



Disability Act Review
Disability and Communities Branch
Department of Families, Fairness and Housing
Level 20, 50 Lonsdale Street,
Melbourne VIC 3000.

31st October 2022

Re: Disability Act Review

Dear Disability and Communities Branch,

Jesuit Social Services welcomes the opportunity to respond to the consultation on the Disability Act Review and contribute to this important reform. We believe that every person living with disability in Victoria should have access to the opportunities in life that enable them to thrive and to live their life to its fullest potential. We therefore welcome the Victorian Government's new legislative framework for whole-of government action and accountability in progressing disability inclusion in Victoria.

In this letter submission, Jesuit Social Services outlines support for the proposed Disability Inclusion Bill and provides general feedback to strengthen the Bill to ensure it meets the needs of people we work with. This feedback draws on our experience engaging with people and communities facing multiple disadvantages, focusing on the intersections of disability with complex needs, and involvement in the justice system.

Context

By way of background, Jesuit Social Services is a social change organisation working to build a just society where all people can live to their full potential. For 45 years, we have been working with some of the most disadvantaged and marginalised members of our communities, who often experience multiple and complex challenges. We 'do' and we 'influence' by both providing practical support to our participants and advocating for policy change that promotes equality and inclusion. One of our key organisational priorities of particular relevance for this consultation is to remove barriers that keep marginalised people from meaningful participation in the community.

While we work with people with disabilities across our programs, we also offer specific disability support services and accommodation. **Perry House** is a Specialist Forensic Disability Accommodation service providing 24-hour support to young people exiting custody who have a mild or moderate intellectual disability. We offer specialist and generalist **Support Coordination** working actively with National Disability Insurance Scheme (NDIS) participants, their care teams, and support networks to help

Jesuit Social Services acknowledges the Traditional Custodians of all the lands on which Jesuit Social Services operates and pay respect to their Elders past and present. We express our gratitude for First Nations people's love and care of people, community, land and all life.

participants achieve their personal goals, support them to navigate the NDIS and increase their independence. Our **ReConnect Program** provides intensive case management and outreach support to men leaving prison who may have multiple and complex transitional needs including a disability.

General feedback

In 2008, Australia ratified the United Nations' Convention on the Rights of Persons with Disabilities (CRPD) and committed on a national and state level to uphold the Convention in legislation, policy and service delivery.¹ Jesuit Social Services strongly supports a rights-based approach to disability legislation informed by the UN CRPD and the *Charter of Human Rights and Responsibilities Act 2006* (Vic). The proposed definitions of terms in Part 1 of the Bill are based on international and state-based rights frameworks as well as disability legislation from overseas jurisdictions. We welcome the explicit mention and embedding of the UN CRPD in the Bill's objectives.

Principles

Jesuit Social Services welcomes the Bill's inclusion principles, in particular, the recognition of intersectional experiences in compounding barriers to disability inclusion and centring self-determination and cultural safety for Aboriginal people. In addition, Jesuit Social Services believes that significant change is often realised through structural reform that addresses fundamental inequalities. Therefore, we also welcome the inclusion of advocacy, in particular systemic advocacy, as an essential principle needed to advance disability inclusion.

Provisions

Jesuit Social Services welcomes provisions in the Bill related to the duty of entities to promote disability inclusion when developing policies and programs. We strongly support the objectives outlined in **Part 1** of the Bill to promote, encourage and facilitate increased representation of people with disability in leadership and advisory roles across the Victorian community. We call for effective mechanisms that enable genuine engagement with people with disability and their carers/families. Creating leadership opportunities for people with disabilities across the Victorian community will ensure their experiences and expertise address barriers to access and inclusion.

The provisions under **Part 4** on the introduction of more transparent reporting processes for the State Disability Plan are important additions. Such provisions stipulate that regular progress reports must be made every two years against the development and implementation of the State Disability Plan for government accountability.

¹ Australian Government (2022.) The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). Department of Social Services. Australian Government. ([Weblink](#))

We also welcome the provisions under **Part 7**, ensuring that members of the Victorian Disability Advisory Council reflect the diversity of people with disability. In particular, the Bill suggests amendments for at least 75 per cent of members to be people with disability, an increase from 50 per cent. The views and values of those with lived experience of disability should be at the forefront of driving reform to improve disability inclusion. Article 4(3) of the UNCRPD further highlights the importance of actively involving people with lived experience of disability in the development and implementation of legislation, policies and decision-making processes that support the implementation of the present Convention.²

Limitation

Jesuit Social Services acknowledges that the proposed legislation applies only to public entities. We therefore seek clarity on how disability inclusion will be achieved more broadly in Victoria given the Bill does not apply to the private and not-for-profit sectors when people with disabilities receive services and support from these sectors. Transparency, protection and accountability within these sectors is also paramount in safeguarding the rights and dignity of people with disabilities.

Intersectionality of disability and mainstream service systems

At Jesuit Social Services we work with people who may have a disability alongside other complex needs that require support from multiple service systems. These systems may include health, housing, education, family violence, justice and child protection alongside associated public service bodies or government departments. Feedback from our participants, supported by recent research³, suggests they often feel caught in the middle of several service systems and it is both frustrating and confusing to deal with multiple services without cross-system coordination. This creates significant barriers to accessing key supports and at times, can mean people disengage from their broader support network.

We acknowledge that a key factor for consideration in drafting this Bill is the interface between the NDIS and mainstream service systems. Our participants intersect with the NDIS as well as a number of other service systems and government departments. It is crucial that co-occurring issues experienced by this cohort of people are not compartmentalised and dealt with in isolation by numerous service providers in a siloed approach. Therefore, we welcome the inclusion of ‘coordinating and integrating universal services and supports with NDIS services’ as a key objective outlined in Part 1 of the Bill. This is also reflected in Part 4, where one of the ways Disability Action Plans can support implementation of the State Disability Plan is by coordinating and integrating universal services with NDIS services. While perhaps not in the

² United Nations. (2006). Convention on the Rights of Persons with Disabilities. *Treaty Series, 2515, 3.* ([Weblink](#))

³ Baidawi, S., Smith, L., Ellem, K., Mendes, P., Jones, A. Dowse, L. (2018). Experiences of transition among young people with complex support needs: Young person perspectives. Project report. UNSW: Sydney.

scope of the Bill, it would be useful for the Victorian Government to provide a more detailed outline of what this may look like in practice.

Case Study: Charlie*

Charlie has a range of needs requiring specialist service support, with disabilities including cognitive impairment and psychosocial disability, as well as drug and alcohol misuse, and involvement with the justice system. After spending ten weeks in prison, Charlie came to a Jesuit Social Services' residential-based living skills program. When he was released from custody, Charlie was expected to navigate a complex service system that he had no prior knowledge of in order to secure an appropriate NDIS plan to fund services, including Home and Living supports and specialist assessments. The complexity of navigating this system and the significant wait times involved has left him without the necessary supports to adequately address the challenges he faces, including his offending behaviour.

**Participant name has been changed to protect privacy.*

Inclusion in education, training and employment opportunities

People with disabilities continue to experience lower rates of employment participation. In Australia, 48 per cent of working-age people with disability are employed compared with 80 per cent of those without disability.⁴ Inclusion in education and training opportunities is key to increasing participation of people with disability in the workforce. However, research shows that people with disability face a range of barriers to engaging in and completing education and training.⁵ This can include limited access to education, social stigma, and negative experiences and/or attitudes to learning.⁶ In order to address these barriers, we need more inclusive education and training environments where people with disabilities feel welcomed and are able to participate in a meaningful way.

We are pleased to see that the Bill provides legislative foundations for promoting disability inclusion in training and education settings by applying to public entities such as TAFEs and universities. This means they have a duty to address barriers and promote disability inclusion when developing policies and programs in consultation with people with disabilities. We hope this may lead to an increase in enrolments in these tertiary education settings for people with disabilities.

⁴ AIHW. (2020). People with disability in Australia. ([Weblink](#))

⁵ Jesuit Social Services. (2016). Re-engaging disadvantaged learners in education, training and employment. Position paper: Responding to VET reforms in Victoria. Melbourne. ([Weblink](#)); Bartram, T., & Cavanagh, J. (2019). Re-thinking vocational education and training: Creating opportunities for workers with disability in open employment. *Journal of Vocational Education & Training*, 71(3), 339-349.

⁶ Ibid.

Given the Bill only applies to public entities, strategies and resources are also needed for potential employers from private sectors to create more inclusive workplace environments. This includes provisions to enable them to identify possibilities, adapt if as required, provide training for existing employees, and provide supports needed for prospective employees. Additional assistance is also needed to support people with a disability through training and education pathways into employment. This may include intensive, flexible and individualised training and support.

Jesuit Social Services, through the [Jesuit Community College](#), focuses on embedding pathways into employment from our training and learning programs. This can include integration with work experience and employment opportunities, and using intermediate labour market programs such as social enterprises. Through the Jobs Victoria Employment Service, we invest the time and resources each individual needs, to develop and enhance vocational skills and work readiness, and to secure suitable work with an employer. We also work with employers to enhance capacity to employ participants who face significant barriers to employment, such as living with a disability.

We welcome the opportunity to provide this submission to the Disability and Communities Branch and would welcome the opportunity to discuss our response further with you.

Yours sincerely,



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