Australia's Disability Strategy 2021-2031

Creating an inclusive community together

# Guide to Applying Australia's Disability Strategy 2021–2031

# Contents

# Introduction

More than one in five Australians have a disability. They are our brothers and sisters, parents and children, colleagues and co-workers, business owners, partners and friends.

*Australia's Disability Strategy 2021–2031* (the Strategy) sets out a vision for an inclusive Australian society that ensures people with disability can fulfil their potential as equal members of the community.

Attitudes, behaviours, practices and structures can act as barriers to people exercising their rights as equal members of the community. People with disability often experience exclusion because policies, services, processes, practices or infrastructure are not designed with their needs in mind.

Achieving the Strategy's vision requires a whole-of-community response, inclusive of governments, business, the non-government and services sectors, the community and individuals.

The Guide to Applying Australia's Disability Strategy (the Guide) has been developed to provide practical guidance for businesses and employers, community organisations and public servants in all levels of government.

It focuses on how to make policies, programs, services, systems, workplaces and infrastructure work better for everyone. Guidance is centred around each of the Strategy's 'Guiding Principles', which reflect the United Nations Convention on the Rights of Persons with Disability (UN CRPD). The Guiding Principles work to highlight some of the key rights of people with disability.

The Guide includes descriptions of each Guiding Principle, steps to consider when applying the Guiding Principles, and questions to prompt readers on practical action they can take. These questions are broad and open ended, designed to make people think about their environment and the challenges and opportunities that exist in their own context to improve disability responsiveness and inclusion.

At the end of this document there is important information about laws and standards as well as a series of prompting questions. These questions are designed to help all Australians apply the Strategy to our everyday lives. The Guide also includes a standalone resource at Appendix 1 that provides additional questions that aim to prompt deeper thinking for those who have read the Guide and are familiar with the concepts.

Adopting the Guiding Principles will improve the ways policies, processes and infrastructure are designed and implemented with people with disability in mind and lead to better outcomes not only for people with disability but also for organisations, businesses and the community.

# Australia's Disability Strategy 2021–2031

## Disability policy in Australia

The Strategy is Australia's national disability policy framework.

The Strategy was developed in collaboration with people with disability, their families, carers and representatives through more than 2 years of consultations.

Agreed by all levels of government (Australian, state/territory and local), the Strategy sets out the plan for continuing to drive inclusion and improve the lives of people with disability in Australia over a 10-year period through a whole-of-community response.

The Strategy recognises the strengths and diversity of people with disability. It also acknowledges that attitudes, behaviours, systems, policies and processes can have different intersectional impacts for different groups of people with disability.

Implementation of the Strategy plays an important role in protecting, promoting and realising the human rights of people with disability.

This includes actioning rights under the UN CRPD, and Article 3 of the UN CRPD has informed the Strategy's Guiding Principles.

The Strategy and supporting documents are available on the **Disability Gateway**.

The vision of the Strategy is for *an inclusive Australian society that ensures people with disability can fulfil their potential as equal members of the community*.

# Disability reform in Australia

In 2023, final reports for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission) and the Independent Review of the National Disability Insurance Scheme (NDIS) were delivered. Both reports made multiple, wide-reaching recommendations for reform in Australia's disability landscape.

Reform and action in response to these reports will progress in a staged and sustainable manner, alongside ongoing implementation of actions under the Strategy, and other relevant national, state/territory and local government disability strategies and inclusion plans.

Ongoing engagement and partnership with people with disability and other representatives from the disability community will inform approaches to change. This will occur through existing pathways, such as the Australia's Disability Strategy Advisory Council and state and territory equivalent councils, Disability Representative Organisations (DRO) forums, as well as issue-specific collaboration and engagements. This approach will make sure vital changes are shaped by the diverse experience, knowledge, skills and contributions of people with disability across Australia.

# Australia's Disability Strategy Guiding Principles

**1** Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons

**2** Non-discrimination

**3** Full and effective participation and inclusion in society

**4** Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity

**5** Equality of opportunity

**6** Accessibility

**7** Equality of people

**8** Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities

# Understanding the Guide

## How to use this Guide

The Guide and the Guiding Principles aim to put people with disability at the centre of disability policy, and work to help governments, non-government organisations, businesses, workplaces and the community consider how their policies, programs, services, practices and infrastructure can be improved so they work better for everyone.

The Guide was designed to help people consider if they are working towards the vision of the Strategy and upholding the rights of people with disability.

The Guide and Guiding Principles recognise that people have different life experiences, needs, goals, responsibilities and relationships, and that the disability community is built on solidarity and acceptance of these differences as part of life.

The Guide aims to help people consider what assumptions they are making when they think about people with disability, how disability responsiveness can be embedded into design, and how the voices of people with disability can be elevated to enable independence, autonomy and choice in all aspects of their lives.

## Developing this Guide

This Guide is intended to apply broadly to all different types of situations, not just disability-specific scenarios.

This Guide was developed through a consultation process which heard a diverse range of voices. The initial phase of the process was gaining feedback on consultation papers via a public submission process, workshops with representative organisations of people with disability and Academic Roundtables.

The Department of Social Services engaged Disability Advocacy Network Australia (DANA) to coordinate targeted focus groups to capture the voices of diverse, intersectional and harder-to-reach groups of people with disability and produce a consultation report of feedback and reflections.

Feedback was also received from some Australian Government agencies and state and territory governments.

Targeted consultation and user testing were conducted following the initial phase of consultation, to make sure that community feedback was incorporated so the Guide serves as an effective tool.

The Guide is a living document, and planned reviews of the Strategy will influence future updates. The Strategy Hub will provide the most up-to-date information on where to provide feedback about the Guide.

# Development and Design – Capturing the diverse voices of people with disability.

During consultations, people with disability shared their experiences of exclusion and negative experiences during development and design processes of products, services and policies. Improving the design and implementation of future activities can create better opportunities for people with disability to share their perspectives on issues that directly affect their lives.

This approach leads to more accessible and inclusive outcomes. As a result, everyone benefits from solutions and environments that work better for a wider range of people, making systems, services and workplaces more effective and equitable for everyone in our community. This includes actively and consciously looking for diverse voices to provide their insights in consultation.

The **Good Practice Guidelines for Engaging with People with Disability** (the Good Practice Guidelines) have been developed to support engagement with people with disability in an inclusive, respectful and appropriate way.

The Good Practice Guidelines aim to assist people working in government, business, the non-government sector and the broader community to better understand the communication needs of people with disability and engage in a more meaningful way.

They offer practical advice across the key stages of planning and delivery of engagement. These activities include research, testing, development and decision making.

## Steps to applying each Guiding Principle

To support applying the Guiding Principles, some materials are available to help individuals and groups, community members, organisations, businesses and governments. The purpose of these steps is to raise elements for consideration that could impact the experiences of people with disability when interacting with their policies, programs, systems and services.

# Identify

Particularly when working from established services, systems, programs and policies, the first step to improvement is identifying the capability of your project to respond to people with disability.

### Introductory

Organisations that are introducing disability responsiveness may not have the knowledge or resources to implement large-scale disability inclusive processes. This does not mean that steps cannot be taken to improve their disability responsiveness, and these systems should be identifying areas for improvement to develop.

### Developing

Organisations that are developing disability responsiveness have some policies and processes in place to respond to people with disability, but these are generally the exception to their regular business. Businesses and organisations should think about establishing processes to better respond to the needs of people with disability.

### Established

Establishing disability responsiveness means making it part of normal processes, rather than an addition or afterthought. Disability responsiveness should be considered in design, embedded in review and evaluation processes, and form part of updating standard operating procedures. After establishing disability-responsive processes, the next step is to develop leading capabilities.

### Leading

Organisations that are leaders in disability responsiveness will have it built into their processes and infrastructure, meaning accessibility is easy and a normal part of business. This may mean processes can be taught to other similar organisations, or that other aspects of regular business should be examined for further development. Organisations leading in disability responsiveness should be actively promoting responsiveness through their networks.

The varied way disability presents in social systems may mean that organisations have established or leading disability-responsive processes in some areas, while other areas are developing or need disability responsiveness to be introduced. It is important to remember that part of disability responsiveness is remaining aware of the needs of people with disability and working with them to continuously improve system responsiveness. Part of this is remaining open to feedback and being transparent about internal processes.

## Plan

To embed disability responsiveness, it is important to understand what goals you are trying to achieve. Such goals could include making a space more physically accessible, having staff who are better able to respond to the needs of people with disability, building accessibility into communications, or improving a different aspect of a policy, program, service, practice or system.

Choosing goals could be about improving on points of strength, addressing weaker points, responding to feedback or uplifting capability.

Consultation with people with disability should always feature in planning and implementing change, as they are most often the people affected by these changes. It is important in planning to understand what the desired outcome looks like and how it will be measured. Consultation can provide insights to these elements.

Evaluation processes are important to make sure the changes that have been made are having a positive impact. Measures of success can be obtained through user testing, feedback or improved engagement and might include less negative feedback or increased use. Having baseline data at the beginning of a process will assist during evaluation in determining whether improvements have been made.

## Reflect

Improving and evaluating processes or ways of working to increase disability responsiveness can have significant impacts on the experiences of people with disability interacting with a policy, program, service or system. Elevating inclusivity and disability responsiveness means making sure that processes are always improving, that feedback is listened to, and that the voices and needs of people with disability are being considered.

After making an improvement to a process it is important to remain aware of further adjustments that might need to be made, and the feedback being received from users.

Accessibility options will continue to improve and adapt in response to advances in technology. It is not enough to be accessible today, we must also be accessible tomorrow and into the future.

# Understanding the Strategy's Guiding Principles

## The Guiding Principles and human rights

The Guiding Principles reflect some of the key rights of people with disability, Human rights have equal status and are interdependent and interrelated. This means the fulfilment of one right may depend on the fulfilment of another. This makes it important to understand each Guiding Principle when applying them.

All governments in Australia have committed to using the Guiding Principles when developing new policies, programs, services or systems. Where business, the non-government and services sectors and individuals also consider and apply the Guiding Principles, this will contribute to a more accessible and inclusive society.

# Principle One: Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons

- How does it allow people with disability to make their own choices?
- Is there access to support as required?

This principle is about people with disability having the freedom to make decisions, control their life and make choices for themselves. This includes being valued, respected, and having the support, freedom and independence to live life according to their preferences.

The principle is closely related to the human rights to be equal before the law and to be free from exploitation, violence and abuse.

## Time and information to understand choices and make decisions

One way to apply this principle is by giving people the information they need to understand their choices and enough time to make decisions. This could be during consultation or by letting someone know what to expect before an appointment.

Sometimes people need to take time to understand their choices or think about what they want before deciding. Consider sending information out in advance, providing options, factoring in or offering extra time in processes, or asking directly about what adjustments are required. People with disability are the experts on their own capabilities and can give advice on what they need.

Giving people extra time to understand, process and decide gives people control, provides time to talk about their choices with trusted friends and family or independent advocates if they want to, and helps people make informed decisions.

## Accessible communication

Making sure communications are accessible allows people to be informed, participate and be included in the decisions that affect their lives.

This can include providing Easy Read versions of materials, digital systems that are compliant with Web Content Accessibility Guidelines, having both text- and speech-based assistance available, and providing culturally appropriate versions, translation and Auslan services as needed.

If people with disability are not provided with accessible communications, they may not have the information they need to make informed decisions. This may mean people with disability are less likely to participate or receive important information or may not have access to supports they need. For example, providing accessible communication such as Easy Read information may assist people with disability to access important Government assistance.

# Choice and control

People with disability are individuals, with their own preferences, needs and goals. Recognising the diversity in disability and seeking out the expertise of people with lived experience is key to supporting opportunities for choice.

Limiting the options available for people with disability can reduce or remove the choice and control people have over the decisions that affect their lives.

Options can be limited by lack of understanding, community attitudes or systems. In a housing context, the description of a home as being accessible may be interpreted solely as modifications for a resident with physical disability, such as ramps and wide doorways. This does not consider individual accessibility needs, such as how acoustics could impact on a person with sensory needs. This can be addressed by changing people's awareness and understanding of what accessibility means to different people.

At a system level, options for buying a house could be limited by the number of properties that fit somebody's needs on the market. This can be addressed by system-level initiatives, such as adoption of accessible building standards for new homes. This works to increase the availability of accessible housing, increasing options for people with disability.

Businesses can invest in training, including disability-led training, to increase understanding on an individual level. Trained real estate agents might ask about accessibility when understanding the other needs and preferences of their client, so that options for suitable housing and viewing appointments can be considered. This can improve individual understandings of accessibility and makes understanding access needs part of regular processes.

# Supported decision-making

It is important to recognise and respect that all people with disability have inherent dignity and individual autonomy.

Negative community attitudes can lead to wrong assumptions about people's ability to make their own decisions. This can mean people with disability are not given the opportunity to make decisions that affect their lives.

Some people with disability may require support to make decisions, such as assistance from informal supporters like family and friends or independent advocates, or from formal supporters like carers.

Good support should allow each person to make and take part in decisions affecting them, and help develop their decision-making ability. The preferences and opinions of the person receiving decision-making support should be prioritised in decisions affecting their lives.

# Culturally relevant decision-making

Individual choice and decision-making can look different for people from different cultural backgrounds. Sometimes additional culturally appropriate and culturally safe supports may be needed for individuals, families and communities to support and share decision-making. This can include translation services, culturally or religiously trained mediators, or alternative decision-making structures.

For First Nations people with disability, the principle of self-determination is very important. This means that decisions are made by, and in partnership with, First Nations people with disability. For example, in some First Nations communities, family members are expected to be part of decision-making. These shared decisions occur regardless of whether the person most affected by the decision has disability or not. This means it is important that culturally appropriate pathways are accessible for all decision makers and their families, as people with disability might exist in either or both of those roles.

The National Agreement on Closing the Gap (Closing the Gap) Priority Reform 1 is to empower First Nations people as shared decision makers with governments, to accelerate progress on Closing the Gap through formal partnership arrangements. Under Closing the Gap, the Disability Sector Strengthening Plan (**Disability SSP**) also contains Guiding Principles. The Disability SSP Guiding Principles establish a minimum standard of practice for the development and implementation of policies, programs, services and systems for First Nations people with disability. Using the Disability SSP Guiding Principles will lead to a more culturally inclusive, accessible and equitable society.

Please also refer to the Disability SSP Guiding Principles of cultural integrity and cultural safety for more information.

For people with disability from culturally and linguistically diverse (CALD) backgrounds, provision and access to accredited translation and interpreting services is critical to making sure they have access to the information needed to inform and support decision making.

A common challenge for people from CALD backgrounds is service providers relying on family members (often children) to provide informal translation. Reliance on family members or friends to provide translation and interpreting services can impede an individual's rights to privacy and independence and the quality of information provided, and may present safety risks for people experiencing family violence.

To support a person with disability from a CALD background to make their own decision and exercise choice and control, accredited **translation and interpreting services** should be provided.

## Identify

- How does the current infrastructure allow people with disability to make their own choices?
- Are there opportunities to improve supported decision-making?
- Is there access to support as required?

## Plan

- How can the system be adjusted to better allow people with disability to make their own choices?
- What capacity does the system have to accommodate trusted persons for supported decision-making?
- What safeguards are there to prioritise the voices and desires of people with disability?
- Can access to support be increased?

## Reflect

- What other choices can be made in the system, and are they accessible?
- Do the current procedures for supported decision making work for people with disability and their trusted persons, and are there ways to make this process easier without compromising safeguards?
- Is there a better way to access supports or provide assistance to users?

# Principle Two: Non-discrimination

- How does it avoid both direct and indirect discrimination?
- Are reasonable adjustments available?

This principle is about the human right to non-discrimination. This means that discrimination, which is unjust or prejudicial treatment of different categories of people, is not allowed. In Australia, discrimination based on someone's disability is against the law.

Non-discrimination can include making sure people with disability have access to reasonable adjustments or accommodations, which help them to participate on an equal basis with others. Non-discrimination can also mean taking steps to protect against discrimination by setting clear expectations for inclusion.

## What discrimination is

Discrimination is unjust or prejudicial treatment of different categories of people on the basis of attributes including disability, age, race or gender. Discrimination can be experienced on a personal level, or on a systemic level.

One example of discrimination could be somebody being refused access to a restaurant because they have an assistance animal, as the manager on shift does not want animals inside the building. Another example could be an online system for job applications which is complicated and has no text-to-speech-based support. This type of online system restricts access for some people with disability to apply for jobs. In both examples people are being excluded because of their support needs.

## Discrimination is against the law

The *Disability Discrimination Act 1992* (DDA) is in place to stop discrimination against people with disability. The DDA also aims to promote community acceptance that people with disability have the same fundamental rights as all members of the community.

The DDA says that direct and indirect discrimination based on disability is against the law across many areas of public life. This includes employment and education, accommodation, accessing public places and getting or using services, such as most government services.

The DDA also protects people who have had disability in the past, or who may develop disability in the future, or who may be perceived as having disability. It protects people who are relatives, friends and carers of people with disability.

# Intersectional discrimination

People can also experience intersectional discrimination. For example, a woman with disability might face discrimination which combines elements of both sexism and ableism. The way this discrimination combines and intersects can mean experiences of discrimination look different from what might be expected and may make experiences of discrimination worse. This can mean being excluded from services, violations of personal or cultural boundaries, and lack of outreach and representation.

Elements of intersectionality can include First Nations status, age, gender, sexuality, cultural, ethnic or religious background, regional location and many other identities and experiences.

It is also important to consider intersectional experiences among and across people with disability. Disability is diverse, and it is experienced by people differently. Understanding intersectional experiences, particularly of discrimination, helps to make sure the principle of non-discrimination is upheld.

# Institutional discrimination

Sometimes discrimination can happen because of the way systems, structures and institutions are designed. This can be because the way they were set up makes things harder for people with disability. It can also be because they do not have the flexibility to respond to people with disability in accessible and responsive ways.

An example is the medical system, where patients may be asked many times for the same, sometimes complicated, information at different appointments. Medical staff may believe this will help them do their job better, but this can make things more challenging for people with disability. especially where the person may have trouble communicating and remembering all relevant information, or find recounting past experiences retraumatising.

Making sure there is no discrimination in systems and institutions can mean big changes to the ways they do things, or it can mean targeted changes to specific parts of the system. This can depend on the reasons behind doing things and what tools could make the system better. It is important that changes make things more equal for everybody in those systems. Even though this can be hard and take a long time, it should still be done.

# Reporting on discrimination

People may want to raise a complaint if they feel they have been discriminated against. They can do this informally, straight to the organisation or person, or formally, with someone to help communicate and reach a solution. Most formal complaints only happen after informal complaint processes have not worked.

An informal complaint can be made by writing or speaking to the organisation or person directly. During an informal complaint process it is important for decision makers to consider the complaint carefully before deciding what to do about it. This should include making sure the communication is safe, accessible, culturally appropriate and trauma-aware. Decision makers should try to address complaints as a priority to make sure that changes are made quickly and that discrimination does not happen again.

A formal complaint might happen if a solution is not reached quickly through an informal process. People with disability and their associates can make a complaint of discrimination if it falls under the relevant legislation. This could be to the Australian Human Rights Commission, or to state or territory equal opportunity or anti-discrimination commissioners.

Complaints to the Australian Human Rights Commission should generally be made close to the most recent occurrence of discrimination, to make the process easier. States and territories have varying time limitations. If formal processes are not successful, complainants might choose to take the respondent to court.

## Identify

- Does the system avoid both direct and indirect discrimination?
- What are the experiences of users, and how have they been addressed?
- Are reasonable adjustments available?
- How easy is it to request a reasonable adjustment?

## Plan

- How can the system be changed to avoid and account for discrimination?
- What parts of the system cannot be changed, and what equity processes can be put in place to counteract discrimination?
- What reasonable adjustments can be built into the system, and which can be requested?

## Reflect

- Has discrimination been eliminated from the system, or are equity processes there to counteract it?
- Do equity processes need to be made permanent?
- How can the effectiveness of equity processes be measured and improved?
- Are reasonable adjustments easily available or could they be made easier to access?

# Principle Three: Full and effective participation and inclusion in society

- How does it support people with disability to participate?
- Does this exclude anyone?

This principle is about how society can be changed so that all people with disability can take part fully and meaningfully. This includes the right to live independently and be included in the community in mainstream settings.

It is important to understand the diversity of disability and preferences of how people choose to participate in their communities. Inclusion will look different for different people, depending on their individual needs. Rights to education, employment, freedom of expression and opinion as well as to participate in political and public life, cultural life, recreation and sport are also linked to this principle.

## Disability responsiveness

Something that can make participation easier for people with disability is making sure people are aware of the diversity of people with disability, and common ways to make things easier. One way to do this is through disability responsiveness and disability awareness training, particularly for customer-facing roles. This kind of training can help people figure out ways to make their workplaces, social settings and services more accessible, inclusive and culturally safe for people with disability.

## Inclusion in workplaces and leadership

Part of the responsibilities of employers is making sure their workplaces are accessible and inclusive for their staff with disability. This can include providing reasonable adjustments in the workplace, having accessible hiring and onboarding practices, and providing inclusive professional development. This makes sure workplaces are safe and welcoming for staff with disability, and it can also help the whole organisation improve its disability responsiveness.

Making sure workplaces are inclusive can also mean giving staff with disability opportunities to lead – for example, advertising leadership positions through an accessible recruitment portal or identified accessible options for applicants, having diversity targets in management, and mentoring programs for interested staff.

## Universal design and planning

Policy makers, academics and service providers can use universal design and planning to help apply this principle.

This includes considering the voices of people with disability and making sure they are heard by including them in policy and program development, from planning and design to implementation and evaluation.

This could involve participatory research methods, co-design and ongoing consultation and feedback mechanisms.

# Competing access needs

It is important to acknowledge people with disability will each have individual needs, and challenges may occur when trying to meet everyone's needs.

An example is managing clashing sensory needs of 2 or more people, as they will often have needs and sensitivities unique to them. One person's need for movement may conflict with another's need for a quiet and visually calm environment. In this case, having both people in the same sensory space may not work. Supports and services need to be able to respond to both people's needs, without dismissing either. This is true even though it may not be possible to address both people's needs with the same accommodation.

## Identify

- What supports are currently available to help people with disability to participate?
- Do these supports exclude any groups?
- Are there any barriers to participating?
- Are there any elements that block or discourage people with disability from participating?
- Is it clear how to request and access supports?

## Plan

- What supports can be introduced to better help people with disability to participate?
- How could the available supports be more inclusive?
- How can barriers to participation be addressed?
- Will this require equity processes to encourage or support participation?
- How can people effectively communicate their support needs?

## Reflect

- What supports for people with disability are standard, and what supports require extra steps to use?
- Can the steps to receive support be made clearer?
- Can customer facing staff communicate information about support pathways and how to access them?
- Are there any supports that are not available?
- Has any feedback been received about supports or participation?

# Principle Four: Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity

- How does it respect and recognise people with disability as having valuable contributions?
- Is disability treated as just another part of the person?

This principle is about respecting people with disability by upholding their human rights and dignity. It champions the view of disability as a natural aspect of human diversity, rather than as something to be overcome. The principle encourages respect for difference, celebration of diversity and makes clear society's obligation to foster respect, adapt and be accessible to all on an equal basis.

Governments, policy makers and service providers can apply this principle by making sure the voices of a diverse range of people with disability are considered and highlighted in the development of their initiatives. People with disability should be heard and respected for their insights, but also for their positions as individuals with diverse opinions and needs within the disability community.

## Acknowledging the diversity of people with disability

People with disability are diverse and have a wide variety of experiences, preferences and perspectives in and between every demographic, including First Nations status, gender, sexuality, age, regional location and cultural background.

It is important to remember that people with disability are diverse, and they have different needs and wants based on their individual experiences and backgrounds. This is part of what makes choice and responsiveness so important in improving outcomes for people with disability; there is no single best practice that will fit everyone.

## Importance of education about disability

It is important to make sure that schools, workplaces and the media actively promote the rights of people with disability, and to make sure people with disability are represented with dignity. Representation and education about people with disability can sometimes be limiting, stereotypical or disempowering, and it is important that the diversity of people with disability is acknowledged and respected.

This representation and education should include diverse intersectional cohorts across the whole disability community. It is important to recognise that for people with disability, their disability can be part of their identity, but it should not be seen as their whole identity. There are many more aspects, including their experiences, personalities, preferences and desires, that will have meaningful impacts on their identities.

## Attitudinal change and raising awareness to encourage respect

It is important to encourage respect and combat prejudice towards people with disability. Prejudice and negative attitudes can create social challenges for people with disability, which can have further wide-reaching impacts. Encouraging respect for people with disability can help address some of

these social challenges and make it easier for people with disability to express themselves.

Making sure that prejudice does not result in behaviours that cause harm can mean having quality and safeguard processes or affirmative actions in place.

Coming from a strengths-based approach that focuses on the strengths, skills and insights people with disability bring can help make sure people with disability can participate fully. This also makes sure people are not focusing on stereotypes about disability, or what people with disability cannot do.

This works to create environments where people with disability have opportunities to develop, demonstrating their strengths and contributions on an equal basis to people without disability.

## Identify

- Are the contributions and feedback of people with disability listened to and valued?
- Are people with disability achieving the same outcomes as their peers without disability?
- Is disability treated as just another part of the person?

## Plan

- How can the voices of people with disability be better heard and elevated?
- Can feedback from people with disability be better collected?
- How can people with disability be better supported inside the system to achieve their goals?
- How can disability responsiveness and positive attitudes be promoted?

## Reflect

- Could feedback systems be improved to better address and close the loop on feedback?
- Do people feel safe and listened to providing feedback, and is there an anonymous feedback option?
- Are people with disability able to set goals and achieve outcomes on the same basis as people without disability?
- How can disability responsiveness be maintained?

# Principle Five: Equality of opportunity

- Are there any barriers or processes that limit people with disability from achieving their goals?

- How does it make sure people are treated fairly, including by taking actions to accommodate differences?

This principle is about recognising that, despite their differences, everyone should have the same opportunity to enjoy their rights, their community and their environment.

Governments and other organisations (including businesses) have a responsibility to address barriers and provide equal opportunities. This may mean providing different pathways and adjustments so that discrimination does not occur.

Equality of opportunity is crucial to the human rights of intersectional groups such as women with disability and First Nations people with disability.

## Equality and equity

Equality and equity are related concepts but are different in terms of their application.

Equality recognises that everyone has the same value, regardless of their history, features or identity. Actioning equality means changing structures to remove or reduce barriers, and often comes in the form of systemic change. For example, one way to improve equality in employment would be through updating an application form or website to be more accessible, removing a barrier to people with disability applying.

Equity recognises that even though everyone has the same value, the way society works can provide advantages or disadvantages to people based on their history, features or identity. Actioning equity means providing everybody with the supports they need to overcome challenges and achieve the outcomes they want, and often comes in the form of targeted supports. In the same employment example, this could include affirmative action like employment targets for people with disability.

The concepts of equality and equity work together to inform advocacy, and measures actioning them will often overlap. The principle of equality of opportunity works to make sure that designing policies, programs and services, by default, makes sure that people with disability are facing as few challenges as possible and that they have supports that meet their needs.

# Accessibility as a key enabler

Accessibility plays a key role in enabling equality of opportunity. Improving accessibility and building it into the design of policies, programs and services helps to make sure everybody has access to the same opportunities. Building accessibility into the design of key infrastructure means that people with disability are not segregated, and do not have to spend time, effort and resources on finding alternative ways to access that infrastructure.

One example of accessibility would be using the public transport system to get to work. Good public transport systems take people where they need to go quickly, cheaply and reliably. If they are not accessible someone with disability would have to find a different transport option, potentially with higher costs, longer transport times and more uncertainty as to whether it will be available when they need it. Accessible systems make sure that people with disability can focus on achieving their goals, rather than on trying to find a way to access those systems.

# Affirmative action

Affirmative action can work to increase opportunities for people with disability. Affirmative action can include targets or quotas for success, targeted supports for people with disability, or extra resources to assist in participation. Affirmative action recognises systemic disadvantage and builds ways to address it into the system.

One example of this is in employment quotas or targets. Setting an employment target for a specific percentage of employees with disability can help recruiters work with applicants to think about what supports an applicant with disability will need, the capabilities of their organisation and the areas they need to improve. It can lead to professional development inside the organisation, and to recruiters being better able to respond to applicants and employees with disability. For employees and applicants with disability, this means their needs are being better met. For the organisation, this can mean improved workplace culture, more organisational capability and more productive employees.

## Identify

- Are there any barriers that limit people with disability from achieving their goals?
- What processes are in place to make sure people with disability are not disadvantaged?
- How do processes take actions to accommodate differences?
- What does engagement from people with disability with the system look like?

## Plan

- How can barriers for people with disability be addressed?
- What measures can be put in place to make sure people with disability are equally able to participate as their peers without disability?
- What processes can be added to the system, and how can the system be altered to make it fairer?
- How can the system better respond to accommodations and differences?
- How can the system attract users with disability?

## Reflect

- Are there any remaining barriers for people with disability, and how can they be addressed?
- What equity processes are in place, and can they be made permanent?
- How can fairness be measured and proven in the system?
- Does the system accommodate difference easily?
- Has engagement from people with disability with the system increased?
- What feedback do people with disability have about the system?

# Principle Six: Accessibility

- Can people with disability access everything, including the information, technology, services and location?

- How have principles of universal design been applied?

This principle is about accessibility and access to information. Accessibility helps people with disability to live independently and participate fully in all aspects of life on an equal basis with others. Denying access is a form of discrimination and is not allowed under Australian law.

Government, businesses, and the community have responsibilities to make sure people with disability can access their environments, including transportation, information and communications, and other services open or provided to the public. These responsibilities include identifying and eliminating obstacles and barriers to accessibility. Governments also have a responsibility to promote and use universal design. This involves designing and adapting initiatives to be accessible for as many people as possible from the design phase.

It is important to recognise that disability can include a wide range of experiences, which can include a person's ability to access information, technology and services. Accessible and safe communication includes freedom of expression and opinion on an equal basis with others, through all forms of communication of choice. These forms of communication can include support such as language interpreters, assistive technologies and the internet.

## Anticipating accessibility

Accessibility works best when policies, programs, systems and services are set up to make it simple, quick and part of the normal use of the system. Making accessibility hard can discourage people with disability from engaging in systems, and even encourage negative attitudes and stereotypes. It is important to remember people with disability make up a significant portion of the Australian population, and so their needs must be included.

Anticipating accessibility can mean making accessible options clear to everybody, so they know how to access them when they need. This can also mean understanding when systems are not accessible and taking steps to create alternative options. For example, at a festival this could mean advertising quiet and sensory spaces, accessible first aid spaces, identified mobility seating and flat paths for moving between attractions which must stay clear of still crowds. This can also mean acknowledging that there are limited accessible bathrooms available at the venue. Following on from identifying this, organisers can take steps to rent more accessible bathroom units, as they have anticipated this challenge.

## Universal design

Universal design is a concept which employs the principle of accessibility from the design phase. Universal design encourages all aspects of design to be as accessible as possible so minimal or no adjustments need to be made to the system for all users to benefit. This can be implemented across physical or digital infrastructure, programs, services and systems, and other person-centred projects to improve accessibility.

It is important to understand universal design from the start of a project, as this helps to build systems that work for everyone from the start. Universal design anticipates and avoids creating challenges for people using the system, through reasonable adjustments that create additions, changes or new paths through the system.

Universal design also considers future adaptability, so a system can be modified to be more responsive to the needs of individual users as their needs change. One example of this is phone or computer operating systems. Many people set up their personal devices using the built-in accessibility options. This demonstrates how accessibility for everyone has been considered and implemented in the design of the system but can still be adjusted to individual needs.

This example gives people control over which features they use, using supports that work for them. Universal design principles also prioritise making accessibility options easy to access and not putting them behind paywalls or as subscription services.

## Information, communications, attitudes and procedures

Accessibility is about more than just the systems that people interact with, it can also be about the way those interactions take place. Having responsive, accessible systems can have a significant effect on the experiences of people with disability.

Accessible information and assistance can enable people with disability to make informed decisions, prepare and participate fully and on an equal basis to people without disability. Making sure communications are respectful, clear and easy to access in ways that suit the individual makes engaging easier for people with disability.

Making sure there are positive attitudes towards people with disability in a program, policy, system or service, and that there are clear safeguards and culturally appropriate pathways for support, can improve their experiences.

Having simple and standard procedures works to make sure policies, programs, systems and services are prepared to respond to people's needs. To respond to more complex needs from a place of confidence, procedures also need to be flexible.

## Identify

- Is accessibility built into the system, including information, technology, services and location?
- How is accessibility communicated?
- Were principles of universal design applied during design, and how could they be applied during reviews or updates?
- What feedback has been received about accessibility?
- Are accessible pathways and versions easily accessed?

## Plan

- Can accessibility be improved, including information, technology, services and location?
- Can accessibility be more clearly communicated and advertised?
- Could principles of universal design be employed during regular reviews and updates?
- What have people with disability said their priorities are for accessibility, and can these be addressed?
- Is consultation and feedback accessible for people with disability?

## Reflect

- Has a minimum standard for accessibility been set, and what further improvements can be made?
- Are accessible options clearly advertised, and can they be made the default option where possible?
- When will the next review be, and will people with disability be targeted for consultation?
- Have principles of universal design been applied in the review process?
- Is feedback being collected and effectively responded to?

# Principle Seven: Equality of people

- How does it support equality of people, regardless of their differences or identity?
- How is it culturally safe and appropriate?

This principle is about embracing the full development, advancement, and empowerment of all people, including at intersections of disability and other identities. Some of the elements encompassed by this principle include gender, age, sexuality, cultural background, regional location and religious beliefs. Equality of people is a complex and multifaceted concept, extending to individual experiences, circumstance and community attitudes.

Using an intersectional approach works to recognise and address the ways intersectional forms of discrimination can interact and amplify each other. The design and implementation of policies, programs, services and systems should be inclusive and culturally appropriate. This should include adaptability to meet the diverse needs of all people, including diverse people with disability.

## First Nations people with disability

First Nations people with disability are a group who require particular consideration, because First Nations communities experience disability at much higher rates than the general population and face intersectional challenges. Disability is acknowledged as a cross-cutting outcome under the **National Agreement on Closing the Gap**. An example of good engagement is designing with community and creating place-based programs with their support.

Creating programs that work for First Nations people with disability means considering their needs at a local level. This should include making sure programs, policies, systems and services are culturally safe and accessible, and prioritising access to critical services for First Nations people, particularly First Nations children and young people.

The needs of First Nations people with disability are also addressed in the **Disability SSP**. The Disability SSP also contains guiding principles, which align with the cultural needs and intersectional experiences of First Nations people with disability.

## Intersectionality

Intersectionality is where different identities and experiences intersect, where people hold multiple social identities. These experiences are not fully captured by simply viewing them from the perspective of one aspect of their identity.

One example of this is women with disability, whose experiences of moving through the world are affected by their gender and will differ from the experiences of men or nonbinary people with disability. Their experiences can be affected by sexism, but also by other aspects of gendered living, like the availability of suitably accessible gendered bathrooms, women's social support programs and cultural norms about gendered behaviour.

To action the principle of equality of people it is important to recognise and address all potential sources of discrimination, while acknowledging and respecting the diversity within the disability community. Looking at intersectional experiences is critical so that the needs of diverse people with disability are not overlooked.

## Diverse consultation and design

Designing for and with diverse people with disability and their representative organisations is important to make sure that programs, policies, services and systems are culturally safe, and work for everyone who will be using them.

Where outcomes are being designed with the general public in mind, it is important the ideas have been tested by and with people with a diverse range of needs. The best time to consult is at the beginning of a project, so accessibility can be built into the design. This also means that core elements of the project are built with accessibility and cultural safety in mind.

When designing targeted projects for particular groups, it is still important to consult widely within that group, otherwise the system will likely not be fit for purpose. For example, if designing a system for children, it is important to involve diverse children with disability in the consultation and design processes. Not including them could mean the resulting process does not allow children with disability to meaningfully participate, that it produces bad or worse outcomes, or that multiple adjustments must be made to a process that could have been built in.

## Cultural safety

Embedding cultural safety into products, services and systems is important to actioning equality of people. Cultural safety recognises that different cultures and subcultures have different ways of doing, knowing and being. This can also mean understanding that certain cultures have historically been exploited or harmed, including by government services, and providing tools, assurances or safeguards that this will not happen again.

Services that are not culturally safe can be a particular barrier to First Nations people accessing and benefiting from programs and services, including in the health and human services sectors. Ensuring people have options to access culturally safe services at both local community-led and mainstream levels is important to make sure people have choice and control.

Consulting with people from different cultural groups at the design phase is critical to support the nuances of cultural safety. It could also mean contracting someone to assess the program for sensitivities, providing culturally appropriate materials, or co-facilitation.

## Identify

- Does the system as it is support or promote equality?
- What measures are in place to improve and support diversity and inclusion?
- Do processes need to be introduced to make processes culturally safe and appropriate?

## Plan

- Can more measures be introduced to support and promote equality?
- Can more measures be introduced to support, champion and highlight diversity and inclusion?
- Are measures aimed at diversity cohorts – including people with disability – culturally safe and appropriate?
- Are measures aimed at diversity cohorts, including First Nations people, women, and children and young people, accessible and responsive for people with disability?

## Reflect

- Do measures supporting and promoting equality have an impact, and how is it measured?
- Do measures supporting and highlighting diversity and inclusion have an impact on culture and service delivery, and how is it measured?
- Does internal culture support diversity and inclusion?
- What feedback has been provided on accessibility and cultural safety and appropriateness?
- How can accessibility and cultural safety and appropriateness be better integrated into mainstream pathways?

# Principle Eight: Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities

- Are children with disability being given opportunities to make decisions?
- Are children with disability being treated equally to children without disability?
- Do children with disability have access to appropriate supports?

This principle is about the rights of children and young people with disability and applies to all aspects of society. Children and young people face unique barriers in exercising their rights because of the power imbalance between adults and children. Governments and decision makers share responsibilities through policies, services and supports they provide to make sure all children and young people are safe and protected, while having access to opportunities and outcomes on an equal basis to their peers.

Children and young people with disability should be informed about their rights and feel free to exercise them, including the rights to be supported and respected. Children and young people with disability should have their voices heard and views taken into consideration in decision-making. Children and young people should be consulted on matters that directly affect them, and to reach children and young people with disability this means accessible consultation processes, including adaptation so they can contribute on an equal basis to their peers.

They should be able to participate in their communities, including through inclusive education. This includes having access to appropriate supports, and tailoring approaches to children and young people with disability who also have intersectional identities.

The primary consideration in decision-making about children and young people should be the best interests of the child. This should include the desires, goals and comfort of the young person themselves, and not just what governments, systems and adults think is in their best interests. It is important to remember the other Guiding Principles and consider how they can be put into practice for children and young people.

## Respecting and valuing the thoughts, views and opinions of children and young people

It is important when designing programs, systems and services for children and young people that their views and experiences are taken seriously. Children and young people are, and should be acknowledged as, the experts on their own lives and experiences. Some children and young people may need access to supported decision-making, but their needs and opinions should still be heard and prioritised.

Children and young people have the same right as anyone else to express themselves and be listened to. This encompasses not only listening to them speak, but considering seriously what they have to say. Children and young people participate in social activities, systems, programs and environments on the same basis as other people and should have the same opportunities to express their views and share their experiences.

It is also particularly important to listen to the views of children and young people when they speak about systems built for children and young people, for example many schooling systems. Children and young people, as the people taking part in these systems, should be empowered to speak about their experiences and supported to change and improve systems to support them better.

## Involving children and young people in consultation and design

Children and young people can also have strong preferences and unique insights based on their experiences, and these can be vital to designing and implementing systems that work for them. Designing and testing systems should involve the diverse voices of children and young people with disability, to make sure all children and young people can participate as equals.

Consulting with children and young people can mean using alternative or flexible methods to gather their views. This can include options for multiple sessions, open or targeted consultation, differently structured sessions and alternative communication methods to suit the needs of diverse children with disability. Where possible, children and young people should also be given the opportunity to see the results of their participation or be told about how their input helped to structure the design.

## Including children and young people in decision-making

Children and young people with disability should be supported and empowered to make decisions about their own lives and to influence decisions that affect them. This includes listening to children and young people with disability about the supports they need, the processes that work for them, their goals and their preferences. This supports children and young people with disability to lead lives that they enjoy within systems that reliably respond to them.

Sometimes children and young people with disability are left out of decision-making processes due to assumptions about their decision-making ability, desires and comprehension. These attitudes can trap children and young people with disability in unsafe or unsupportive situations, and can even result in harm. Not trusting children and young people with disability to make their own decisions can also mean they are not listened to when they want something to stop. This can deprive children and young people with disability of control over their lives, bodies and surroundings and in serious cases result in trauma. For First Nations children, this can also seriously impact their connection to family, culture, community and country.

Giving children and young people with disability the chance to develop their decision-making skills and supporting them to understand the results of their choices can help them build confidence and participate in shaping their futures. This links with Principle 1, which contains more information about supported decision making for people with all ability levels. It is also important to understand that the desires and goals of children and young people are important to their happiness, and it is important they are supported to maintain a good quality of life.

## Identify

- Are there opportunities for children and young people with disability to make decisions?
- Are children and young people with disability provided with the supports they need and can they request them?
- Are children and young people with disability being treated equally to children and young people without disability, and are they achieving similar outcomes?
- Do children and young people with disability have choice and control?

## Plan

- Can more opportunities be made to provide children and young people with disability with control to make decisions?
- Are the voices of children and young people with disability being listened to, particularly about their needs?
- How are children and young people with disability expected to engage with systems and supports, and are these processes accessible?
- What measures can be put in place to help children and young people with disability achieve their goals?
- How can children and young people with disability provide feedback about their experiences?

## Reflect

- Do children and young people with disability have agency, and do they trust their voices will be heard?
- Are there any additional areas where children and young people with disability could be given control over decisions that affect them and their lives?
- Are the choices and goals of children and young people with disability being considered in decision -making processes?
- How can the system grow and support decision-making capacity for children and young people with disability?
- What pathways can children and young people with disability access to request changes, provide feedback, and make their voices heard?

# Considerations when applying the Guiding Principles

## Accessible complaints and feedback processes

The role of **accessible complaints and feedback processes** should not be overlooked in designing accessible systems and programs. Creating dedicated opportunities and pathways to give feedback and report experiences, both positive and negative, helps standardise processes of evaluation and improvement. Making sure systems are safe and have protections for users can help facilitate rectification and reconciliation for people if needed.

Accessible feedback processes also build trust with people with disability, letting them know that an organisation is prepared to listen to them and respect their views. This has benefits for the experiences and expectations of people with disability and sets a benchmark for similar systems on standards for disability responsiveness.

## Barriers

People with disability, along with other individuals and groups of people in the community, may face a range of **barriers**. Some people may face more barriers because of intersections between different social identities and groups to which they belong.

For example, First Nations people with disability can experience discrimination when racist stereotypes influence how people interpret their disability, or women with disability could experience challenges in finding accessible gendered supports.

During consultation, people with disability said that decision makers must understand the significant historical and attitudinal barriers to realising freedom of choice. People with disability have faced, and continue to face, negative and patronising attitudes, social isolation, lack of opportunity to participate in community life, exclusion from decision making, and being pushed into decisions.

These attitudes and treatment are influenced by ableism. Ableism comes from prejudice and ignorance, and can include attitudes viewing people with disability as inferior to people without disability.

The Guide is designed to provide guidance on understanding the Guiding Principles. Applying the Guiding Principles to programs, policies, systems and services includes identifying and breaking down barriers to inclusion.

# Children and young people

Including **children and young people** in all aspects of disability consideration should be a priority for governments, businesses, community and individuals. Children and young people with disability can be overlooked because of attitudes and assumptions around their age, decision-making capacity and understanding of the systems they live in. These assumptions need to be challenged, as children and young people with disability participate in these systems on an equal basis to others and should also be able to influence these systems on an equal basis.

The voices of children and young people with disability should be given more weight when it comes to decisions being made about them and their lives. It is important to acknowledge that children and young people's quality of life, sense of control and personal goals are important factors in their decisions and should be taken into account.

# Culture, community, family and carers

It is important to recognise and understand the role informal care plays in the lives and experiences of people with disability. The contributions of family, friends, partners, carers and community all work to support people with disability to live their lives, advocate, and navigate systems. It is important when thinking about disability responsiveness and accessible participation that people with disability are not separated from or forced to participate without their support systems.

It is also important to remember that people with disability will have different backgrounds and different cultural expectations in their communities. This can mean making sure systems, evaluation processes and communications are not only accessible but also culturally appropriate for the community. This can include recognising the role of family, kin, community and religion in the choices of people with disability.

# Disability awareness and responsiveness training

**Disability awareness and responsiveness training** is a simple first step in making an organisation more responsive for people with disability. Completing or incorporating disability awareness and responsiveness training helps to change attitudes, upskill workers and uplift total system capability. This can involve understanding common accessibility pathways, increasing awareness of common barriers for the disability community and listening to the diverse voices of people with disability and how they want to be engaged with in mainstream systems.

This also helps to make sure that policies, programs, services and systems are being undertaken with a workforce that is appropriately trained to respond to and support all system users. Additional training could also be targeted towards the specific capabilities and goals of a program, particularly if a program has public-facing and customer service roles, or if a staff role is in designing public-facing systems.

# Equity

**Equity** is a concept closely related to equality. Where equality says that all people are fundamentally equal, equity understands that circumstances can work to create advantage and disadvantage for people and groups and works to balance this out through targeted measures. Equity can work to reduce systemic inequality, to create equality of opportunity or to produce more equal outcomes.

Equity is important to understand from the perspective of action and program design, as it can be used, over time, to decrease barriers and increase systemic equality. Some equity measures include targeted programs, quotas for service or employment, and reasonable adjustments.

# Intersectionality

**Intersectionality** is a term first used in 1989 by Kimberlé Crenshaw to describe the experiences of African American women facing employment discrimination. Since then, intersectionality has spread as a concept through social theory, policy and advocacy. The foundation of intersectionality is that identities are not discrete, and that identities influence each other to create different experiences. Both daily life and discrimination are experienced differently based on the different social groups a person belongs to.

One example of this is First Nations people with disability. First Nations people may be more likely to think about disability and caring responsibilities differently than their peers from other cultural backgrounds. These experiences may also be changed based on local men's business and women's business, whether a community is urban, rural or remote, and what social barriers disability may present in a particular community. This could include things like accessibility of certain places and the availability of culturally appropriate supports. All these elements create particular experiences and may influence a person's decisions and goals.

Intersectionality also has an impact on people's experiences of disadvantage and discrimination. For First Nations people with disability, this can look like over-policing behaviour, culturally inappropriate support services or inaccessible resources. A First Nations person with disability may face discrimination based on one or both aspects of their identity. In some cases, they could even face lateral discrimination, where they experience discrimination based on one aspect of their identity from someone who shares a different identity aspect with them. It is important when organising targeted systems, services and events to consider intersectional groups in these communities and make sure these systems, services and events work for diverse people within the target group.

# Self-advocacy

**Self-advocacy** is where people are able to communicate, decide and drive action for their own needs, desires and rights. A key part of systems enabling equality of opportunity and individual autonomy is by staying responsive to self-advocacy and the choices of people with disability.

Self-advocacy in most cases should be simple to do and involve choice. Where choices are not available, sometimes self-advocacy may be involved in the creation of new pathways to suit a person's needs. People with disability should be given opportunities to self-advocate, as this can encourage self-determination, enable leadership and increase their control over their own lives and outcomes.

The 'self-advocacy' movement emerged from people with intellectual disability joining together to establish self-advocacy groups to speak out about the harms of being institutionalised and push for rights and inclusion.

Some funded disability advocacy organisations deliver self-advocacy programs and facilitate peer networks, which help people with disability to learn how to express themselves and stand up for their rights.

## Unconscious bias

Bias means the preference for or against ideas, objects, groups or individuals. **Unconscious bias** is when someone holds these preferences but is not aware of them. Unconscious biases are often reinforced by people's communities, cultures, media landscape and social environment.

Unconscious bias can mean that even though people believe they are acting fairly, their behaviours actually result in some people being unfairly advantaged or disadvantaged. Remaining aware of common unconscious biases and taking steps to reflect and evaluate decision making for unconscious biases can help prevent them from becoming biased behaviours.

Unconscious bias against people with disability, or towards certain ideas about ability and worth, and preferences for people who share similar backgrounds can create barriers for people with disability. These barriers can include exclusion, reinforced negative community attitudes, lack of opportunities and mistreatment.

## Universal and inclusive design

Accessibility and inclusion must be considered in all stages of design, particularly the beginning, so that policies, programs, services and systems work for people with disability.

**Universal design** is a way of designing that prioritises accessibility as a core element of the policy, program, service or system itself. There is no single picture of what universal design looks like, and it could mean that what is created looks different from what has been done previously. It is important in universal design that a wide range of needs and possibilities are considered and accounted for, as universal design is supposed to work for everyone.

# Appendix 1: Questions to consider when applying the Guiding Principles

Applying the Guiding Principles requires reflection on and consideration of the needs of people with disability. The Guide offers prompting questions to help people consider how and why their policies, programs, systems and services are structured the way they are, and what changes can be made.

Applying the Guiding Principles means real engagement with people with disability and real thought and consideration for their needs. These questions are meant to be a starting point for genuine engagement and improvement. This engagement must elevate the voices of people with disability and their communities, and take into account their needs, preferences and expectations for change.

The Guiding Principles are interconnected and should be considered and applied holistically. All the Guiding Principles support the vision for an inclusive Australian society that ensures people with disability can fulfil their potential, as equal members of the community.

The Guiding Principles are all equally important, and each should be considered when designing, implementing and improving policies, programs, services and systems.

# The Guiding Principles

**1** Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons

**2** Non-discrimination

**3** Full and effective participation and inclusion in society

**4** Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity

**5** Equality of opportunity

**6** Accessibility

**7** Equality of people

**8** Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities

# Prompting questions to consider in development and design

## Questions for each stage

When applying the prompting questions to a policy, program, service or system, it is important to consider the entire process and its practical impact on people with disability.

It is important to consider through the whole process the experiences and voices of people with disability.

## Identify

In the Identify stage, applying questions means acknowledging the current state of a policy, program, service or system. This can mean reviewing feedback that has been previously provided or inviting user testing to hear about what does and does not work.

- What is already here?
- Is this working?
- What are the barriers here?
- How can this work as a starting point?

## Plan

In the Plan stage, questions should be used to identify the key goals and priorities for change in the policy, program, service or system, and practical steps to get there. This stage is about putting down details and digging into the impact of planned changes.

- What do we want here?
- What can be added here, and what can be taken away?
- Can this barrier be removed, or can an equity measure be put in to counteract it?
- How is this going to work?

## Reflect

In the Reflect stage, it is important to remember that disability responsiveness is a process and there is likely still work to do to – so ensure the policy, program, service or system continues to remain responsive and inclusive for people with disability. Keeping disability responsiveness as a goal, particularly in review and improvement processes, works to action the Guiding Principles and create better outcomes for people with disability.

- What could be done?
- Does this create a good foundation for further work?
- Can this change be expanded or scaled up?
- What is the next step?

## Prompting Questions – Principle 1: Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons

- Does this allow people with disability to make their own choices in the same way as people without disability?

- How does this give access to supported decision-making as required?

- Are there elements to assist people with disability to exercise self-determination and choice and control?

- Is there education on the different ways people can request and provide consent?

- Is the person with disability respected as an expert on their own needs?

- Is there a need for independent monitoring of your initiative to prevent exploitation, violence and abuse of people with disability?

- How are your services and initiatives safe, trauma-aware and culturally appropriate for people with disability and do they account for gender and age-specific needs?

- How does this uplift and prioritise the voices of people with disability?

- Do people have the freedom to make their own choices?

- Are a full range of options available for people with disability, including those who use supported decision making, speak English as a second or third language, or who have communication difficulties?

- How have First Nations voices with disability informed development?

- How can people access supports for decision-making?

- How are supported decision-making processes accounted for, to make sure people with disability are involved in decisions that affect their lives?

- How do you communicate and provide guidance about supported decision making?

- Are you clear on what information is needed for supported decision making?

- Is decision making and choice culturally appropriate?

## Prompting Questions – Principle 2: Non-discrimination

- Does this avoid both direct and indirect discrimination?

- Are reasonable adjustments available?

- What safeguards are in place to prevent discrimination from occurring?

- How does this empower and promote the inclusion of all people with disability, including intersectional groups?

- Does this take into account the specific needs of intersectional groups of people?

- Is it written into the rules that discrimination is not allowed?

- Do you have ways of addressing discrimination, including seeking justice, supports or accommodations?

- How are rules, safeguards and processes communicated?

- What are the procedures to prevent future discrimination, and do they include accessible and safe feedback and improvement processes?

- Do people with disability have equal access to all services, activities and opportunities?

- How can equal outcomes be achieved, and do accommodations need to be made?

- Is it compliant with the *Disability Discrimination Act 1992*, the UN CRPD and with state and territory anti-discrimination legislation?

- Is it compliant with other federal anti-discrimination tools, such as the Commonwealth Disability Standards for Education 2005?

## Prompting Questions – Principle 3: Full and effective participation and inclusion in society

- Does this support people to participate fully and equally with everyone else?

- Has inclusion and participation in all aspects of community life been considered?

- How will this support people with disability to achieve their personal goals?

- Have universal design, access and options for reasonable adjustments been considered?

- Has accessible communication and information been provided?

- How are the support needs of individuals assessed and provided?

- What barriers exist, and how do they interact with other policies, programs, services and systems?

- How has engagement been planned with people with disability, and can they be better included in planning?

- How will meaningful engagement and active involvement of diverse groups of people with disability be achieved?

- How will this be tested with people with disability?

- How can people with disability be partners and leaders?

- Does it accept and action feedback and complaints through its lifecycle?

- How are inclusive education methods used?

## Prompting Questions – Principle 4: Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity

- Are people with disability treated equally, including to their peers without disability?

- Is diversity understood and promoted?

- How is diversity within the disability community acknowledged?

- Are people with invisible disabilities supported and accepted?

- Are there any advocacy or justice elements, and how do they promote safety for people with disability?

- How are diversity and intersectionality embraced and celebrated?

- Are people educated on how to avoid, recognise and report exploitation, violence and abuse, including gender- and race-based aspects?

- How are the skills, abilities and contributions of people with disability highlighted and rewarded?

- How are people with disability involved and supported as partners and leaders?

- If relating to education, how can anti-discrimination and anti-bullying be folded into education?

- Is disability awareness and responsiveness training being provided for people involved?


## Prompting Questions – Principle 5: Equality of opportunity

- Does the proposal make sure people are treated fairly, including by supporting accommodations?

- Are there any barriers that limit people with disability from achieving their goals?

- What is happening to identify and address barriers for people with disability, and eliminating all forms of discrimination?

- How is it physically, emotionally and culturally safe, trauma-informed and inclusive of the diverse experiences of people with disability?

- How are conflicting access needs addressed, including across people's intersecting identities?

- How are entrenched and systemic inequalities recognised and addressed?

- Are intersections with other systems, and inequities in those systems acknowledged and addressed?

- Are there any equity measures being taken to target systemic disadvantage?

## Prompting Questions – Principle 6: Accessibility

- Can people with disability access all aspects of the proposal, including the information, technology, services and location?

- Have principles of universal design been applied?

- Have the accessibility needs of people with disability been considered in design?

- Is there a process for people with a disability to reach out to discuss their accessibility requirements?

- Are there alternative communications methods available?

- Have people with disability been genuinely engaged?

- Has cultural safety been considered and applied?

- Do people with disability have choice and control, including over how they navigate the system and when they access supports?

- Have people been given enough time for meaningful engagement and participation?

- Have intersectional groups and their needs been considered in engagement?

- What barriers to access and communication have been identified, including for intersectional groups, and how are they addressed?

- Will people with disability be involved in developing supports and accommodations?

- How will people with disability be involved in user testing and reviews?

- How will feedback and improvement be taken on board through all stages?

- How has information been made accessible and safe?

- Does the design allow access for as many people as possible?

- How does it work with the local community and invest in existing place-based solutions, particularly for First Nations people and people living in rural and remote areas?

- How has accessibility been extended to people with disability who have not disclosed their disability?

## Prompting Questions – Principle 7: Equality of people

- Does it support equality of all people, regardless of their differences or background?

- How has it been made culturally safe and appropriate?

- Can people engage at every stage of the proposal with safety and confidence?

- Have people with complex and diverse identities and needs been included?

- How can diversity be supported?

- What tools can be used to identify potential risks around cultural safety?

- Have potential triggers and sensitivities been considered for diverse groups?

- Has cultural safety and appropriateness been embedded in design?

- Has the inherent value of diversity been recognised?

- Have specific experiences and barriers experienced by people with diverse gender or sexuality been considered?

- What safeguards are there for inclusion of diverse groups and people?

- How is discrimination identified and addressed?

- How are gendered experiences and disadvantage addressed, including to achieve and promote gender equality?

- How have diverse groups been engaged for their insights and experiences?

- Have the minimum standards of practice outlined in the Disability SSP and its Guiding Principles been applied? (Alternatively, the Disability SSP can be found at: **Resources | Closing the Gap**.)

## Prompting Questions – Principle 8: Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities

- Are children with disability being treated equally to children without disability?

- Is the best interest of the child a primary consideration?

- Are children with disability being given the opportunity to participate in decisions on an equal basis with other children?

- Do children with disability have access to appropriate supports to make or participate in making decisions?

- Are children with disability being supported and included?

- Have the voices of children and young people with disability been involved in design?

- What supports are available so children and young people with disability can participate without relying on their primary carer?

- How have the best interests of the child been determined, and do they consider children's interests and goals?

- What protections, both physical and online, are in place against discrimination, bullying and exploitation for children and young people with disability?

- How have safeguards and supports been communicated to children and young people with disability?

- Have the National Principles for Child Safe Organisations 2018 been applied?

- Have diverse children and young people with disability been provided with equality of opportunity and equity of outcomes?

- Is access to support available for children and young people with disability who do not have access to formal assessments or other formal accessibility requests?

- Are children and young people with disability given opportunities, access and supports to express their views on all matters affecting them?

- Are children and young people with disability supported to self-advocate, and have choice and control in decision making on an equal basis with other children?

- Can supports for decision making and participation be adapted based on the growth and skills of children and young people with disability?

- Have children and young people with disability been involved in decision-making processes in age-appropriate ways?

- Are children and young people's views and voices considered by leadership?

- Has participation and inclusion in community and family life been acknowledged?

- Is there support for families and carers of children and young people with disability?

- Have connected systems been adjusted so children and young people with disability are informed and provided with opportunities to collaborate?

# Core questions to consider

- How does it allow people with disability to make their own choices?
- Is there access to support as required?

- How does it avoid both direct and indirect discrimination?
- Are reasonable adjustments available?

- How does it support people with disability to participate?
- Does this exclude anyone?

- How does it respect and recognise people with disability as having valuable contributions?
- Is disability treated as just another part of the person?

- Are there any barriers or processes that limit people with disability from achieving their goals?
- How does it make sure people are treated fairly, including by taking actions to accommodate differences?

- Can people with disability access everything, including the information, technology. services and location?
- How have principles of universal design been applied?

- How does it support equality of people, regardless of their differences or identity?
- How is it culturally safe and appropriate?

- Are children with disability being given opportunities to make decisions?
- Are children with disability being treated equally to people without disability?
- Do children with disability have access to appropriate supports?

# Appendix 2 – Self-assessment of current level of disability responsiveness

Understanding your level of disability responsiveness can help to identify priorities for improvement and strengths to build on. Particularly for large organisations, some elements of disability responsiveness will be stronger than others depending on the resources available. Taking this into account can mean organisation are better able to allocate resources based on where they want to improve disability responsiveness.

When assessing how a principle is applied, consider if it is built into your organisation's policies and processes, or if it is up to individuals to apply it to their work. The more a principle is embedded in organisational processes, the more mature an organisation is likely to be. Some organisations will have different levels of responsiveness across different areas, depending on resources, processes, specific regulations and leadership.

Elements such as training to upskill individuals in their disability confidence and responsiveness, publicly advertised accessibility information and minimum standards for accessibility help to apply the Guiding Principles on an organisational level.

Building on these elements means prioritising disability responsiveness in the long term. This can be through regular reviews to continually improve processes across the organisation. Having identified roles supporting access and inclusion for the organisation and working in contact and partnership with local disability representative and advocacy organisations can also work to uplift organisational capability.

| | We apply all elements of this principle | We apply some elements of this principle | We do not apply this principle | We are planning to apply elements of this principle | There are barriers to us applying this principle |
|---|---|---|---|---|---|
| Principle 1 | | | | | |
| Principle 2 | | | | | |
| Principle 3 | | | | | |
| Principle 4 | | | | | |
| Principle 5 | | | | | |
| Principle 6 | | | | | |
| Principle 7 | | | | | |
| Principle 8 | | | | | |

We rate the level of disability responsiveness built into our policies, programs, services and/or systems as:

- **Introductory**
  Organisations that are still in the introductory phase may have less resources or expertise to introduce disability-responsive processes. Building foundational processes, like upskilling with training, allocating staff and resources to disability-specific improvements, and making disability an organisational priority are good places to start.

- **Developing**
  Organisations that are developing their disability responsiveness will likely already have some processes in place. However, these processes are usually opt-in or additions to regular business. Embedding these processes in the day-to-day, prioritising disability in leadership and setting organisational goals for improvement can work to uplift capability for organisations developing disability responsiveness.

- **Established**
  Organisations with established disability responsiveness will generally have a clear focus on disability, including inclusive processes embedded in their work, and high capability across all levels of the organisation. From here, organisations can work to strengthen connections with people with disability, including individuals and representative organisations, and create strong accountability procedures linked to those organisational goals.

- **Leading**
  Organisations that are leading in disability responsiveness will generally have high capability and confidence across the organisation. Leading organisations may be looking to work more closely with people with disability to innovate, improve or champion inclusion and look to share their advanced processes by working with other organisations. Leading organisations should continue to review and update their standard processes, and work towards ambitious goals.

Things we are doing well:

Action we **could** take to improve our disability responsiveness:

Barriers to improving our disability responsiveness include:

How we will manage barriers and risk:

The action we **will** take to improve our level of disability responsiveness:

# Appendix 3 – The UN CRPD, Australian legislation and standards

## Australia's commitments under the UN CRPD

The UN CRPD is an international agreement that sets out the human rights of people with disability. The purpose of the UN CRPD is to promote, protect the full and equal enjoyment of all human rights and fundamental freedoms by people with disability, and to promote respect for their inherent dignity.

Australia signed the UN CRPD in 2008 and both Commonwealth and state and territory governments have undertaken a range of policy and legislative work to implement it. The Strategy, which includes the Guiding Principles, plays an important role in highlighting the Government's obligations and reporting on Australia's responsibilities under the UN CRPD.

The Guide and Guiding Principles do not exhaustively indicate where obligations under the UN CRPD are being fulfilled.

Other United Nations documents, including the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), UN Convention on the Elimination of All Forms of Discrimination Against Women (UN CEDAW) and the UN Convention on the Rights of the Child (UN CRC) work alongside the UN CRPD to protect and promote the rights of intersectional groups. This includes First Nations people with disability, women with disability and children with disability.

# UN CRPD

The UN CRPD, like the Strategy, adopts a social model of disability rather than a medical model. It considers disability as a social construct that arises from 'interaction with various barriers may hinder their full and effective participation in society on an equal basis with others', rather than as an inherent limitation. In doing so, it presents disability as a natural and universal experience of human diversity.

The UN CRPD has 8 Guiding Principles which are also the basis of the Strategy's Guiding Principles.

The 8 UN CRPD Guiding Principles in Article 3 are:

1. Respect for inherent dignity, individual autonomy, including the freedom to make one's own choices, and independence of persons

2. Non-discrimination

3. Full and effective participation and inclusion in society

4. Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity

5. Equality of opportunity

6. Accessibility

7. Equality between men and women

8. Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

# Australian laws and standards

Responsibility for disability issues is divided between the Commonwealth and state and territory governments. These responsibilities are supported by the Strategy. Australia has comprehensive anti-discrimination laws at federal and state/territory levels. Below is the key Commonwealth legislation to help stop discrimination.

## Legislation

The *Disability Discrimination Act 1992*, which makes discrimination based on disability unlawful in a broad range of areas of public life and promotes community acceptance of the principle that people with disability have the same fundamental rights as all members of the community.

The *Disability Discrimination Act 1992* is supplemented by a series of Disability Standards and Guidelines, providing more detail on rights and responsibilities about equal access and opportunity for people with a disability and greater certainty about how to comply with the Act. There are standards on:

- Access to premises
- Education
- Public transport

Individual complaints about breaches of Disability Standards can be made to the Australian Human Rights Commission.

Other important legislation that is key to upholding the rights of people with a disability in Australia and meeting our UN CRPD obligations includes:

- The *National Disability Insurance Scheme Act 2013* and the associated NDIS Quality and Safeguards Commission (founded in 2019) that govern the NDIS

- The *Disability Services and Inclusion Act 2023* that funds supports and services to support people with disability, their family and carers, outside the NDIS

- The *Social Security Act 1991* which legislates access to income support for persons with disabilities and their carers.

## Disability Standards

**The Disability (Access to Premises — Buildings) Standards 2010** apply to all new buildings, except class 1A buildings (single residential homes) and class 10 (non-habitable buildings including sheds, carports, and private garages) and the internal parts of a sole-occupancy unit within a class 2 building (apartments) under the **National Construction Code (NCC)**. The purpose of the Premises Standards is to make sure:

- people with disability (and their family members, carers and friends) have equal access to public buildings

- building certifiers, developers and managers fulfil their responsibilities to people with disability under the Disability Discrimination Act.

These standards were last reviewed in 2021. Compliance with the Access Code for Buildings is overseen by building certifiers and developers.

The relevant Australian Standard catalogue for accessibility is ME–064 : Access for People with Disabilities. The primary users of this standard are architects, building designers, draftspersons, building surveyors and builders. This catalogue has 8 standards. All builders and contractors working in the residential building industry must follow the Australian Standards as set out in the NCC.

**The Disability Standards for Education 2005** outline obligations of education and training providers, and seek to make sure students with disability can access and participate in education on the same basis as students without disability. These standards were last reviewed in 2020 and highlighted the need to audit how well the Standards are followed.

The **Disability Standards for Accessible Public Transport 2002** (Transport Standards) provide requirements for public transport operators and providers to make their services accessible and remove discrimination against people with disability. They apply to train, tram, bus and coach, ferry, taxi and aviation services. They require all of Australia's public transport networks and associated infrastructure to be fully accessible by the end of 2022 (with trains and trams by the end of 2032). A reform process is under way to modernise the Transport Standards.

**The Livable Housing Design (LHD) accessibility standards** are set by Livable Housing Australia, a not-for-profit partnership between community and consumer groups, government and industry (**https://livablehousingaustralia.org.au**). The silver standard is the lowest level, requiring 7 of 15 accessible design elements.

The requirements to meet the **Livable Housing Design silver accessibility standard** are:

- A safe continuous and step-free path of travel from the street entrance and / or parking area to a dwelling entrance that is level.

- At least one, level (step-free) entrance into the dwelling.

- Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces.

- A toilet on the ground (or entry) level that provides easy access.

- A bathroom that contains a hobless shower recess.

- Reinforced walls around the toilet, shower and bath to support the safe installation of grabrails at a later date.

- Stairways designed to reduce the likelihood of injury and also enable future adaptation.

The table below shows the adoption arrangements and dates by state and territory for the accessibility section of the NCC 2022:

| Jurisdiction | Adopting? | Date |
|---|---|---|
| Australian Capital Territory | Yes | 15 January 2024 |
| New South Wales | No | N/A |
| Northern Territory* | Yes | 1 October 2023 |
| Queensland | Yes | 1 October 2023 |
| South Australia | Yes | 1 October 2024 |
| Tasmania | Yes | 1 October 2024 |
| Victoria | Yes | 1 May 2024 |
| Western Australia | No | N/A |

* Not all communities and towns are within Building Control Areas. Building Control Areas include Darwin, Alice Springs and Lake Bennett.

# Key terms

**Ableism** – attitudes and behaviours that label people with disability as different, less than or inferior to people without disability, incapable of exercising choice and control and a burden on society.

**Auslan** – the name for Australian Sign Language and the main language of Australia's Deaf community.

**Autonomy** – a person's right and freedom to make decisions, control their life and exercise choice.

**Accessible** – Environments, facilities, services, products and information that people are able to use and interact with in a way that suits their needs.

**Bias** – an unfair outlook or perception towards someone or something based on personal opinion or experience.

**Carer** – someone who provides supports to a person with disability either paid or unpaid and often a family member. Some legislation refers to 'carers' and some people with disability prefer the term 'support person'.

**Cultural and linguistically diverse** – a broad term to describe communities with diverse languages, ethnic backgrounds, nationalities, traditions, societal structures and religions. This includes people with a different heritage or linguistic background than dominant Australian culture and language, people with dual heritage and people who are migrants and refugees. Some members of the Deaf community and other Auslan users also identify as members of a cultural minority.

**Cultural safety** – Cultural safety is a concept first explored by Irihapeti Ramsden and driven by First Nations communities in New Zealand and Australia to describe welcoming and respectful environments that embrace and uplift a person's cultural heritage and values. This includes being able to see how their cultural experiences are valued, and that dominant cultural norms do not create environments where they are judged or excluded for cultural behaviours and beliefs.

**Disability** – an evolving concept that results from the interaction between a person with impairment(s) and attitudinal and environmental barriers that hinder their full and effective participation in society on an equal basis with others.

**Disability responsiveness** – the ability to confidently and positively respond to the needs of people with disability. It includes both the processes an organisation has in place, and the ability of its members to confidently adapt to and address needs that fall outside these processes. High disability responsiveness involves addressing the needs of people with disability in respectful, tailored, evidence informed and culturally appropriate ways.

**Easy Read** – Easy Read format is a way of presenting written information to make it easier to understand. It typically uses simple words, short sentences, accessible fonts and layouts, and images or photos to assist in illustrating the information.

**First Nations people** – First Nations people, also sometimes referred to as Aboriginal and Torres Strait Islander peoples, are a diverse group of hundreds of nations (or cultural groups) who have lived in Australia and other islands off the continent since before colonisation. First Nations people today have distinct cultures, beliefs and languages, and make up approximately 3.8% of the total Australian population.

**Inclusive** – not excluding any people or societal groups.

**Intersectionality** – A societal response to different social characteristics that expose a person or group of people to multilayered or 'intersecting' forms of discrimination or disadvantage. This can include responses to characteristics such as age, disability, First Nations status, race, gender, gender identity or sexual orientation.

**Medical model of disability** – A deficit approach that views impairment or disability as an individual inadequacy that must be fixed or remediated.

**Person-centred** – a practice which puts an individual at the centre of all actions and decisions

**Reasonable accommodation** – Article 2 of the Convention on the Rights of Persons with Disabilities defines reasonable accommodation as 'necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms'.

**Reasonable adjustment** – the *Disability Discrimination Act 1992* (Cth) s 4(1) defines an adjustment to be made by a person as a reasonable adjustment 'unless making the adjustment would impose an unjustifiable hardship on the person'.

**Supported decision making** – processes and approaches that assist people to decide, including by giving them the tools they need to make the decision for themselves. Supported decision making does not mean deciding for or on behalf of another person

**Trauma-informed** – Frameworks and strategies to ensure that the practices, policies and culture of an organisation and its staff understand, recognise and respond to the effects of trauma and minimise, as far as possible, the risk that people may be re-traumatised

**Universal design** – means that environments, products and services can be used by all people, without the need for adjustments as much as possible.