal and informal support networks including schools, family, employers, employment services and other services.²¹

Evidence from IPE and Ticket to Work also suggests that, when available, effective universal services offer important advantages in supporting children and young people with disability to participate in mainstream social and economic activity.²² BSL recognises that many universal services require enhancement and intentional development to effectively support people with disability, and this should be underpinned by mutually reinforcing policy and funding models.

Recommendation 7: BSL recommends that government ensures that mainstream training, employment, and education systems work together to improve school-to-work transitions for young people with disability by adopting the elements outlined.

Barriers to employment

BSL welcomes the focus on decreasing barriers to employment for people with disability. Efforts to improve employment outcomes for people with disability must address factors beyond labour supply and demand that keep people with disability on the margins of the labour market. These include:

- discrimination against people with disability in career education and recruitment processes
- discrimination against people with disability that discourages them from disclosing disability either in applying for work or in the workplace after they are employed
- the lack of coordinated support for people with disability engaging with the NDIS and Disability Employment Services²³
- socio-economic disadvantage that limits the ability for people with disability to move to locations where there are accessible transport options and employment opportunities
- hurdles for people with disability who are only able to work part-time or episodically. This is especially in relation to moving in and out of income support and maintaining access to concessions to cover extra costs of living that people without disabilities do not incur.

BSL recommends that any actions taken to decrease barriers for employment go beyond labour supply and demand, and also focus on community attitudes, employment practices, social security and entrenched disadvantage.

²¹ Centre for Social Impact 2024, 'School to work transition for young people with disability, the current ecosystem and the Ticket to Work approach'.

²² Ibid.

²³ Melbourne Disability Institute and the Brotherhood of St. Laurence 2020, *Exploring the interface of the NDIS and Disability Employment Services*. Available at: https://nced-media.s3.ap-southeast-2.amazonaws.com/media/submissions_researches_buttons/Exploring_the_Interface_of_the_NDIS_and_DES.pdf

Recommendation 8: BSL recommends addressing barriers to employment for people with disability that occur due to community attitudes, employment practices, interactions with social security payments, entrenched disadvantage and poor interactions between systems.

3 Next steps

As the Department of Social Services (DSS) updates the ADS and creates targeted action plans BSL and Associate Professor Sue Olney, the University of Melbourne-BSL Principal Research Fellow, would welcome the opportunity to meet with the DSS team and to share our experience, research and evidence. Discussion could include how BSL's work, insights and networks in early childhood and transitions from school to work for people with disability and their families might inform the targeted action plans.