



## ACTCOSS 2020 ACT Election Issue Brief

### Disability

#### **For a just and fair Canberra, the next ACT Government must:**

- **Resource all six areas of the National Disability Strategy**
- **Commit to ending restrictive practices and meet Optional Protocol to the Convention against Torture (OPCAT) obligations in all congregate living situations in the ACT and aged care facilities**
- **Ensure concessions are targeted to need**
- **Improve access to justice for people with disability and other vulnerable cohorts by expanding individual advocacy supports**
- **Design and implement a Disability Health Strategy**
- **Establish and support a consultative forum on transport for people with disabilities**
- **Properly fund the ACT Taxi Subsidy Scheme by removing the trip limit and increasing the monetary cap to keep pace with increases in taxi fares**
- **Establish an access reference group to improve physical and sensory access**
- **Commit to all new residential properties in the ACT being built to meet Universal Design standards**
- **Commit to a target to reduce the number of people in congregate living situations and special education**
- **Reduce violence and institutionalisation, and fully fund implementation of the Crimes (Offences Against Vulnerable People) Legislation Amendment Bill 2020**
- **Ensure gaps in National Disability Insurance Scheme (NDIS) services are met**
- **Fully funded and appropriate respite care facilities for carers and for palliative care patients and carers.**

## The issues

A fully funded **National Disability Strategy** is required across **all of the six Strategy streams** including inclusive and accessible communities, economic security, personal and community support, learning and skills, and health and wellbeing. ACTCOSS welcomed the Disability Justice Strategy introduced by the current ACT Government earlier this year and call on the incoming government to ensure it is fully funded and implemented including through the expansion of advocacy supports.

ACTCOSS is calling for a demonstration of a full commitment to the rights of people with disabilities under the Optional Protocol to the Convention against Torture by ending **restrictive practices** in the ACT.

**A Disability and Health Strategy** is needed to address poor health outcomes arising from personal and structural issues when engaging with the health system including during the COVID-19 pandemic. The Strategy should include:

- A once-a-year free extended consultation with a GP and better support to navigate the interface between health and disability service systems
- Improved access to information about health conditions, screening, prevention, early intervention, treatment options and recovery support
- Auditing and improving health infrastructure to make it more fit for purpose for people with disabilities
- Funded specialist centres of excellence for diagnostic disabilities (i.e. to understand, treat and manage the primary and secondary health impacts of different kinds of disabilities)
- Funding for training and skills development work led by people with disability for medical practitioners.

To reduce isolation and exclusion as a result of transport disadvantage and ensure that people with disability have equality of access to services and social engagement, the ACT should **establish a consultative forum on transport for people with disabilities**.

**Transport subsidies and assistance** are needed to recognise transport disadvantage and isolation. The ACT Government must:

- Improve the ACT Taxi Subsidy Scheme by removing the trip limit of 126 trips per member and ensure that the monetary cap on each trip is increased annually to keep pace with increases in taxi fares
- Ensure adequate sustainable funding for the upkeep of community transport.

We need **better access in Canberra** responding to issues with planning, transport, housing and access to the built environment raised by disability organisations. At a minimum, this change requires government to fund an access taskforce that will ensure development of housing, transport, social and community infrastructure is accessible to people with a range of physical and cognitive disabilities and is tested by lived experience. This includes an

**Access Reference Group** to provide advice on how to improve physical and sensory access in the ACT.

**All new residential properties in the ACT need to be built to meet Universal Design standards** to make them able to be modified or accessible to all people regardless of age, disability or other factors.

A commitment to **reducing congregate settings** recognises that these are places where violence and abuse occurs. People with disability should not be forced to live together just to access appropriate housing and support. Article 19 of the UN Convention on the Rights of People with Disability requires that States parties recognise the equal rights of people with disabilities to live in the community with choices equal to others. The new government needs to take all effective measures to ensure people can enjoy this right.<sup>1</sup> This also extends to **inclusive education** which is a right – and the right solution – to improving inclusion and equal opportunities for people with disability.

ACTCOSS welcomed the passing of the **Crimes (Offences Against Vulnerable People) Legislation Amendment Bill 2020** and calls on an incoming ACT Government to commit to the **full funding and implementation of this important legislation**.

**Continuing gaps in NDIS services** must be met through ACT Government-funded services or advocacy by the ACT Government to the Commonwealth. This includes **fully funded and appropriate respite care facilities for carers and for palliative care patients and carers**.

## The evidence

- In 2018, 19.4% of Canberra people had a disability. This has increased from 16.2% in 2015.<sup>2</sup>
- The rate of disability generally increases with age for males and females. The ACT is expected to experience a significant ageing of our population. The number of Canberrans aged 85 years and over is expected to increase by 509%, reaching a total of 22,500 persons in 2056.<sup>3</sup>
- 47% of adults with disability have experienced violence after the age of 15, compared with 36% without disability.<sup>4</sup>

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1 UN, *Article 19 – Living independently and being included in the community*, UN website, n.d., <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-19-living-independently-and-being-included-in-the-community.html>.

2 ABS, *4430.0 - Disability, Ageing and Carers, Australia: Summary of Findings, 2018*, 2019, <https://www.abs.gov.au/ausstats/abs@.nsf/Latestproducts/4430.0Main%20Features52018>.

3 ACT Government, *Population Ageing in the ACT: Issues and Analysis*, ACT Government, 2010, [http://www.cmd.act.gov.au/\\_data/assets/pdf\\_file/0019/154162/population-ageing-ACT.pdf](http://www.cmd.act.gov.au/_data/assets/pdf_file/0019/154162/population-ageing-ACT.pdf).

4 Australian Institute of Health and Welfare, *People with disability in Australia*, Australian Government, 2019, <https://www.aihw.gov.au/reports/dis/73-1/people-with-disability-in-australia/justice-and-safety/violence-against-people-with-disability>.

- Research and submissions to the Senate Inquiry into Abuse and Violence of People with Disability showed that congregate settings are places where disability violence and abuse is more likely to occur.<sup>5</sup>
- Only 24% of adults with disability experience very good or excellent health, compared with 65% of without disability.<sup>6</sup>
- An accessible and inclusive Canberra is key to wellbeing as recognised in the ACT Government’s Wellbeing Framework. The Wellbeing Indicator for Access and Connectivity requires that ‘our planning, mobility and service systems allow us to move around our liveable city and access the types of places and services we need, when we need them. Those who require additional support to gain independence can access responsive, tailored services’.
- Disability representative organisations have identified examples of poor access in Canberra including<sup>7</sup>:
  - Retail courts in Belconnen and Woden
  - Older areas of Canberra like Manuka
  - Ongoing issues with wheelchair taxis
  - Uneven adoption of measures like tactile indicators, Auslan interpreting and access to web platforms
  - Lack of housing that is affordable, visitable and accessible.
- International peer reviews have found that including students with disabilities with their non-disabled peers in regular classrooms increases the potential for students with disability to be employed with and to live amongst non-disabled peers.<sup>8</sup>
- The *Schools for All Children & Young People* report by Professor Shaddock highlighted barriers to inclusive education by students with high and complex needs.<sup>9</sup>

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5 Commonwealth of Australia, *Violence, abuse and neglect against people with disability in institutional and residential settings, including the gender and age related dimensions, and the particular situation of Aboriginal and Torres Strait Islander people with disability, and culturally and linguistically diverse people with disability*, Chapter 8, Commonwealth of Australia, 2015, [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Community\\_Affairs/Violence\\_abuse\\_neglect/~media/Committees/clac\\_ctte/Violence\\_abuse\\_neglect/c08.pdf](https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/Violence_abuse_neglect/~media/Committees/clac_ctte/Violence_abuse_neglect/c08.pdf).

6 Australian Institute of Health and Welfare, *People with disability in Australia*, Australian Government, 2019, <https://www.aihw.gov.au/reports/dis/73-1/people-with-disability-in-australia/justice-and-safety/violence-against-people-with-disability>.

7 PWDACT, Submission to 2019-20 ACT Budget, PWDACT, 2018, [https://www.budgetconsultation.act.gov.au/\\_data/assets/pdf\\_file/0008/1273427/131.-People-with-Disabilities-ACT.pdf](https://www.budgetconsultation.act.gov.au/_data/assets/pdf_file/0008/1273427/131.-People-with-Disabilities-ACT.pdf).

8 C Malaquias, *Inclusive Education is the Pathway to Social Inclusion – European Review*, Starting With Julius website, n.d., <http://www.startingwithjulius.org.au/inclusive-education-is-the-pathway-to-social-inclusion-european-review/>.

9 A Shaddock, S Packer and A Roy, *Schools for All Children & Young People: Report of the Expert Panel on Students with Complex Needs and Challenging Behaviour*, Expert Panel on Students with Complex Needs and Challenging Behaviour, 2015, [http://www.det.act.gov.au/\\_data/assets/pdf\\_file/0009/795186/62074-Expert-Panel-Report-Web.pdf](http://www.det.act.gov.au/_data/assets/pdf_file/0009/795186/62074-Expert-Panel-Report-Web.pdf).

- The ACTCOSS report [\*Imaging Better: Reflections on access, choice and control in ACT health services for people with disability\*](#) showed that people with disability self-report poor health outcomes arising from a mixture of:
  - Economic disadvantage
  - Diagnostic overshadowing (where a person’s disability is treated as the problem rather than a person’s presenting medical condition)
  - Poor attitudes, including a lack of a social model for responding to disability or health within clinical settings
  - Inappropriate digital and physical infrastructure leading to access barriers and poor communications
  - Services gaps including a lack of tailored services to help manage diagnostic conditions (i.e. to understand, treat and manage the primary and secondary health impacts of different kinds of disabilities).

## Testimonials

*“Across the board, group homes place limits on the freedoms of people with disabilities, due to routines and rules designed to create efficiencies for staff and reduce the number of staff needed to support people with disabilities. This efficiency and profit-driven approach to care de-prioritises quality of life of people with disabilities and promotes the culture that enables violence, abuse, neglect and exploitation.”* – Submission to the Disability Royal Commission, WWDACT ACT, 2019

*“We advocate that the Government take appropriate measures to ensure persons with disabilities can access all aspects of transport and the built environment in Canberra. The ACT public transportation system is vital for people with disabilities, many of whom do not drive. We advocate that the surrounding Canberra built environment nearby transportation be designed and maintained to be suitable for all people, including those in wheelchairs, blind people, people using walking frames, and any other disability”* – PWDACT Transport Statement, March 2019

*“While this isn’t my experience, there are so many disabled people, including some of my friends, who are not able to get the services they want. For example, people who were able to get particular services through the ACT Government have had trouble finding a private supplier now that the Government has withdrawn from providing many services. So quite a few people are unhappy”* – Peter\*, Stories of Transition

\*Not real name