

Vision Australia Submission

**Disability Inclusion Bill Exposure Draft (VIC)**

Submission to: Department of Families, Fairness and Housing

Date: 27 October 2022

Submission approved by: Chris Edwards, Manager Government Relations and Advocacy, NDIS and Aged Care, Vision Australia

Introduction

Vision Australia welcomes the opportunity to provide a submission on the Disability Inclusion Act Exposure Draft (the Exposure Draft). We commend the Victorian Government for putting forward an approach in the Exposure Draft aimed at creating positive duties in relation to disability inclusion, and readily acknowledge the beneficial impact this could generate.

This submission provides our response to questions in the Exposure Draft Overview Paper dated September 2022. We have only answered those questions in the Overview Paper that are relevant to the work of Vision Australia and to the blindness and low vision community.

Purposes, Defined Entities and Definitions

## Defined Entities

Vision Australia welcomes the broadening of the definition of ‘defined entity’ to include Councils and Universities. However, we consider that limiting a defined entity by the number of its employees could have the potential to exclude smaller bodies that may have an important public purpose, as well as create a two-tier system in terms of accountability and transparency. For example, under the current definition of ‘defined entity’, the Victorian Disability Worker Commission would not be subject to the proposed obligations and duties set out in the Exposure Draft, as it reports to have less than 50 employees.

Objectives

Vision Australia recommends that an additional objective be included, namely that the proposed Act promote, encourage and facilitate an improvement in disability employment. This is needed so as to focus more attention in this area, and provide a stronger basis on which organisations including Vision Australia can advocate to achieve better employment outcomes for clients.

Finding and maintaining a job is the most significant challenge facing Australians who are blind or have low vision. The unemployment rate for people with disability in Australia is almost double the rate of people without disability. Those with blindness and low vision represent the highest level of unemployment across all disability groups. Research conducted by Vision Australia in 2018 with the CNIB Foundation (Canada) and the Blind Foundation of New Zealand, found that only 24% of Australians who are blind or have low vision are in full-time employment. This figure was lower than both Canada and New Zealand.

Duty to Promote Disability Inclusion

Vision Australia is encouraged by the inclusion in the Exposure Draft of a positive duty on defined entities to promote disability inclusion in the development of policies and programs, and the delivery of services. We have advocated for many years that positive obligations on individuals and agencies are needed in conjunction with complaints processes to encourage changed behaviours and inclusive practices.

We would make the following suggestions in relation to this proposed duty:

1. Consultation with persons with disability. It is necessary to further expand on what this consultation process would involve. Proper consultation with people with disability can only be achieved if it includes people with a range of disabilities, and across different age groups. A failure, in this regard, would significantly reduce the potential to meet the aim of disability inclusion.
2. Accessible Formats. When consulting or engaging with people with disability, the Exposure Draft only requires defined entities to produce their communications in at least one accessible format. This is problematic given the vast difference in accessible formats across disability groupings. There should be a requirement to produce communications in the formats that meet the needs of all disability groups.

Disability Impact Assessments

Vision Australia welcomes the inclusion in the Exposure Draft of the requirement for defined entities to conduct disability impact assessments. Proper assessment of the impact of a program, policy or service prior to its implementation, particularly in terms of accessibility, will be of significant benefit to the blindness and low vision community, and reduce the need for makeshift and often inadequate solutions to be applied at later points.

We have concern, however, that the requirement only arises where a policy, program or service of a defined entity is deemed to have a direct and significant impact on the public. This phrase is not otherwise defined, and therefore gives rise to an assessment that is subjective in nature. We suggest that the Bill include detail to guide defined entities on those matters which should be considered in determining whether a policy, program or service has a direct and significant impact on the public.

Disability Action Plans and Progress Reports

Monitoring and Compliance

Vision Australia is of the view that Disability Action Plans are only effective in circumstances where there is accountability, and a requirement to measure, and report on progress and outcomes. In this context, it is very pleasing to note the requirement in the Exposure Draft for defined entities to report on the implementation of Disability Action Plans on an annual basis. We compliment the Victorian Government on the inclusion of this important measure.

We also welcome the more robust compliance mechanisms that are proposed in relation to the preparation of Disability Actions Plans and the need for defined entities to make reasonable progress in implementing these plans. To further strengthen compliance, the Victorian Government might also consider publishing statistics about the number of complaints received by the Australian Human Rights Commission and the Victorian Equal Opportunity and Human Rights Commission alleging disability discrimination by defined entities. Other metrics around disability employment should also be developed. For example, reporting on the number of people with specific disabilities employed by each defined entity.

In terms of the requirement for defined entities to consult with people with disability in the preparation of a Disability Action Plan, we make the same point as made above in relation to the Duty to Promote Disability Inclusion.

Commissioner for Disability Inclusion

Vision Australia supports the appointment of a Commissioner for Disability Inclusion, with the functions proposed in the Exposure Draft. We also support the Commissioner being a person with disability, and having the necessary powers and regulatory capacity to achieve his/her aims, and give him/her the proper status to effect meaningful change.

General and Miscellaneous

We note that the Exposure Draft gives the Minister the ability to issue guidelines for the purpose of assisting defined entities to meet requirements under the Act, and to comply with the duty to promote disability inclusion. Pleasingly, some of the matters which may be included in these guidelines specifically relate to advancing the employment of persons with disability by defined entities, and accessible communication and information. In preparing guidelines, the Minister is required to consult with the Advisory Council. We believe that there should also be a requirement to consult with people with disability and disability organisations across a range of disability groupings.

About Vision Australia

Vision Australia is the largest national provider of services to people who are blind or have low vision in Australia. We are formed through the merger of several of Australia’s most respected and experienced blindness and low vision agencies, celebrating our 150th year of operation in 2017.

Our vision is that people who are blind or have low vision will increasingly be able to choose to participate fully in every facet of community life. To help realise this goal, we provide high-quality services to the community of people who are blind, have low vision or have a print disability, and their families. Vision Australia service delivery areas include:

* Registered provider of specialist supports for the NDIS and My Aged Care Aids and Equipment;
* Assistive/Adaptive Technology training and support;
* Seeing Eye Dogs;
* National library services, early childhood and education services and Feelix Library for 0-7 year olds;
* Employment services;
* Production of alternate formats;
* Vision Australia Radio network including a national partnership with Radio for the Print Handicapped;
* NSW Spectacles Program; and
* Government advocacy and engagement.

We work collaboratively with governments, businesses and the community to eliminate the barriers our clients face in making life choices and including fully exercising their rights as Australian citizens. Vision Australia has unrivalled knowledge and experience through constant interaction with clients and their families, of whom we provide services to more than 26,000 people each year, and also through the direct involvement of people who are blind or have low vision at all levels of our organisation.

Vision Australia is well placed to advise governments, business and the community on challenges faced by people who are blind or have low vision as well as they support they require to fully participating in community life.

We have a vibrant Client Reference Group, comprising of people with lived experience who are representing the voice and needs of clients of our organisation to the board and management.

Vision Australia is also a significant employer of people who are blind or have low vision, with 15% of total staff having vision impairment. Vision Australia also has a Memorandum of Understanding with, and provides funds to, Blind Citizens Australia, to strengthen the voice of the blind community.