**ISSUE: The National Disability Strategy 2010-2020, implementation of the CRPD, and resourcing of Disabled People’s Organisations (DPOs)**

(See Articles 1 and 4 on page 6; Article 31 on page 20; Article 33 on page 21 of DPO Australia Submission to the CRPD)

**Background**

Australia has not fully incorporated the *Convention on the Rights of Persons with Disabilities* (CRPD) into Australian domestic law and there remains no comprehensive legislative, administrative, judicial framework for the protection of human rights.

Australia’s implementation of its CRPD obligations are set out in the *National Disability Strategy 2010-2020* (NDS),[[1]](#endnote-1) a ten year national policy framework. The NDS is agreed to by all Australian governments. The NDS sets out goals and objectives under six areas of mainstream and disability policy areas, including accessible communities, economic security, health, education, personal supports, justice and rights protection. It is delivered through a series of three-year national implementation plans.

In March 2017, the Disability Reform Council (DRC) of the Council of Australian Governments (COAG)[[2]](#endnote-2) reaffirmed its commitment “to drive progress under the National Disability Strategy 2010-2010”, and to address additional focus areas within the NDS – mental health, Indigenous disadvantage, and the criminal justice system – “to ensure that these systems are effectively supporting all people with a disability in Australia”.[[3]](#endnote-3) While this is welcome and supported by people with disability and their representative organisations, there is concern that the NDS is siloed as a disability policy responsibility only. This means there is little authority to leverage change across other Australian Government departments, or across State and Territory jurisdictions. A high-level executive mechanism is required to hold strategic operational responsibility for the NDS and have the capacity to leverage reform across Commonwealth agencies and across States and Territories.[[4]](#endnote-4)

There are issues with ongoing and nationally consistent implementation of the CRPD in Australia. Australia’s Interpretative Declarations on CRPD Articles 12, 17 and 18 remain in force, and the NDS is not being driven consistently across government jurisdictions. There is a lack of investment in implementation, monitoring and evaluation across the NDS policy outcome areas. The NDSlacks actions and measurable outcomes to address systemic human rights violations in health, employment, education, freedom from violence, and forced medical treatment. There are no nationally consistent measures for the collection and public reporting of disaggregated data across the full range of obligations contained in the CRPD. Despite consistent recommendations from treaty monitoring bodies regarding people with disability, these are not incorporated into the NDS.

The Second Implementation Plan[[5]](#endnote-5) for the NDS was only released in December 2016, halfway through the implementation period 2015-2018, and the progress reports[[6]](#endnote-6) on NDS implementation provide a clear indication of the need to recast the NDS as an engine for change, rather than a way to simply report on actions already undertaken. Such issues arise in part due to the lack of a single and well-resourced coordination point for implementation, monitoring and evaluation of the CRPD in Australia. Although the Australian Government has made a voluntary commitment to designate a standing national mechanism to strengthen its overall engagement with United Nations human rights reporting,[[7]](#endnote-7) there is scant information available regarding action on this commitment.

Australia has not effectively involved people with disability and their representative organisations at all stages of implementation and monitoring of the CRPD and the NDS. The most recent consultation designed to inform the NDS Second Progress Report, was piecemeal, lacked methodology and risked collapsing into tokenism.

In August 2017, the Australian Government announced stringent funding guidelines for DPOs and Disability Representative Organisations (DROs). The guidelines limit the capacity of DPOs to engage with United Nations monitoring mechanisms. The total pool of available funding for the 2018-2020 funding period has been capped at 2014 levels (AUD$1.775 million per financial year) and the range of organisations that are eligible to tender is limited. Open competitive tendering, short term funding contracts, inflexible funding guidelines have and continue to position DPOs in a precarious and thoroughly unsustainable position.

**Proposed Questions**

**Please provide detailed budgetary information on the number of national Disabled People’s Organisations (DPOs) and Disability Representative Organisations (DROs) funded by the Australian Government. Include information on security and sustainability of funding, including funding to:**

* 1. **engage with and support the direct participation of people with disability, including children and young people with disability in all aspects of CRPD and other human rights implementation and monitoring mechanisms;**

1. **develop leadership opportunities and promote participation of people with disability across all areas of political, social, economic and cultural life;**
2. **participate in all measures to address and prevent violence against people with disability, particularly women and girls with disability;**
3. **attend and participate in relevant international forums to advance the human rights of people with disability; and,**
4. **ensure financial sustainability, independence and autonomy of DPOs as representatives of people with disability in Australia.**

Please advise on progress to develop nationally consistent measures for the collection and public reporting of disaggregated data across the full range of obligations contained in the CRPD.

Please elaborate on progress made to establish an independent mechanism in compliance with article 33(2).

Please advise what concrete actions are being taken by the Australian Government to ensure that the objectives of the NDS are met across its six goal areas and policy outcome areas.

**Endnotes**

1. The NDS is being delivered in three phases through the following implementation plans: *‘Laying the Groundwork’* (2011-2014) set the foundation for each State and Territory Government to have its own disability plan to improve outcomes through mainstream policies, programs, services and infrastructure. *‘Driving Action’* (2015-2018) outlines new priority actions as well as ongoing commitments to consolidate actions that are driving improved outcomes and identify where more effort is needed. *Measuring Progress* (2019-2022) will identify new and emerging outcomes to be implemented in order to ensure the objectives of the NDS are met. For information on the NDS, it’s implemtation plans, and progress reports to COAG, see: <https://www.dss.gov.au/our-responsibilities/disability-and-carers/program-services/government-international/national-disability-strategy> [↑](#endnote-ref-1)
2. The Council of Australian Governments (COAG) is the peak intergovernmental forum in Australia. The members of COAG are the Prime Minister, State and Territory Premiers and Chief Ministers and the President of the Australian Local Government Association (ALGA). The Prime Minister chairs COAG. The role of COAG is to promote policy reforms that are of national significance, or which need co-ordinated action by all Australian governments. COAG meets as needed, usually once or twice a year, though at times it has met up to four times in a year. COAG may also settle issues out-of-session by correspondence. The outcomes of COAG meetings are contained in communiqués released at the end of each meeting. Where formal agreements are reached, these may be embodied in intergovernmental agreements, including National Agreements and National Partnership Agreements. See: [www.coag.gov.au](http://www.coag.gov.au) [↑](#endnote-ref-2)
3. COAG Disability Reform Council, *Communique 3 March 2017*, available at: <<https://www.dss.gov.au/disability-and-carers/programs-services/government-international/disability-reform-council/communique-3-march-2017>> [↑](#endnote-ref-3)
4. *Disabled People’s Organisations Australia (DPO Australia) Submission to the 2017/2018 Federal Budget*. Available at <http://dpoa.org.au/wp-content/uploads/2017/04/DPOA_20172018Budget_Submission_FINAL.docx>. [↑](#endnote-ref-4)
5. Department of Social Services, 2010-2020 National Disability Strategy – Second Implementation Plan, Driving Action 2015-2018, <https://www.dss.gov.au/disability-and-carers/programs-services/government-international/national-disability-strategy-second-implementation-plan> [↑](#endnote-ref-5)
6. Department of Social Services, *Progress Report to the Council of Australian Governments 2014,* <https://www.dss.gov.au/disability-and-carers/programmes-services/government-international/progress-report-to-the-council-of-australian-governments-2014> [↑](#endnote-ref-6)
7. At the Universal Period Review [Australia] 2016, the Australian Government gave a voluntary commitment to *“work with the Australian Human Rights Commission, to develop a public and accessible process for monitoring progress against universal periodic review recommendations. This will include a periodic statement on progress against the recommendations on behalf of the Government. Australia will also designate a standing national mechanism to strengthen its overall engagement with United Nations human rights reporting.”* See: United Nations General Assembly, *Report of the Working Group on the Universal Periodic Review: Australia*; 2016, UN Doc. No: A/HRC/31/14 [para 146]. [↑](#endnote-ref-7)