

Royal Commission Issues Paper – Promoting Inclusion

Question 1: What does inclusion mean to you?

Inclusion is the process and outcome of providing equal access to the physical, social and informational environments. Inclusiveness is a fundamental characteristic of a resilient society that is able to embrace and accept the diverse groups and individuals that make up our communities.

Communities also need universally accessible environments that result in equitable participation for people with disability. The City of Melbourne *Disability Access and Inclusion Plan 2020-2024* (DAIP) promotes the concept of disability as ‘just another aspect of diversity’, so that people with disabilities are celebrated and promoted in the same way as other people. Inclusion of people with disabilities in this context is also a right, as is clearly stipulated in Article 19 of the United Nations Convention of the Rights of People with Disability, to which Australia is a signatory, and which recognises ‘the equal right of all people with disabilities to live in the community with choices equal to others’. The rights of people with a disability to fully participate in society are also recognised in the National Disability Strategy, the National Disability Insurance Scheme and key legislation.

The City of Melbourne (CoM) wish to reinforce the United Nations definition of inclusion which states that social inclusion is ‘the process of improving the terms of participation in society, particularly for people who are disadvantaged, through enhancing opportunities, access to resources, voice and respect for rights’.ⁱ

Our draft City of Melbourne Council Plan 2021-2025 includes strategic commitment to equity of access through implementation of our DAIP which details actions that will reduce access barriers, economic and social inequality over the next four years.

Question 2: What makes an inclusive society?

A. What are the characteristics of an inclusive society?

An inclusive society is one in which there are no barriers to equity. This would mean that every individual can access developmental (life) opportunities that enable their right to pursue their life goals and attain a dignified and independent lifestyle characterised by freedom of choice to participate in all that society has to offer.

The consultation paper for the Victoria State disability plan 2021-2024 – ‘Absolutely Everyone’ strongly emphasises the centrality of inclusion for people with disabilities and suggests four outcomes – connection, inclusion, accessibility and mobility. The consultation paper also lists a number of other outcomes that should be considered characteristics of a truly inclusive society:

- Optimal health, housing and wellbeing outcomes.
- Equality in terms of respect, recognition, safety and opportunity.
- Parity with regard to economic, employment and educational opportunities and the capacity for people with disabilities to generate income and participate freely as consumers¹.

These outcomes are reflected in the DAIP, and supports the idea that these outcomes are indicative characteristics of a truly inclusive society for people with disability.

¹ State of Victoria, Department of Health and Human Services November, 2019. *Consultation paper for state disability plan 2021-2024*

B. How can the supports people with disability need be provided in a way that is consistent with promoting an inclusive society?

Promoting an inclusive society means cessation of segregating people to minority groups. By recognising diversity, we acknowledge the intersectionality of people's individual identities and needs. A diverse community is one that celebrates the similarities and differences of all people.

A cultural change is required in how people with disability are perceived while ensuring their needs are met. The importance of asking people with disability how their needs are best met is crucial to inclusivity. The dated ideology of professionals being experts in knowing what people need to enable their participation must be replaced by a commitment to ensure active participation in and co-design of policies, initiatives, services/programs and infrastructure for people with disability from the outset. Program, supports and services need to be designed, delivered and developed by and with people with disability.

CoM delivers and supports a number of initiatives and services that enable participation of people with disability throughout our city, examples include:

- Convening of an active Disability Advisory Committee that provides input and advice on major initiatives which includes a remuneration fee for time and advice.
- Stated commitment to co-design with people with disability.
- Long term funding of support services for travellers and people with disability through mobility equipment hire and companion services.
- Web pages highlighting access provisions and information for all who come to our city such as mobility maps.
- Community engagement guidelines specifying requirements for access provisions to enable full participation of people with disability.
- Partnership with Melbourne University to deliver research projects on making Melbourne more inclusive for people with disability.

Supporting people with disability means embracing wholeness of individuality. A disability alone does not define a person's needs and aspirations, however all tiers of government must ensure that adequate systems and supports are in place to identify and address access needs across all domains of public and civic life.

C. What is the role of governments through legislation, policy making, funding and operation of public systems and services, in achieving an inclusive society?

The Disability Discrimination Act 1992 prohibits discrimination against people with disability in employment, education, publicly available premises, provision of goods and services, accommodation, clubs and associations and many other contexts.

However, it is complaints driven and requires support through compliance driven legislation, policy and funding that is monitored. Legislation needs to shift to being compliance driven to be able to address barriers that inhibit the full participation of people with a disability. The processes of government needs to urgently and genuinely shift from a delivery mindset to an enabling mindset, which represents a radical shift in authority, accountability and agency from centralised and top down decision making to self-determining and collectivist decision making.

Furthermore, it is essential that the term 'ableism' is addressed. This discriminatory concept continues to stigmatize people with disability as 'unwell and needy' members of the community.

There needs to be shift in our understanding that is it not a person's disability that limits life opportunities, rather it is the environmental barriers that prohibit any individual from reaching their full potential. This shift must be reflected in policy and service delivery models. For example, barriers in education and

employment impact an individual's capacity to attain a reasonable income and opportunity for economic participation consequently impacting their quality of life.

D. What is the role of non-government institutions and the private sector in achieving an inclusive society?

All non-government and private sector organisations must be required to address equity of opportunity for people with disability. Funding requirements should require evidence of how people with a disability will be included and stipulate how this should be measured. For example, quotas of employment of people with disability is an effective way to support this much needed outcome.

Non-government and not for profit consumer based organisations, including health and disability consumer organisations often need to rely on multiple sources of funding and about two thirds generate less than \$250,000 in revenue². Yet many of these organisations provide a pathway for people to develop skills to influence programs that impact them most. Investment to support truly consumer based organisations will pay dividends to government and the private sector by supporting the capacity of people with a disability to shape and guide products, programs and policy.

The National Disability Strategy should also be expanded to ensure that all sectors of society have responsibilities to reduce and eliminate barriers to ensure the inclusion of people with disability. While the strategy has an emphasis on the government sector we wish to recommend that the same requirements should apply to all corporate and community sectors.

E. How can inclusion in society be measured, monitored and reported on?

Requirements to provide data on participation rates by all groups is recommended. In addition, there is a severe lack of reputable data that measures barriers to participation for people with disability. This should be included in the Australian Charities and Not for Profits Commission in the first instance, and as a standard item in government reporting. While many organisations have developed consumer participation policies, there is currently no centralised reporting of the extent or impact of these policies. Measuring barriers will enable these to be addressed and eliminated.

There needs to be a shift from counting people in wheelchairs, those with sensory disability and/or psychosocial disability, mental health and temporary disabilities to measuring participation rates and introduction of interventions to that improve and monitor participation rates in programs, services, events, facilities, employment and all other environments.

A national evaluation indicators framework would be useful to ensure that measures are consistent and longitudinal to understand systemic impacts of change across the public and private sector for the lives of people with a disability.

F. What data is available that could be used?

Dedicated resources to bring together Census, Centrelink, NDIS, early intervention and health data that includes 'disability' information is also required to support understanding and respond to needs.

The Australian Institute of Health and Wellbeing (AIWH) report on People with disability in Australia provides an excellent overview of the characteristics, needs and issues for people with disability in Australia. This is a relatively new, welcome and largely underused resource that suffers from a number of

² Australian Charities Report 2018 <https://www.acnc.gov.au/node/5806828> viewed 8 April, 2021

acknowledged challenges, including definitions of disability and lack of disability identifiers in mainstream data.³

As an example, current collection of data focuses on 'profound' disability and does not include the range and diversity of disabilities such as cognitive, psychosocial and sensory disabilities. It is imperative that this data is collected to enable holistic understanding of barriers that prohibit the full participation of people with disability.

In addition, there is no centralised data collection that captures the extent to which people with disabilities are included in service or program planning. CoM strongly recommends the addition of this item in future AIWH People with disability in Australia reports.

At CoM we have developed a monitoring and evaluation framework alongside our action plan to ensure that we are capturing accurate data to meet the outcomes. To ensure the responsibility for systemic change is shared we formed an internal working group, comprised of senior staff representatives from each division to support, embed and steward implementation of actions and measures within the DIAP. The group objectives are to:

- Oversee the implementation of the DAIP monitoring and evaluation framework and report to Council on an annual basis.
- Provide a collective effort across the organisation that promotes and advocates equity of access for people with disability.
- Report through community services management to executive team on the progress of DIAP.
- Interface with CoM Disability Advisory Committee on disability access and inclusion issues.

Question 3: Do you think Australia is an inclusive society? If not, why not?

The Inclusive Australia Social Inclusion Index: 2020 Report concluded that, while Australian cultural values support respect and fairness, and while the majority of Australians are not highly prejudiced, one in four people in Australia experience major discrimination.⁴ As long as this continues and barriers exist in our buildings, transport, relay of information and discriminatory (ablest) attitudes, Australia will not be a truly inclusive society. The Inclusive Australia report demonstrates that, while prejudice against some groups has marginally declined since the initial 2017 data collection, prejudice against people with disabilities and older people were marginally higher in data collection in 2019.

Members of the CoM Disability Advisory Committee who participated in helping draft this response stated that they still felt 'shut out' of society in many instances. Recent experiences they shared were lack of basic human rights, such as not having access to an appropriate toilet or public transport, access to rivercraft, not being able to order a drink at a bar, or being seated away from friends and family at an event as accessible seating is often not integrated with other seating arrangements.

There is also an urgent need for legislation and an associated national licensing scheme for assistive animals. People with psychosocial, cognitive and other invisible disabilities who have an assistive animal to enable their participation in society are often refused services because their companion dog is not recognised or allowed in particular settings.

People with hearing impairments and those who are deaf face exclusion in many settings due to a severe lack of Auslan interpreters across Australia. Training scholarships and/or free training needs to be funded by the Federal government to ensure an adequate supply of Auslan interpreters to meet the current and

³ AIHW – People with disability in Australia; website <https://www.aihw.gov.au/reports-data/health-conditions-disability-deaths/disability/about> viewed April 8, 2021

⁴ Nicholas Faulkner, Kim Borg, Kun Zhao, and Liam Smith Monash University September 2020, *Measuring Social Inclusion*, the Inclusive Australia Social Inclusion Index

future needs of people who have a hearing impairment or those who are deaf. In addition, there needs to be greater public awareness of the importance of people's diverse communication needs and the importance of communication access. For example, pictorial counter cards, Auslan and video captions should be promoted through advertisement campaigns on television and social media.

Funding to support individual companion services to help people reach their appointments or participate in activities of their choice need to be funded and expanded. Great examples of empowerment models include the Carers Card, Companion Card and traveller service provided by Travellers Aid Australia.

In addition, assessment of the needs of people with disability must not only be based on their disability such as a vision impairment. Assessment and service and support planning needs to focus on the holistic needs of the individual including social connection and mental health.

Question 4: How can an inclusive society support the independence and choice and control of people with disability?

Independence can only result when people feel safe and have the liberty to choose and control all aspects of their lives. Choice is paramount.

For many people with disability they are able to only access supports, services, education and employment where 'special consideration' has been made. This model of including people with a disability by exception or creating different pathways of access further ingrains people with a disability to be considered 'different' to everyone else - 'they have those special needs'. In essence, access needs are not 'special' – they are fundamental and should be universal, provided in a just society that ensures the inclusion and participation of all.

An inclusive society benefits everyone, not just those with disabilities or other differences. Inclusive design is synonymous with 'good' design. For example, a building designed to support equity of access for a person using a wheelchair also benefits parents with prams, people using mobility aids due to injuries and older persons. Commitment to inclusive design will help shift mentalities to integrate access into the mainstream rather than considering it as an add-on after the fact. It is our view that enhanced accessibility requirements need to be included in the Australian Building Code, associated Australian Standards and transport legislation to ensure choice, dignity and barrier free access for people with disability of all ages.

Question 5: How can an inclusive society support a person with disability's right to live free from:

A. violence and abuse?

We need all community members to play an active role in our society. People with disabilities are among some of the most vulnerable people due to their dependence on others for care and support or because of social isolation, their place of residence or the nature of their disability.

While anyone can experience violence, abuse or neglect, people with disabilities are at greater risk and women and girls with disabilities are at even greater risk.

We need community to play an active role in mediating the harmful behaviour of others and to be positive role models. We need to protect our most vulnerable by ensuring they are treated with dignity and respect and that their calls for help or support are taken seriously and followed up appropriately by the relevant authorities.

Ensuring people are empowered to understand what constitutes abuse is important to both prevent abuse and to ensure victims know how to seek help. Respectful and appropriate touch (consent) relationships training must be delivered for all children and young people through mainstream and specialist schools. In addition, they must be mandatory training such as disability awareness training, respectful relationship training, and child safe training for all people in work places. Respectful relationship training should be pre-

requisites for everyone to certified marriages and/or other legalised commitment ceremonies to address intimate partner violence.

B. neglect?

People with a disability, have the right to freedom, respect, equality and dignity. They should be able to live to their full potential, to have control over their own life and to live free from abuse or neglect. They should be supported to seek help if they are experiencing violence, abuse or neglect at the hands of an individual or an organisation.

In addition, if services, organisations and governments actively take measures as outlined in this submission to improve access, inclusion and self-determination for people with a disability as well as including people with a disability in the planning and design of structures and services then this will greatly contribute to improving the systems that keep people safe and address neglect, violence and abuse.

C. exploitation?

The rights of people with disability to live free of abuse, neglect and exploitation is the same as all other human beings.

All these elements are exposure to violence and there must be the same access to legal redress and protections for people with disability, as there are for other people (children, older persons, refugees). This is especially necessary for people who require guardianship and other support arrangements.

Legislation and policy must address regulation and safeguards to monitor all carers (be they paid or unpaid and including family members) who may be perpetrators of violence or exploitation towards people with a disability in their care. Supports need to be strengthened for people who have guardianship orders.

Ensuring advocates, support people and counsellors are available to people with disability who disclose an allegation of mistreatment is required. There are many anecdotal reports of people with intellectual and other disabilities not being listened to when they report a case of abuse.

Question 6: What practical and sustainable steps can governments take to promote a more inclusive society for people with disability? What needs to change:

A. in laws, policies and standards?

A shift from complaints to compliance driven legislation that is actively regulated or 'policed'. This especially applies in the built form where many building and planning certification approvals neglect to fully appraise access requirements. As stated above, mandatory compliance to access requirements as stipulated in the Building Code of Australia and associated Australian Standards suites would enhance inclusiveness in our society.

B. in implementation, monitoring, and accountability measures?

Requirement that all community services, education, employment, support, care, health, justice and wellbeing programs conduct an access survey to assess barriers in their services and provide quantitative and qualitative evidence and measurable outcome driven solutions.

There could be a structured approach to the development and delivery of action plans, similar to the Reconciliation Action Plan (RAP) Framework. This framework provides organisations with a structured approach to advance reconciliation.⁵ Each type of RAP is designed to suit an organisation at different stages of their reconciliation journey and can be repeated if not all stages are complete for that given year.

⁵ https://www.reconciliation.org.au/wp-content/uploads/2018/02/rap-framework-_v2.pdf

It would be beneficial to reward and recognise organisations that continue to go above and beyond to allow equity and inclusion for all to be a priority in their values and practice.

C. in service provision?

Requirement that all education, employment, support, care, health and wellbeing programs address barriers in their services and provide quantitative and qualitative evidence.

As stated above, that when developing services that inclusion is paramount in planning and that policies, procedures reflect this as a priority.

D. to ensure people with disability are closely consulted and actively included in all steps to promote a more inclusive society?

As stated above, the movement to include people with disability as subject area experts who are actively engaged at the initiation and throughout all stages of programs and projects is of paramount importance. Co-design with people with disability in policy, legislation, programmatic and service provision planning must be advocated and implemented immediately.

Question 7: What practical and sustainable steps can non-government institutions, the private sector and communities take to promote a more inclusive society for people with disabilities?

What needs to change?

People with disability need to be employed as equal members of society. The visibility of people with disabilities, in a workplace, alongside all other workers is a fundamental step to acknowledging people with disability as being ABLE, active and contributing members of society. More people with disability in our workplaces will be a huge step in building a more inclusive society.

To demonstrate commitment to greater inclusivity all public service sectors should have a mandatory percentage of employees with people with disability in their workplace. This would align with current legislative expectation such as gender equity.

Better partnerships and whole of organisation commitments are required across all areas of the sector. Alignment with all levels of government in the vision of an inclusion and delivery of services needs at the state and local levels.

A. in attitudes, behaviours, relationships and values?

A more inclusive society is hinged on community acceptance of diversity. Unfortunately discriminatory attitudes, behaviours and communications (including media depictions) continue to typecast people with disability as 'people who need to be cared for'. There needs to be a shift, through education and media communications that people with disability are active, valued and contributing members of society. Diversity in ability should be celebrated and embraced by society.

There needs to be a shift from segregating community to recognizing that intersectionality applies to people with disability, as it does to all members of society. We also need to include and promote positive representation of people with disability in the media including advertising, radio and television. Throughout history, books and films have drawn strong links between disabilities and evil or depravity.

The vast majority of people with schizophrenia are non-violent, and SANE Australia states that someone with the condition is more likely to hurt themselves, or be hurt by someone else, than cause harm to another. Often, people with schizophrenia are also more withdrawn, preferring to be alone.

When a person with schizophrenia does commit a crime, their illness is often portrayed as being ‘the cause’. Sadly, because the idea that people with schizophrenia being dangerous has persisted for so long, it only continues to contribute to the stigma associated with the mental illness.

This stereotype may have been driven by a historical unfamiliarity about people with mental health disabilities, but whatever the reason, it’s contributes to compounded discrimination and stigma.

B. in organisations, culture and workforces?

There must be organisational and workforce requirements that stipulate a percentage of people with disability being employed.

The isolation during COVID-19 pandemic provides key evidence that all people can be employed through flexible arrangements that allow them to achieve work roles and key performance indicators.

More people with disability in the workplace will help shift the assumption that people with disability are highly educated, very well skilled and able to carry out many professions that enables their full and valuable social and economic contribution and participation in society.

Furthermore, the economic benefits of increasing employment for people with disability are well documented as indicated in a study that found 90% of employees with disability record productivity rates equal or greater than other workers and 86% have average or superior attendance records⁶.

There needs to be an ongoing commitment to training and understanding of work force participation and impacts of people with a disability. Organisations can do more to make everyone feel included, we need internal committees that are relied upon to raise awareness, empower people to be increase their knowledge and utilised to ensure that employees feel confident in the organisations ability to plan for people with a disability. Utilising a workforce index for organisations for people with a disability could be a measure that is used to constantly evaluate and drive organisational change.

CoM is an equal opportunity employer and is committed to providing a work environment that is safe and supportive, free of discrimination, harassment and bullying, and where all individuals are treated fairly and with respect. There is a clear policy and code of conduct stipulations that state that the organisation will not accept discrimination or harassment under any circumstance. Tailored disability awareness training is available to all staff to educate on direct, indirect and subtle discrimination behaviours.

C. in service provision?

People with disability must be engaged to help support service planning that responds to their needs and aspirations. Co-design of service systems by people with disability, as initial and ongoing project members, will assist to reach a more inclusive service provision model.

D. in implementation, monitoring, and accountability measures?

Qualitative and outcomes driven research needs to be undertaken to explore a monitoring and accountability framework that measures the success of inclusion and participation of people with disability in all mainstream life facets (school, employment, sports, arts, cultural events).

⁶ Graffam J., Shinkfield A., Smith K., and Polzin U. (2002) ‘Employer benefits and costs of employing a person with disability’ *Journal of Vocational Rehabilitation*, vol 17, pp 251-263

Implementation and monitoring can be enhanced through co-designing benchmarks that deliver quality outcomes for people with disability. These benchmarks should reflect current needs and aspirations and incorporate mechanisms that allow evolution over time while maintaining longitudinal evidence of change that impacts greater inclusiveness for all.

Development of case studies of 'best practice' could help with qualitative assessments and demonstration of the feasibility and practicality of pursuing better, more inclusive outcomes in programs and spatial design.

E. to ensure people with disability are closely consulted with and actively included in all steps to promote a more inclusive society?

Co-design with people with disability, as indicated from research from across the world, results in more inclusive societies. The DIAP, is premised on the principle of co-design with people with disability and a guideline has been developed to support this being undertaken across various branches of the organisation.

The development of this guideline supports contemporary ideology and best practice in engagement that is respectful and ensures people with a disability have opportunity to express their 'voice' in advocating and highlighting what will better enable equity in pursuit of life goals and aspirations.

This shift needs to be supported by a power balance ensuring people with a disability are actively engaged and given authority to participate equally in decision making processes. Providing information in alternative formats (large font and Braille), interpreters, carers, transport vouchers, child care and payment of a sitting fees for attendance at meetings and forums has been CoM's practice for over two decades. Members of our Disability Advisory Committee commend and appreciate these supports which enable equity in participation.

Question 8: What are the barriers and challenges to inclusion for people with disability? Including for:

A. First Nations people with disability

B. People with disability from culturally and linguistically diverse communities

C. People with disability who identify as LGBTQI+

D. Women and girls with disability Promoting inclusion Issues paper

E. Children and young people with disability

F. People with disability living in rural or remote communities

Access to supports, services, education and employment opportunities are more profound in rural and remote communities. Therefore, better understanding of community needs is paramount to addressing the needs of particular communities.

As the capital city of Victoria, our Disability Advisory Committee includes a community member from regional Victoria who highlights and advocates issues that impact on people with a disability coming to Melbourne from regional Victoria.

We wish to reinforce that people with a disability cannot be siloed into one particular group. Therefore a response to the needs of particular community and intersectionality requires active engagement through co-design to ensure that all needs are considered and met where possible. This will address the holistic needs and aspirations of people with disability who may identify with more than one cultural group or identity.

Question 9: Is there anything else we should know?

The media and communications in general play a key role in perpetuating stereotypes and 'victimising' people with disability.

People with disability should be depicted, in various roles within society. We wish to advocate and recommend national campaigns that depict people with disability as contributing valued citizens who work, attend education, have families, hold senior positions in academia, corporate, government and private sectors, are dedicated sportspersons, talented artists and contribute immensely to the social and economic fabric of our society.

The COVID-19 pandemic has posed a number of distinct challenges for people with a disability above what the general community has experienced. Reduced access to regular supports and medical or therapeutic care, increased isolation and reduced visibility or oversight of people's care or conditions during hard lockdowns of care facilities, to name a few, are no doubt exacerbating the existing inequality and exclusion that people with a disability experience. Ensuring that during our recovery the lessons learned from those experiences are documented and changes are implemented to drastically improve our emergency and pandemic response for people with a disability is essential.

It is also essential to ensure that people with a disability are involved in our country's economic and social recovery efforts, both in consultation and design stages as well as in future employment, social support and health programs.

ⁱ <https://www.un.org/esa/socdev/rwss/2016/chapter1.pdf>