



I CAN Network Ltd.
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15 October 2021

Disability Act Review
Disability and Communities Branch
Department of Families, Fairness and Housing
Level 4, 50 Lonsdale Street, Melbourne VIC 3000

Re: I CAN Network's submission to the Review of the Disability Act 2006 Consultation

Dear Disability Act Review team

My name is James Ong, and I am the Evaluation Manager and Policy Analyst of I CAN Network Ltd. I CAN Network Ltd is an Autistic-led social enterprise which proves what Autistic people can do in order to build 'a world that embraces Autism'. We run mentoring programs to build self-acceptance, self-confidence, social connections and optimism among Autistic young people and young adults as well as campaigns to drive a rethink of Autism in the community.

We welcome the opportunity to write a submission for the *Review of the Disability Act 2006 Consultation*. Before proceeding, I would like to commend the Victorian Government on the following:

- Publishing the Victorian Autism Plan in response to the Parliamentary Inquiry into Services for People with Autism Spectrum Disorder. This is a positive first step in improving the lives of Autistic Victorians and their families and carers.
- Initiating the Disability Inclusion reforms in education (including the Autism education strategy within them), particularly the new tired funding model for students with disability. These reforms, if implemented well, will improve the educational experiences and outcomes of students with disability, including Autistic students.

In this submission, I would like to put forward that elements of the Disability Act 2006 ('the Act') should be updated to align with the latest developments in disability, policy advances and the changing role of the Victorian Government in the disability space.

Changing the definition on disability

The definition of disability under the Act needs to change to be more reflective of the social model of disability. The current definition of disability, as defined in the Act, is aligned to the medical model of disability. This model positions disability as an impairment or illness that needs to be managed or cured. This definition was appropriate for assessing eligibility among people with disability to access disability services. However, this definition is now outdated, given that the Victorian Government is moving away from delivering most disability services and reorienting State Disability Plans to tackle negative attitudes and barriers for people with disability.

To reflect the changing role of the Victorian Government towards people with disability, we need to move towards a social model of disability. The [social model of disability](#), according to People with Disability Australia:

- Appreciates impairments as an inherent part of human diversity that needs to be respected;
- Defines disability in terms of barriers between people with impairments and the environment, and

- Obligates governments and society to change physical and social environments as well as attitudes and communications to ensure that people with disability can participate as equal citizens.

Hence, the definition of disability needs to move away from a medical model of disability and towards a social model of disability. By aligning the definition of disability to the social model of disability, governments, disability services and other stakeholders can focus less on fixing the inherent problems of people with disability and focus more on identifying and removing barriers for people with disability to fully participate in society.

Differentiating neurodevelopmental differences from other conditions

The revised Act should also incorporate an additional definition on neurodevelopmental differences. Currently the Act defines *developmental delay* and *intellectual disability* and needs a definition on neurodevelopmental conditions which acknowledges how people's brains are wired differently.

The Act's definition of intellectual disability could also be reviewed. The current definition adopts a deficits-based view on general intellectual functioning and adaptive behaviour which implies that people with intellectual disability need help in all areas of their life. It does not recognise that intellectually disabled Victorians have strengths which can be nurtured and harnessed to improve their quality of life.

Incorporating aspects of neurodiversity into the Act celebrates the strengths which neurodivergent individuals bring to society and recognises the challenges neurodivergent individuals face in society. Neurodiversity, in [Judy Singer's words](#), describes the *...limitless variability of human cognition and the uniqueness of each human mind...* Neurodiversity encompasses differences in the wiring of human brains, endowing individuals with a unique set of strengths which can be harnessed and weaknesses which need to be accommodated. An extension of neurodiversity is neurodivergence, [defined as](#) mental or neurological functions that are different from what is considered normal from a neurotypical person's perspective. Neurodivergence encompasses neurodevelopmental differences such as Autism, ADHD, dyslexia and Tourette Syndrome.

People with neurodevelopmental differences are endowed with strengths such as attention to detail which should be harnessed and celebrated in society. These individuals also face barriers to full participation in society, particularly in mental health and employment. For instance, Autistic people are more likely to have mental health problems such as [anxiety and depression](#) and to [exhibit suicidal thoughts and behaviour](#) compared to non-Autistic people. In addition, according to the [2018 ABS Survey of Disability, Ageing and Carers](#), Autistic people in the labour workforce are three times more likely to be unemployed than people with other disabilities and eight times more likely than people without disability. Autistic people often face barriers to accessing mental health services and in securing sustainable employment, highlighting the need for governments and other stakeholders to develop services which improve the lives of Autistic people.

Hence, the Act should incorporate a definition on neurodevelopmental differences which is separate from other similar phrases such as *developmental delay* and *intellectual disability*. This definition should incorporate examples of neurodevelopmental differences such as Autism and dyslexia in an effort to provide substance to the definition. Including a definition on neurodevelopmental differences will strengthen the framework behind policymaking.

Aligning the objectives and principles of the Act to modern times

The objectives or purpose of the Act need to change to encompass not just disability services but also other areas which affect people with disability. Most objectives in the current Act focus on disability services, with only the first two objectives focused on supporting people with disability outside of disability services. Given the shift in the Victorian Government's role in disability and disability services, objectives need to shift away from disability services and towards improving the lives and opportunities of people with disability. Objectives that incorporate that idea could include:

- Giving people with disability equal opportunities to contribute to society;
- Improving accessibility and inclusion of services for people with disability in the community; and

- Promoting the unique strengths and contributions people with disability can make to society.

In terms of the principles in the Act, some of them need to be kept in light of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. These principles include:

- Live free from abuse, neglect or exploitation; and
- Services which support their quality of life.

In general; though, other principles of the Act should align with the UN Convention on the Rights of Persons with Disabilities ('the Convention') as the Convention considers all aspects of the lives of people with disability, not just disability services. Although the Act mentions one of the principles of the Convention on respecting the dignity, autonomy and independence of people with disability, other principles in the Convention are not made explicit in the Act. For instance, the Act does not mention the need for respect and acceptance of *Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity*. This principle is important in moving the Act towards the social model of disability, particularly in respecting the neurodivergent conditions of some people with disability. There is also no mention of equal rights for men, women and LGBTIQ+ individuals with disability and respect for children's right to preserve their identity. These principles should be incorporated in the Act to show that the principles of the Act apply to all people with disability, regardless of age, gender or other differences.

Aligning the principles of the Act with the Convention will also negate the need to have separate principles for people with intellectual disability. Having separate principles for people with intellectual disability implies that they are less capable of living a fulfilling life. Applying the principles of the Act to all people with disability regardless of their condition will ensure initiatives created to monitor and implement the Act are as inclusive as possible.

Improving State Disability Plans

We commend the Victorian Government for continuing to publish and consult on State Disability Plans, including the incorporation of an outcomes framework in the State Disability Plan 2017-2020. We also commend the Victorian Government for publishing annual reports in 2017 and 2018, particularly in establishing indicators and measures to detect the impact of initiatives on people with disability.

Nevertheless, much can be done to improve the accountability and transparency of the progress being made on State Disability Plans. I CAN Network proposes that the Victorian Government implement a monitoring and evaluation framework that is attached to the State Disability Plan. The framework could consist of:

- Monitoring, in the form of a dashboard, to track progress towards the achievement of targets and indicators in the outcomes framework; and
- Evaluation to identify factors which support or hinder progress towards the achievement of targets and to find ways in which implementation of state disability plans can be improved.

In addition, regular progress in developing and using the outcomes framework, including the gathering of necessary data, needs to be reported to ensure that the outcomes framework, with associated indicators and measures, are fit-for-use by the Victorian Government and other end-users such as disability services. The outcomes framework should be presented in multiple formats such as AUSLAN, infographics and Easy English so that people with disabilities and other stakeholders with different needs can easily understand the framework.

Other things that state disability plans could focus on could include:

- Incorporating Education State initiatives and targets into the state disability plan to ensure links are made to recent education reforms such as Disability Inclusion. We are pleased to hear that the Victorian Department of Education and Training is doing an evaluation of the rollout of Disability Inclusion Profiles. We are hopeful that ongoing evaluation and updated Victorian data from the *Nationally*

Consistent Collection on School Students with Disability will see Victoria create an equivalent set of measures to the Queensland Department of Education's [Every Student with Disability Succeeding Plan](#).

- An increased focus on changing societal attitudes towards acceptance of disability. A huge barrier for people with disability in accessing services is stigma, marginalisation and isolation.
- Describing co-design mechanisms which include people with disability in order to adapt policies and initiatives so that they're more accommodating of their needs. It's on the public record that people with disability in Australia have been routinely left out in the [COVID-19 response](#) and [COVID-19 vaccine rollout](#).

I thank you for reading our submission, and look forward to the outcomes of the review.

Yours sincerely,



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CC:

- Mr Chris Varney, Founder and Chief Enabling Officer, I CAN Network Ltd
- Ms Kirsty Pontifex, Manager Bullying Prevention and Support, Mental Health Reform Division, Victorian Department of Education and Training
- Mr Tim Buckley, Senior Policy Officer, Office for Disability, Victorian Department of Families, Fairness and Housing