****

**Vision Australia Submission**

Submission to: Department of Communities, Western Australia

Submitted to: disabilitylegislationteam@communities.wa.gov.au

Date: 23 May 2023

Submission approved by: Chris Edwards, Director Government Relations and Advocacy, NDIS and Aged Care

# Introduction

Vision Australia welcomes the opportunity to provide a submission to the Department of Communities (the Department) regarding the reform of the Western Australian disability legislation.

# Definition of Disability

Q: Do you think the current definition of disability in the Disability Services Act (the DS Act) adequately covers all types of disability? Why? If not, how would you change or improve the definition?

Whilst we agree with the categories of disability that are referred to within the relevant definition, we consider it important that the definition not focus on the concept of permanence of disability. We would recommend a broader definition that also incorporates temporary disability. This is particularly important given that the focus of the DS Act is on State based disability services, which are most often provided to those not eligible for the Commonwealth based NDIS.

# Principles

Q: Would you change the current Principles in the DS Act, including adding new Principles or excluding current ones? Why?

Q: Do you think we should continue to have Principles or rework them into a Disability Inclusion Charter? Why?

We do not seek that the principles in the DS Act be changed. We consider that the current principles are generally reflective of the purpose of the DS Act.

It is also our view that the DS Act should continue to include principles to guide the functions performed under it. Any Disability Inclusion Charter would be better implemented as a separate measure in the future, working alongside the DS Act.

# Safeguarding Mechanisms

Q: What safeguarding mechanisms do you think would protect people with disability from violence, abuse, neglect and exploitation?

The registration of providers, and screening checks for workers, are an important safeguarding mechanism to protect people with disability from violence, abuse, neglect and exploitation. It is necessary, however, to streamline these requirements and avoid needless duplication and costs. This could be done by recognising the portability of other registrations. For example, a provider who is registered for the purposes of the NDIS should be considered sufficiently registered to provide State based disability services.

The regulation and registration of providers should also be done according to level of risk. To allow people to have choice and control, there should be flexibility for the registration of providers of certain low-risk core supports. Although, this would not diminish the need for relevant codes of practice/conduct, and insurance and other standard protections.

Further, whilst the registration of allied health and specialised providers is important (given the level of skill and qualification often required to deliver these services), such registration should not add to the oversight and regulation to which these providers are already subject by the Australian Health Practitioner Regulation Agency. However, allied health providers that are working for registered organisations should be adequately recognised.

Q: As one aspect of safeguarding, how can complaint mechanisms be made easier to use for those people with disability receiving State services?

Complaint mechanisms for people with disability are always most effective if there is an immediacy of attention given to the complaint, as well as a timely response. In addition, to cater to the broad range of needs of people with disability, there must be flexibility in how a complaint can be made. There should be multiple channels available for a person to make a complaint, including, for example, by phone, online or in person.

# Care and Neglect

Q: Is the offence of ill-treatment of people with disability important to you? Why?

We recognise the importance of the offence of ill-treatment of people with disability. The evidence given to the Royal Commission into Violence, Abuse, Neglect an Exploitation of People with Disability during its public hearings highlight the need for such an offence to be maintained.

Q: Should State legislation make provision for an offence of ill-treatment of people with disability by a carer or a service provider? Please give reasons for your answer.

The State legislation should make provision for an offence of ill-treatment of people with disability by a carer or a service provider. The law should be consistent whether care is being provided on a formal or informal basis. This is important given the vulnerability of many of the members of our community with disability.

# Inclusive Community

Q: What do you think should be included in WA disability legislation to promote inclusion and social participation of people with disability?

The matters that we consider most important to include in the WA disability legislation to promote inclusion and social participation of people with disability are:

1. Reporting and compliance

Vision Australia is of the view that Disability Strategies, and Access and Inclusion 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 pleasing to note the existing requirement in the DS Act for public authorities to report on the implementation of Access and Inclusion Plans. We would welcome the introduction of compliance mechanisms, though, for repeated failures by a public authority to implement reasonable measures, or reasonable targets included within a plan. To provide further accountability, we would also recommend publishing statistics about the number of complaints received by relevant bodies alleging disability discrimination by public authorities. In addition, metrics around disability employment could also be developed. For example, reporting on the number of people with specific disabilities employed by each public authority.

1. Accessibility

Producing information in a broad range of formats is important when engaging or consulting with people with disability to ensure that information is accessible. It should be a requirement within the DS Act that in any engagement or consultation with people with a disability, communications be produced in the formats that meet the needs of all disability groups.

# Making people with disability heard

Q: The DS Act currently provides for the Ministerial Advisory Council on Disability – is the Ministerial Advisory Council on Disability an effective tool for letting the Minister for Disability Services hear the voices of people with disability? How can this be improved?

The Ministerial Advisory Council on Disability is an effective tool to allow a streamlining of views for the benefit of the Minister. We note the requirement for the Council to be made up of people who reflect the interests of the entire spectrum of disability and highlight the importance of this requirement. We also note that the Council is required to ensure that the interests of the public generally, and affected stakeholders in particular, are considered before advice is given, or a recommendation made. We believe that a requirement for the Council to consult with peak bodies and providers within the different categories of disability, would allow a fuller consideration of views that might impact advice given, or recommendations made.

Q: How can WA disability legislation ensure the views of the community, particularly those with lived experience, are shared with WA Government?

It is important for Government to recognise that whilst consultation and co-design with the disability sector is always welcomed, a considerable amount of time is spent by service providers on such engagements, which unlike other consulting services engaged by Government is generally done on an unpaid basis. Consultation with disability bodies and providers needs to be given the same recognition as consulting services engaged by Government for other purposes.

# Ongoing service provision for specific cohorts

Q: What roles should the WA Government and Communities continue to have in the disability sector?

The WA Government and Communities should:

1. Continue to provide disability services for people with disability who are ineligible for the NDIS.
2. Ensure all parts of State Government are implementing disability strategy and progressing Disability Access and Inclusion Plans.
3. Ensure that the needs of people with disability are being met within each of the State Government portfolios, for example, transport, education, housing and health.

Q: Would you change the current Objectives in the DS Act, including adding new Objectives, or excluding current ones? Why?

We do not seek that the Objectives in the DS Act be changed. We consider that the current Objectives are relevant to the services and programmes being administered.

# About Vision Australia

Vision Australia is the largest national provider of services to people who are blind, deafblind, 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, deafblind, 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, are deafblind 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, and national partnership with Radio for the Print Handicapped, Spectacles Program for the NSW Government, Advocacy and Engagement. We also work collaboratively with Government, businesses and the community to eliminate the barriers our clients face in making life choices and fully exercising 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 30,000 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 fully participating in community life.

We have a vibrant Client Reference Group, with people who are blind or have low vision 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.