

Disability Inclusion Bill 2022

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In the introduction to the Consultation about the Bill we learned that.

- (1) With the Bill, the Victorian government is seeking to create a barrier-free State for all persons with disability/disabilities.
- (2) It aims to replace the current provisions in the Disability Act in relation to the State Disability Plan, Disability Action Plans, and the Victorian Disability Advisory Council. The Government's goal is to put in place a new legislative framework for the whole of government accountability and action in pursuing disability inclusion in Victoria.

Post Polio Victoria Inc (PPV) was set up a decade ago, to promote the interests of polio survivors of the polio epidemic that swept through Victoria in the 1950's. We were children then. We completed years of rehabilitation to retrain our muscles to move our paralysed limbs to walk or work. But, when the neurones supplying the newly trained muscles lose capacity, many have Post Polio syndrome (PPS).

PPS is a chronic disability of muscle and joint pain, muscle weakness, fatigue, breathlessness, irregular body temperatures, and sleep apnoea. PPS affects up to 40% of people who had paralytic polio. Today, thousands of Victorians may be affected by PPS. **Ref 1**

In this submission, **PPV** will focus 1. on Co-design of programs by people with disability. 2. on how proposed State legislation will clearly and unambiguously compliment Federal legislation.

PPV agrees with the following.

1. The appointment of a Commissioner for Disability, from among the disabled community, with proper remuneration and resources so that the Commissioner can fulfil the tasks required for State-wide Disability Inclusion.
2. Promoting equality set out in the Convention on the Rights of Persons with Disabilities and in the UN Charter of Human Rights and Responsibilities.
3. Promoting the involvement of people with disability in the design of government-funded programs, services and policies that affect people with disability.
4. The Convention on the Rights of the Child. (Given that most people who got/get paralytic polio are children.) Australia signed and ratified the Convention in 1990, a year was after it was proclaimed.
5. How Federal and State legislation on the Rights of People with Disabilities can be brought together, so that a forward-looking program which along with Civil Rights will include Cultural and Social ones.

6. Barriers to equality can be reduced by policies made by all 3 levels of Government policy. All Governments need to be accountable and transparent re their policies.

PPV believes that even with the appointment of a commissioner from the disabled Community, that unless there is a substantial increase in the Victorian Public Service (which though there has been a slight increase in personnel this has not kept pace with increased population) the Commissioner will be unable to fulfil his/her role.

Also, most new appointments were women on 12-month Temporary Contracts. People in temporary positions take more leave to fulfil family care functions, further reducing the availability/equality in the Victorian Public Service. **Ref 2**

Furthermore, we feel the Commissioner's educational role so that public entities meet increased disability integration, may not be fulfilled without some penalties.

Penalties could apply to those institutions that don't or won't integrate the disabled.

PPV agrees that there is an educational role for all levels of Government.

During current hearings of the **Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability**, disabled people have reported verbal attacks by publicly- funded services and members of the public. Reporters said they felt "vulnerable, fearing physical violence." **Ref 7**

Also, Australia's lack of media diversity in reporting about Disability issues means continued domination of "welfare/be grateful" propaganda. **Ref 9**

We note many private institutions (schools, aged care homes, kindergartens, health services) which also receive public funds, are not even universally accessible.

Recently, Kurt Fearnley AO (the new chair of the NDIA) appeared on the ABC on a panel chaired by Sarah Sands about "**What is the Great Australian Dream for People with Disability?**"

People pointed out while Kurt's friends could visit him, he could not visit them in their inaccessible homes, showing the limits to equitable involvement in social activities for disabled people without wide-scale reforms. **Ref 3**

PPV has consistently supported the work of ANUHD, towards making everyone's home accessible for people with a disability

1. **PPV** notes that Australia has signed the Convention **on the Rights of Persons with Disabilities and the UN Charter of Human Rights and Responsibilities**. We agree that "equality is promoted "by countries adopting the practices, set out in them. However, in our opinion, Australia's NDIS (the most progressive/innovative legislation about disability) **is flawed and negates the Human Rights of people**

in the polio community. Under Section 22 of the Act, people over 65 cannot **access** the scheme. Moreover, those over 65 on the scheme, lose it when they go into Aged Care.

PPV Committee member, Peter Freckleton, has an ongoing, decade-long fight against the two-fold discrimination (age and disability) in section 22 for Polio Survivors.

On October 7th, 2022, **PPV member Peter Willcocks** referred to Section 22. as “the great barrier” to combating Ageism in Australia. **Ref 8**

2. **PPV** wholeheartedly agrees with the involvement of people with disability in the design of Government-funded programs that affect people with disability; reflecting “nothing about us, without us.” **PPV members** would love to participate in any co-designing programs.

Indigenous communities have shown their most successful programs were designed by their communities, including the Covid-19 vaccination drive.

3. In our advocacy work, **PPV has promoted the Convention on the Rights of the Child** so that children with disability fulfil their best potential, and health outcomes. To do this, we seek active alliances with groups representing other childhood health conditions e.g., Muscular Dystrophy, Cystic Fibrosis, Cerebral Palsy, and Spinal Bifida. Children with these childhood conditions are now living long lives. So, after their 65th birthdays they should not be locked out of physical therapy through the NDIS. Like polio, people with these conditions are helped with bi/weekly physiotherapy sessions.

PPV believes the Victorian Government should encourage the setting up of weekly “better- breathing muscles” physiotherapy sessions in all **local metropolitan and regional health centres**.

4. **State and Federal Governments** have good policies relating to Civil **Rights** such as voting; policies dictating services provided by Federal and State Electoral Commissions.

Nonetheless, **PPV** believes that Federal and State policies should be merged to provide measures that ensure equity for disabled people in undertaking Cultural/Social Practices. Supports should be given to a wide range of cultural practices, e.g., language, dance classes, school exchanges, museum visits, work experiences, ensuring disabled people are well integrated within the communities they identify with.

5. **PPV** notes that increasingly barriers have been put in place at all 3 levels of Government, most without consultation with the people they service and reprehensibly argued as necessary “cost-saving measures.” The most recent examples are Victorian Local Government’s outsourcing their Personal Care and Cleaning services for Aged and Disabled residents and replacing daily hot delivered meals-on-wheels with frozen meals delivered once a week. This ignores the benefits of a friendly face/chat with the delivery-volunteer ensuring the welfare of meal recipients. It presumes that disabled people have, and can use, kitchen appliances to heat a frozen meal.

Some Councils with many ethnic communities partnered with them to supply meals acceptable to their populations.

A few Victorian Councils’ Personal Care workers did resist, by threatening non-billing or other collective actions. They were told they could tender for their jobs. Many of these workers had 20 years-experience. They resigned rather than tender for jobs based on impossible productivity “improvements.” This has left a gap in the workforce, compounded by 3 years of uncertainty when few younger workers joined Council Training programmes.

Even though very few Councils had staff performing Personal Care, Cleaning, or meal preparation services, during the Victorian lockdown they outspent their projected staff budgets as staff took annual or long service leave. **Ref 4**

We believe, Local Councils should return to employing Care staff on the favourable pay and conditions they once enjoyed, and encourage senior, recently resigned staff to return in part-time Training positions.

However, it’s clear that in necessitous circumstances, Governments can make good decisions, that are of population-wide benefit.

During the height of the Covid-19 pandemic, State and Federal Governments of their own accord, encouraged homeless people off the streets. They were provided with hotel accommodation. Most reported this was the first time in years they felt secure, warm/well fed, and their health markedly improved.

A recent 4-Corners program “**No Place to Call Home**” highlighted the situation of homeless people, including those with children, in Northern New South Wales. Even those with jobs were unable to find an affordable home. Families were forced to live in hotel rooms, or tents. **Ref 5**

This has occurred as State Governments handed over Public Housing Estates for redevelopment by Social Housing Organisations. They have also entered Private/Public



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Partnerships without a guaranteed supply of Public Housing Units. Also, housing affordability for workers is being reduced at a time when the Rental Assistance programme (legislated by the last Federal Government), nears its' end.

Julie Collins MP, the Federal Housing Minister's proposal to build 5000 new social/affordable homes in this term will not replace those lost by redevelopment.

For the same period, The Australia Institute has estimated that 275,000 new homes are needed Australia wide, just to deal with State waiting lists for Public Housing. **Ref 6.**

Insecure Housing and Homelessness are increased in Disability and Indigenous communities.

These communities, particularly disabled indigenous women should be a major priority for Victorian Housing Associations to provide them with homes and ensure Disability Inclusion.

The neo-liberal programs of outsourcing of services in public institutions and selling off public assets have had terrible results for most citizens. Covid-19 exposed these. Inclusion of people with disability will be improved by stopping this. We believe that inclusion will be improved by providing residents with alternatives such as Co-operatives, a choice of publicly run services, to provide for basic human needs of secure housing, education, food supply, health care, and recreation.

To conclude much of this of the Draft Consultation is taken up with definitions. PPV feels it would be better if it were written in plain language. The New Zealand Government has vowed to legislate that all Government edicts, be in "plain language." We don't think legislation necessary, just a commitment to do so. Examples are already provided in there being simple Korean and Chinese draft versions for their communities.

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