**Response to request from United Nations Human Rights Office of the High Commissioner**

**Human Rights Council resolution 37/22**

(Reference: OHCHR/TESRPRD/DESIB/HRESIS, dated 13 June 2019)

***1(a) Does your country have laws, policies, plans, strategies or guidelines at any level of government relating to raising awareness about persons with disabilities, in particular initiatives to:***

* ***Foster respect for the rights and dignity of persons with disabilities;***
* ***Combat stereotypes, prejudices and harmful practices relating to persons with disabilities; or***
* ***Promote awareness of the contributions of persons with disabilities?***

***1(b). What are the challenges to implementing the above?***

Australia has a range of initiatives in place to raise awareness in society about the rights and dignity of persons with disabilities, their capabilities and contribution to society. These are grounded in a human rights based approach consistent with the *Disability Discrimination Act 1992* (Cth) (DDA) and the Convention on the Rights of Persons with Disabilities (Convention). These initiatives include awareness campaigns, celebrations for the International Day of People with Disability, and the activities of the Australian Human Rights Commission and the Disability Discrimination Commissioner (discussed in further detail below and in response to other questions).

National Disability Strategy

The National Disability Strategy 2010-2020 (Strategy) provides a ten-year national policy framework to improve the lives of people with disability, promote participation and create a more inclusive society. The Strategy commits all levels of government to lead a shift in community attitudes to improve outcomes for people with disability. The Strategy seeks to promote awareness and understanding of the rights of people with disability, improve responses to people with disability in the justice system, ensure their safety and enable them to participate fully in the economic, civil and social life of Australia.

The Strategy will expire at the end of 2020. The Australian Government has commenced development of a future disability policy framework. Future disability policy will consider a number of previous reviews and input from public consultations with people with disability and stakeholders.

The Australian Human Rights Commission and the Disability Discrimination Commissioner

The Australian Human Rights Commission (AHRC) and the Disability Discrimination Commissioner play an important awareness‑raising role. The AHRC undertakes educational programs to raise awareness of the human rights of persons with disabilities. The AHRC ensures that persons with disabilities are actively involved and represented in its awareness campaigns and strategies. Publications produced by the AHRC must be accessible to persons with disabilities.

States and territories

Australian states and territories also undertake awareness-raising measures to promote human rights and to raise awareness of people with disabilities. For example, in NSW, the ‘Don’t Dis My Ability’ campaign has run for 14 years, promoting active inclusion of persons with disabilities, providing a narrative of the experience of persons with disabilities and celebrating their diversity. Established in 2007, the Victorian Disability Advisory Council is a statutory authority that provides independent advice on disability issues. The Council has a mandate to monitor plans and strategies and to raise awareness of the rights of people with disability and the role of government, communities and businesses in realising those rights. In Queensland, ‘Disability Action Week’ is held annually in September. It aims to empower people with disability, raise awareness of disability issues, and improve access and inclusion throughout the wider community.

More generally, Australia raises awareness of people with disability in schools as well as with people working in core professions, such as the judiciary, medical and health professionals, public servants and teachers.

Disability advocacy

The Australian Government is committed to independent disability advocacy, with funding provided through the National Disability Advocacy Program (NDAP), the National Disability Insurance Scheme (NDIS) Appeals program and the Disability Representative Organisations (DRO) program.

The NDAP provides individual people with disability access to effective disability advocacy that promotes, protects and ensures their full and equal enjoyment of all human rights enabling community participation. 59 organisations are funded across Australia to deliver advocacy on a wide range of issues affecting people with disability.

The NDIS Appeals program was established to ensure that people with disability, and other people affected by reviewable decisions of the National Disability Insurance Agency (NDIA) have access to support when seeking review of those decisions in the Administrative Appeals Tribunal. 50 organisations are funded across Australia to provide NDIS Appeals advocacy and legal assistance.

The DRO program funds eight national organisations to provide representation and systemic advocacy for Australians with disability to:

* promote an understanding of the lives of people with disability
* promote and protect the rights and dignity of people with disability
* support service providers in delivering services to people with disability, and
* foster support for the participation of people with disability in all aspects of community life.

Restrictive practices

Australia is committed to working towards the elimination of restrictive practices, supporting an approach that restrictive practice is a last resort and the dignity and human rights of people accessing services should be respected and supported at all times. Some states and territories have legislation in place to ensure the use of seclusion and restraint is a last resort, meets appropriate standards, is reported to a responsible body and then reviewed.[[1]](#footnote-1)

Some jurisdictions also have bodies that provide an education role, through the development of best practice guidelines and recommending alternative support options that avoid the use of restrictive practices.[[2]](#footnote-2)

Under the auspice of Australian Health Ministers’ Advisory Council, twelve national forums on restrictive practices have been held to share results and support broader change efforts towards the elimination of restrictive practices. The last forum was held on 7-8 November 2018 in Tasmania. Data from the AIHW on the use of seclusion and restraint in Australian specialised public mental health hospital services shows a significant reduction in the use of seclusion, with the rate of seclusion events almost halving since 2009-10.[[3]](#footnote-3)

The *National Standards for Mental Health Services 2010* includes a standard specifically related to client safety with the criteria that the mental health service reduces and, where possible, eliminates the use of restraint and seclusion within all settings.

Australia's National Mental Health Commission (Mental Health Commission) has commissioned a project by the Australian College of Mental Health Nurses (ACMHN) to help build the evidence base for reducing the use of seclusion and restraint. The project specifically seeks to better understand the factors that impact on and influence the decisions of frontline workers, such as mental health nurses. The Mental Health Commission is also currently working with the ACMHN to progress recommendations made in its report *Supporting Mental Health Professionals Through Cultural and Clinical Change: Facilitating ongoing reduction in seclusion and restraint in mental health settings in Australia*.

The use of seclusion and restraint is an area of ongoing review and reform for states and territories. For example, the NSW government recently accepted recommendations from a 2017 independent Review of seclusion, restraint and observation of consumers with a mental illness in NSW Health facilities and committed $20 million to improve the therapeutic environment inside acute mental health units in NSW.

Challenges for implementation

Although the DDA makes it unlawful to discriminate against people on the basis of disability in key areas of public life, it does not impose positive obligations to raise awareness of persons with disabilities.

The distribution of the Australian population presents challenges to implementing specific awareness raising policies about persons with disabilities. Australia’s population is highly urbanised with the majority of Australians living in major cities. Designing, funding and operating awareness raising policies in such a way as to suit the circumstances of people living with a disability in remote and rural areas can be more challenging than in urban areas of Australia.

Australia’s federal structure also presents challenges to implementing policy more generally. Australia has a federal constitutional system comprised of the federal Commonwealth government, six State governments (New South Wales, Victoria, Queensland, Western Australia, South Australia and Tasmania) and two self‑governing Territory governments (the Australian Capital Territory and the Northern Territory). Each state and territory has enacted anti-discrimination legislation that enables individuals to lodge complaints about discrimination at the state and territory level depending upon the circumstances of the complaint with the relevant agency in that state or territory. Commonwealth laws and state/territory laws can overlap, however they can also apply in different ways which can result in certain challenges.

***2(a). What legislative and policy measures are taken to address hate crimes, hate speech and harmful practices against persons with disabilities?***

***2(b). In particular, are there legal remedies available for persons with disabilities seeking compensation and reparation? Are there legal provisions to sanction perpetrators, including through criminal law? Please provide information on their application in practice (e.g. cases of persons condemned for hate crimes against persons with disabilities).***

Legislative and policy measures

Outcome 2 of the Strategy aims for people with disability to have their rights promoted, upheld and protected. The Strategy provides broad policy direction to all levels of government to increase awareness and acceptance of the rights of people with disability.[[4]](#footnote-4)

Behaviours such as harassment, the threat of bodily harm, assault, grievous bodily harm, murder and other crimes against the person are criminalised in Australia, primarily within state and territory legislation. In many jurisdictions, offences may be aggravated where the victim of a crime is in a position of particular vulnerability because of physical or cognitive impairment.

Hate speech laws in Australia differ between jurisdictions. For example, there is legislation prohibiting hate speech on the grounds of disability in Tasmania[[5]](#footnote-5) and the Australian Capital Territory.[[6]](#footnote-6) The DDA makes it unlawful to discriminate against a person on the grounds of that person’s disability. The DDA makes direct and indirect discrimination on the ground of disability unlawful in work, access to premises, the provision of accommodation, education, the administration of Commonwealth laws and programs, and the provision of goods, services and facilities, as well as in other areas of public activity.

Additionally, the *Fair Work Act 2009* provides protection from workplace discrimination because of a person’s physical or mental disability.

Legal remedies

The AHRC receives complaints, including representative complaints, under federal anti‑discrimination law in the areas of race, sex, disability and age. Complaints are investigated and may be conciliated. It is a criminal offence to victimise a complainant.

The Federal Court or the Federal Circuit Court can make a range of appropriate orders.

Where a hate crime has been committed, a range of legal remedies are available. Penalties for breaches of criminal law include warnings, fines and imprisonment. Offenders may also be required to complete rehabilitative programs, such as drugs counselling.

State and territory governments also operate victims of crime compensation schemes which may provide some compensation to affected individuals, including persons with disability.

***3(a). What steps have been taken to establish standards and/or good practices on the representation and portrayal of persons with disabilities in broadcast media, including codes, guidelines and other measures (legal, co-regulatory or self-regulatory)?***

***3(b). In addition, what legal framework, measures or good practices exist to regulate social media in accordance with Article 8 and human rights standards on freedom of expression?***

Broadcast media

Most content broadcast in Australia is regulated by co-regulatory codes of practice developed by broadcasting industry sectors in accordance with the *Broadcasting Services Act 1992* (BSA).

A number of these co-regulatory codes include requirements that relevant providers not broadcast material which is likely to provoke/incite or perpetuate intense dislike, hatred, serious contempt or severe ridicule against a person or group of people because of disability. For example, the Commercial Radio Code of Practice and the Commercial Television Industry Code of Practice include such requirements.

These requirements are underpinned by the co-regulatory framework established by the BSA. In particular, the BSA stipulates that codes of practice developed for a section of the broadcasting industry may relate to a number of matters including:

* preventing the broadcasting of programs that, in accordance with community standards, are not suitable to be broadcast by that section of the industry, and
* methods of classifying programs that reflect community standards.

The BSA further requires that, in developing codes of practice relating to the particular matters noted above, community attitudes in relation to a number of specified issues be taken into account. One of the specified issues is the portrayal in programs of matter that is likely to incite or perpetuate hatred against, or vilifies, any person or group on the basis of ethnicity, nationality, race, gender, sexual orientation, age, religion or physical or mental disability.

Broadcasting sectors also develop advisory or guidance notes that cover a range of matters in relation to promoting equality across an individual broadcasting sector. For example, the Commercial Television Industry Code of Practice provides that Free TV Australia, the peak industry body for commercial television broadcasting licensees, will maintain a series of advisory notes on a range of matters including the portrayal of people with a disability. The Free TV advisory note in relation to the portrayal of people with disabilities is intended to help and encourage reporters and program producers to produce programs which treat people with disabilities fairly and realistically as individuals, and as an integral part of the general community.

The content of advertisements in Australia is regulated by self-regulatory arrangements, underpinned by platform neutral codes of practice developed by the Australian Association of National Advertisers (AANA), the advertising industry peak body in Australia. One of these self-regulatory codes, the AANA Code of Ethics, requires that advertising or marketing communication not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of, among other things, disability.

Online safety

The Australian Government is committed to putting proper regulatory controls and support systems in place to and allow all Australians, including Australians with disabilities, to confidently take advantage of the benefits of the digital environment.

*Current legal framework*

In 2015, the Australian Government passed the *Enhancing Online Safety Act 2015*, which established the Office of the Children’s eSafety Commissioner (eSafety Commissioner). In recognition that vulnerable adults also face dangers online, the Government expanded the eSafety Commissioner’s remit in 2017 to all Australians. This legislation allows the eSafety Commissioner to issue removal and blocking notices to various technology companies in order to address:

* cyberbullying material targeted at an Australian child
* illegal and offensive content, and
* posting, or threatening to post, an intimate image without consent.

The eSafety Commissioner works to promote online safety for children, women, older Australians and other vulnerable members of the community, including people with disabilities. As part of this role, the eSafety Commissioner provides advice to teachers about how to keep young people with disabilities safe online.

Another of the key functions of the eSafety Commissioner is to conduct and evaluate research relating to online safety. The eSafety Commissioner has found that young people with disabilities are:

* twice as likely to be involved in a bullying incident
* more likely than children without disabilities to have talked to someone they do not know online, and[[7]](#footnote-7)
* more likely to be asked for nudes of themselves and receive unsolicited nude content than those without disabilities.[[8]](#footnote-8)

Given the heightened vulnerability of young people with disabilities, Australia’s online safety legal frameworks provide important protections to this group.

*Online Safety Charter*

The Australian Government is currently developing an Online Safety Charter (the Charter) that will articulate a set of community-led minimum standards for industry to protect citizens, especially children and vulnerable members of the community, from harmful online experiences. Once finalised, the Charter will be an important foundation document to shape the direction of online safety policy and legislative arrangements in Australia.

*Non-regulatory measures*

Australia also has in place a series of non-regulatory measures to address issues surrounding people with disabilities and social media use. The Australian Government has provided $1.5 million for targeted resources that will assist women with intellectual disabilities to identify and report technology-facilitated abuse. The Australian Government has also established a $3.8 million Online Safety Research Program, which will examine online safety issues with a particular focus on vulnerable groups and communities.

Digital platforms

*Current legal framework*

The provision of online media services in Australia is governed by a broad statutory framework. This generally extends to services based overseas but available to consumers in Australia. The Australian Government’s expectation is that digital platforms, such as search engine providers, social media platforms and other aggregators of digital content, will comply with these laws and regulations, including by actively cooperating with Australian regulators.

Platforms are subject to laws governing electoral communications and authorisation requirements, laws protecting against foreign influence, the regulation of online safety (as outlined above) and copyright, defamation and privacy laws.

*Disparity between offline and online regulation*

Digital platforms are not held as strongly to account as traditional media and content providers are across a range of issues, despite performing similar functions in the delivery and curation of content. There is near to no regulatory oversight of these platforms, in terms of advertising restrictions, classification law, content quotas and complaint and enforcement mechanisms.

This could have consequences for the way in which Australians with a disability are portrayed on social media and by online news services, or their ability to engage online on equivalent terms to people without a disability, and in relation to the protections and safeguards they receive in relation to their personal information and data relating to them.

*ACCC’s Digital Platforms Inquiry*

Over the last 18 months, the Australian Competition and Consumer Commission’s (ACCC) Digital Platforms inquiry has investigated the effect that digital platforms have on competition in media and advertising services markets, and the implications of this for media content creators, advertisers and consumers. The role of digital platforms in promoting harmful content, such as discriminatory or offensive content against including against people with a disability, was outside of the scope of the ACCC’s inquiry.

In releasing its preliminary report on 10 December 2018, the ACCC made a range preliminary recommendations, which included proposed measures that may indirectly benefit Australians with a disability as they engage with platforms. These include preliminary recommendations to:

* address the market power of large digital platforms such as Google and Facebook in areas such as online search, social media and news referral
* monitor digital platforms’ activities and the potential consequences of those activities for news media organisations and advertisers
* address the regulatory imbalance between news media providers and digital platforms in order to create a more level playing field in terms of regulatory oversight of platforms, and
* improve privacy protections for users, including by improving their bargaining power when dealing with digital platforms.

*Possible impact of the Digital Platforms Inquiry for persons with a disability*

The ACCC’s final report was provided to the Treasurer, the Hon Josh Frydenberg MP, on 30 June 2019 and is expected to be released within the coming weeks. While not directly addressing the concerns of Australian with disabilities, implementation of recommended measures targeting the types of competition and consumer issues investigated by the inquiry could have flow-on benefits for Australians with a disability. For example:

* functionally equivalent and fit-for purpose regulation of online content could assist with the online portrayal and treatment of persons with a disability
* the provision of greater transparency around the handling of personal information of, and data related to, individuals could provide greater consumer protection and choice for persons with a disability, and
* measures to improve the reliability and credibility of online news, including reducing the risks of deliberately spreading misleading and harmful news stories (disinformation) or information intended to inflict harm on a person or social group (malinformation) could reduce overall risks of persons with a disability being targeted through such means.

Details of the ACCC’s Digital Platforms Inquiry, including its terms of reference, stakeholder submissions and its preliminary and final reports are available at: <https://www.accc.gov.au/focus-areas/inquiries/digital-platforms-inquiry>.

***4(a). Please provide information on the existence and implementation of the programmes and activities, including successful examples of campaigns, related to raising awareness about persons with disabilities and their rights, and combating negative attitudes including through initiatives of:***

* ***Training, including human rights education;***
* ***Research, including studies on perception and attitudes;***
* ***Surveys and data collection.***

***4(b). Please indicate their objective, scope, target audience, impact (including available data), partners and participants, particularly the participation of, and role of persons with disabilities and their representative organisations, and any key factors of success.***

AHRC awareness raising

The AHRC undertakes a range of programs, activities and campaigns to raise awareness and promote the human rights of people with disability. The objective of this work is to build ‘rights-mindedness’ across the community with better understanding and awareness of human rights of people with disability and how to protect them.

*Training and human rights education*

Human rights education is one of the AHRC’s core statutory functions under the *Australian Human Rights Commission Act 1986* (Cth). The AHRC’s education programs aim to increase understanding about human rights, lay the foundations for positive change in attitudes and behaviour and increase capacity to realise human rights. The AHRC develops and promotes school and higher education resources and delivers training programs. The training programs currently target the public service, to assist government personnel to apply human rights in their day-to-day work.

The AHRC has developed a disability rights training program, which is delivered to a range of private and public sector organisations. A successful example of this program is the training the AHRC developed in partnership with the NSW Department of Family and Community Services on disability awareness for policy and project staff in the NSW public service. Feedback from participants at these sessions has been overwhelmingly positive. Evaluations showed a significant increase in the knowledge of participants in relation to the Convention, disability policy frameworks and the ability to incorporate principles of access and inclusion in their work.

Key factors of success included:

* taking a human rights-based approach to developing the education and training package, with a focus on how to convert human rights principles into effective practice
* tailoring each training session to ensure the context is relevant to the particular jurisdiction and audience, and
* drawing heavily on the lived experience of people with disability.

*Research, surveys and data collection*

The AHRC undertakes and supports research and analysis, informed by the voice and experience of people with disability, to guide its work in combatting the negative attitudes and stereotypes that people with disability may experience. Between October 2016 and March 2017, the former Disability Discrimination Commissioner conducted national consultations to seek input from the disability community on how to most effectively promote and realise their human rights. The Commissioner met with over 1,000 people across Australia and received 85 written submissions. Since March 2017, ongoing, regular community conversations in Australia have been held, including in regional and remote locations. Provision has been made to ensure these conversations are in an accessible format for all participants.

In June 2019, the current Disability Discrimination Commissioner delivered the opening address and chaired a panel of industry experts at the National Disability Strategy Workshop about community attitudes towards people with disability in Australia. The workshop presented the findings from a national population-level survey on community attitudes[[9]](#footnote-9) and explored strategies and initiatives to reduce and remove attitudinal barriers.[[10]](#footnote-10)

International Day of People with Disability

The Australian Government has supported the International Day of People with Disability (IDPwD) since 1996 and provides funds to promote and raise awareness of the Day and its associated events around Australia. Celebrating IDPwD on 3 December each year provides an opportunity to ensure the achievements and needs of people with disabilities, their families and carers remain visible.

In 2018, the events supported by the Australian Government included:

* 15 national events and award programs to promote IDPwD and raise awareness
* 651 online registrations for community events to celebrate IDPwD throughout the country (an increase from 74 events in 2017), and
* the National Awards for Disability Leadership, a sector led Awards program to recognise the contributions of people with disability in the Australian community.

The Australian Government also supports a range of national programs and awards as part of celebrations for the IDPwD to raise awareness and acknowledge the achievements and contributions of persons with disabilities and to promote accessibility and inclusion. This includes:

* the Australian Football League All Abilities National Inclusion Carnival
* the Focus on Ability Short Film Festival
* the FM Industry Awards for Excellence, and
* the ABC Regional Storytellers Scholarship.

The overarching aim of IDPwD is to promote an inclusive Australian society that enables people with disability to fulfil their potential as equal citizens. The objectives of the IDPwD program are to:

* inspire and educate communities into taking action to create an inclusive society
* promote inclusiveness by raising awareness of the achievements, contributions and abilities of people with disability, and
* encourage inclusive practices and attitudes in the workplace.

These objectives were met through increased event registrations, media coverage, sponsorship promotion and product downloads. This demonstrated that communities were inspired and educated into taking action and holding an event, which created inclusivity.

Disability employment initiatives

Outcome area 3 of the *National Disability Strategy 2010-2020* (the Strategy) aims for people with disability, their families and carers to have economic security, enabling them to plan for the future and exercise choice and control over the lives. Raising awareness about initiatives that contribute to the economic security of people with disability is an important element of the Australian Government’s broader strategy for achieving this outcome.

*JobAccess*

The Australian Government provides JobAccess, a national hub for workplace and employment information for people with disability, employers and service providers. Recognised by the United Nations Public Service Award for improving the delivery of services[[11]](#footnote-11) and Essl Foundation’s Zero Project initiative for innovative policies[[12]](#footnote-12), JobAccess brings together a wide range of free and expert services, all specifically designed to help identify and remove the barriers to disability employment.

JobAccess brings together information and resources that can ‘drive disability employment’. This includes the following key services:

1. Expert advice via telephone and website:

JobAccess offers a national call service delivered by a team of front-line professionals who provide free, confidential and expert advice on matters related to disability employment. The team includes a range of field experts, such as allied health professionals, specialists in workplace adjustments and occupational therapy, as well as those with experience in training and recruitment strategies for the sustainable employment of people with disability and mental health conditions. JobAccess also has a comprehensive website ([www.jobaccess.gov.au](http://www.jobaccess.gov.au/)) with information and advice tailored explicitly for people with disability, employers and disability service providers. In 2018‑19, over 31,000 people were supported with advice, information and education.

1. Workplace modifications and training:

Under the Employment Assistance Fund (EAF) financial assistance is provided to eligible people with disability and mental health conditions and employers to buy work related modifications, equipment, Auslan services and workplace assistance and support services. Assistances and services available through the EAF work to remove barriers to the employment of people with disability. This includes the conduct of free workplace assessments, and provision of advice on the required workplace adjustments, modifications and support which may be eligible for reimbursement through the EAF. Training available to workplaces under the EAF includes disability awareness, deafness awareness and mental health first aid training.

1. National Disability Recruitment Coordinator:

The National Disability Recruitment Coordinator program works with employers, including with larger employers through 12-month partnerships, to provide free, practical and tailored support. It helps organisations increase disability confidence and competence by building their knowledge and skills to remove barriers in employment practices and become more inclusive. This work also includes arranging and hosting information sessions for a range of audiences to promote the JobAccess services and the benefits of employing people with disability.

Employ their Ability campaign

In 2018-19, the Australian Government delivered an *Employ their Ability* campaign to highlight the benefits of employing people with disability and ensure employers are aware of the support and programs available to help them. The campaign utilised social media channels, including LinkedIn, Facebook and YouTube, to educate employers on disability employment. Over the past 12 months, the campaign has drawn more than 1,150 followers on LinkedIn and engaged a broader audience through positive media stories and case studies; enabling employers to start the conversation and move the dial on disability employment. The campaign targeted large and upper-medium sized businesses in service industries, as research showed these organisations are more open and committed to employing people with disability.

From September 2017 to January 2018, research was commissioned by the Australian Government to inform the communication approach. Concept testing was also undertaken by the researcher during this period to explore target audience responses and attitudes to alternative creative concepts. The campaign used real-life examples of disability employment from both the employee and employer’s perspective. The people who shared their stories have all volunteered to be involved in the campaign and were not being paid as influencers.

On 26 February 2019, as part of the *Employ their Ability* campaign, the Australian Government launched a comprehensive Employer Toolkit[[13]](#footnote-13) to help employers hire people with disability and build their organisation’s disability confidence and competence. Available through the JobAccess website, the Employer Toolkit is an online resource to guide employers through the entire process of employing people with disability, using simple, straightforward videos, downloadable resources and highlighting real-life case studies. It is designed to be user-friendly, so time-poor, corporate professionals can quickly access and absorb the practical information to assist them navigate disability employment.

The Toolkit covers a range of topics relating to disability employment, including creating inclusive policies, finding and interviewing jobseekers with disability, and making adjustments in the workplace. The Employment Reform Working Group (ERWG) of the National Disability and Carers Advisory Council (NDCAC), which includes representatives from the disability sector, and the Australian Network on Disability were consulted on the Employer Toolkit.

*AccessAbility Day*

AccessAbility Day[[14]](#footnote-14) is an Australian Government initiative, piloted across eight sites in 2017 and rolled out nationally in 2018, that allows employers to connect with jobseekers with disability (participants) to see their potential in the workplace. Employers can explore the concept of employing a jobseeker with disability, while also providing an opportunity for participants to gain an insight into a particular job or type of work. It is also a great opportunity for jobseekers with disability to experience a workplace or role that aligns with their career interests. In 2018, more than 1,000 Australian organisations participated in the day and more than 1,400 people with disability registered to experience a new workplace to gain insight into a job that aligned with their career interests.

AccessAbility Day was developed in conjunction with the ERWG, which includes representatives from the disability sector.

*Small to Medium Size Enterprises (SME) Research Report: Making it Easier for Small Business to employ people with disability*

The ERWG commissioned this research report to identify and understand SME pain points, regulatory impediments and perceptions of impediments that may be barriers to employing and retaining people with disability. The research project was endorsed by NDCAC and paid for by the Australian Government.

The research report provides outcomes from a sample of 519 small business owners and managers across Australia; a credible sample size to validate the concerns and issues facing SMEs in relation to employing people with disability. The Research findings confirmed some known barriers and also identified some new issues that haven’t previously been considered. Findings include:

* half of those surveyed were open to employing a person with a disability in the future and one in four were ‘very likely’ to employ a person with disability in the future
* ‘lack of applications’ was given as the main reason for not having employed a person with a disability noting the normal channels used by small business to fill vacancies was word of mouth, social media and online platforms such as seek.com
* barriers identified by businesses in converting their positive attitude to employing people with disability into action are:
* a lack of easily accessible information and advice about how to go about recruiting a person with disability;
* limited understanding of different disability types, potential work restrictions and supports available;
* concerns over potential legal and ethical risks to the employer, particularly if the arrangement didn’t work out;
* concerns over the cost and time of workplace adjustments that might be needed (including time to apply for and administer any additional funding sources that may be available), and
* the negative connotations of the word ‘disability’, noting terms like ‘diversity’ or ‘inclusion’ are much more appealing.

The Research was published by the Australian Government in December 2018. [[15]](#footnote-15)

Surveys and data collection

The main data collection to inform on the status of people with disabilities in Australia is the Survey of Disability, Ageing and Carers (SDAC) which is currently conducted every three years by the Australian Bureau of Statistics (ABS).

The SDAC is the authoritative source of estimates on the number and characteristics of people with disability and carers in Australia. It is a primary data source for reporting under the Australian Government’s National Disability Agreement (NDA) and the Strategy. The SDAC measures the prevalence of disability in Australia and provides a demographic and socio-economic profile of people with disability, older people and carers compared with the general population. The data gathered by the SDAC has been used to create a number of publications to inform on the status of disability, ageing and carers in Australia.

Another source of data on people with disability in Australia is the Census, which is conducted by the ABS every five years. The scope of disability data available in the Census is less than that of the SDAC, however, the Census provides useful information about people who need help with core activities and informal carers across small geographic areas and for small population groups such as Indigenous people and people born overseas, as well as other population groups not covered by the SDAC (for example, people living in very remote areas).

There are also initiatives at the state and territory level, such as the *Survey of Community Attitudes toward People with Disability, Department of Health and Human Services* released on 13 August 2018. The survey was administered to 1,000 Victorians from the general adult population. It will inform the Victorian government's work in relation to 'Changing Attitudes', a key priority of the *Absolutely Everyone: Victorian State Disability Plan (2017-2020).*

***5. Please provide information on the role of persons with disabilities and their representative organisations, including children with disabilities, in the design, implementation, monitoring and evaluation of all measures relating to awareness raising. Please provide detail on concrete mechanisms and activities undertaken for consultation and active involvement (e.g. regular meetings, online consultations, etc.).***

The Australian Government engages with the disability sector regularly on policies that impact upon persons with disabilities.

The Australian Government provides funding to DROs to provide domestic representation of Australians with disabilities, including media campaigns to raise awareness and understanding (discussed further under other questions).

The AHRC actively consults and draws on the expertise of people with disability and their representative organisations for its education and awareness raising projects and campaigns. For example, an employee with disability led the design of the AHRC’s disability rights training package. The training is also delivered by at least one person with disability, subject to organisational capacity.

As part of the development of a 2019 strategy for the IDPwD program (discussed above), the department undertook a range of consultations with persons with disabilities and their representative organisations:

* consultation with the members of the Council at one of their full meetings
* workshop with DROs focussed on the options to run national disability awards
* feedback seeking from organisations that registered to run IDPwD community events (and agreed to be contacted) through the IDPwD website
* emails and phone calls by Australian Government officers to former national disability awards judges on options to run national disability awards, and
* feedback seeking from organisations involved in organising 2018 Disability Leadership Awards, sponsored by the Australian Government.

1. *Mental Health Act 2013* (Tas); *Guardianship and Administration Act 2000* and the *Mental Health Act 2016* (QLD); *Disability Services Act 2017* (NT); *Mental Health Act 2014* (WA);and the *Prisons Act 1981* (WA). NSW regulates this practice through mandatory policy directives. ACT has legislation expected to commence on 1 July 2018. [↑](#footnote-ref-1)
2. Senior Practitioner under the *Disability Services Act 2011* (Tas); Office of the Public Guardian (QLD); Office of the Senior Practitioner (ACT); Chief Psychiatrist (WA); *Inspector of Custodial Services Act 2003* (WA).Chief Psychiatrist (NSW); and Senior Practitioner‑Disability (VIC). [↑](#footnote-ref-2)
3. <https://www.aihw.gov.au/reports/mental-health-services/mental-health-services-in-australia/report-contents/restrictive-practices/seclusion> [↑](#footnote-ref-3)
4. National Disability Strategy 2010-2020, page 37 [↑](#footnote-ref-4)
5. Section 19(b) of the *Anti-Discrimination Act 1998* (Tas) provides that a person, by a public act, must not incite hatred towards, serious contempt for, or severe ridicule of, a person or a group of persons on the ground of any disability of the person or any member of the group. [↑](#footnote-ref-5)
6. Section 67A(1)(a) of the *Discrimination Act 1991* (ACT) provides that it is unlawful for a person to incite hatred toward, revulsion of, serious contempt for, or severe ridicule of a person or group of people on the ground of disability, other than in private. [↑](#footnote-ref-6)
7. Information retrieved from [www.esafety.gov.au/-/media/cesc/esafety-teachers/outreach/pl/oesc-teachers-pl-inclusion-and-digital-wellbeing-summary-sheet.pdf](http://www.esafety.gov.au/-/media/cesc/esafety-teachers/outreach/pl/oesc-teachers-pl-inclusion-and-digital-wellbeing-summary-sheet.pdf) [↑](#footnote-ref-7)
8. Information retrieved from [www.esafety.gov.au/-/media/cesc/documents/corporate-office/young\_people\_and\_sexting\_attitudes\_and\_behaviours\_pdf.pdf](http://www.esafety.gov.au/-/media/cesc/documents/corporate-office/young_people_and_sexting_attitudes_and_behaviours_pdf.pdf) [↑](#footnote-ref-8)
9. Anne Kavanagh et al, ‘Community Attitudes towards Australians with Disability: Results from a National Survey, June 2019’ (30 June 2019) <https://melbourne.figshare.com/articles/Community\_Attitudes\_towards\_Australians\_with\_Disability\_Results\_from\_a\_National\_Survey\_June\_2019/8341343>. [↑](#footnote-ref-9)
10. <https://www.humanrights.gov.au/about/news/speeches/critical-task-changing-community-attitudes-towards-disability> [↑](#footnote-ref-10)
11. [United Nations Public Service Awards 2008](http://unpan1.un.org/intradoc/groups/public/documents/un/unpan030239.pdf) [↑](#footnote-ref-11)
12. [Innovative Policy 2017 on Employment and Vocational Education & Training, Project Zero](https://zeroproject.org/policy/one-platform-for-all-from-assistance-to-incentives-for-employers/) [↑](#footnote-ref-12)
13. [Employers set to benefit from new disability employment toolkit](https://www.jobaccess.gov.au/news-media/employers-set-benefit-new-disability-employment-toolkit), JobAccess [↑](#footnote-ref-13)
14. [AccessAbility Day 201](https://www.jobaccess.gov.au/people-with-disability/accessabilityday)8, JobAccess [↑](#footnote-ref-14)
15. https://www.dss.gov.au/disability-and-carers-research-and-data/making-it-easier-for-small-business-to-employ-people-with-disability-research-report [↑](#footnote-ref-15)