



**Children and Young People
with Disability Australia**

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The Hon. Luke Donnellan
Minister for Disability, Ageing and Carers
Level 22, 50 Lonsdale Street, Melbourne, VIC 3000
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Friday, 30 April 2021

Dear Minister Donnellan,

Thank you very much for the opportunity to provide feedback on the *Consultation paper for state disability plan 2021–2024*.

Children and Young People with Disability Australia (CYDA) is the national representative organisation for children and young people with disability aged 0 to 25 years. Our vision is that children and young people with disability are valued and living empowered lives with equality of opportunity; and our purpose is to ensure governments, communities, and families, are empowering children and young people with disability to fully exercise their rights and aspirations.

Please accept this letter and the accompanying attachment as CYDA's formal submission.

Incorporating the human rights approach and CRPD obligations in the plan's outcomes

We are heartened to see the next disability plan is adopting a human rights approach in line with the United Nations Convention on the Rights of Persons with Disability (CRPD). As outlined in the consultation paper, the strength of this approach is that not only does it offer a conceptual understanding of disability – but it clearly articulates a policy framework for action.

The development of the State Disability Plan Outcomes Framework should be underpinned by the CRPD and the promotion, protection and facilitation of the rights of people with disability. The framework should also build on the observations and recommendations that the CRPD Committee has already provided Australia (in 2013 and 2019) on its progress in implementing the CRPD. On both occasions, these recommendations included a focus on the closure of segregated settings and facilities – particularly 'special' schools.

A clear plan with targets for the realisation of inclusive education

The inclusion of education and skills as an outcome area in the State Disability Plan and the Victorian Government's investment in the *Disability Inclusion: Education for All* are both welcomed commitments and strategies towards ensuring students with disability have equitable education and learning opportunities. However, these

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policies still lack clear targets and measurable activities that will lead to the realisation of inclusive education.

In its current state, the Victorian education system is not promoting inclusive education as recognised by the CRPD and defined by in General Comment No.4. Students with disability continue to be segregated from their peers without disability, continue to be excluded or dissuaded from learning and social opportunities, and continue to fail to receive appropriate supports or modifications that supports them to learn in a way that meets their strengths and needs.

The Australian Coalition for Inclusive Education (ACIE), chaired and co-convened by CYDA and All Means All, an initiative which brings together organisations that share a commitment to advance inclusive education in Australia, has developed a 10-year plan¹ ([Driving change: A roadmap for achieving inclusive education in Australia](#)) to help realise inclusive education and prevent the violence, abuse, neglect and exploitation of students with disability. This plan has been endorsed by disability advocacy and youth-led organisations across the country.

The roadmap includes the key levers for change and clear short-term and medium-term outcomes for all education stakeholders, including the Victorian Government, that will lead to the longer-term goal of inclusive education. As part of the new State Disability Plan, CYDA urges the Victorian Government to develop a Victorian Inclusive Education Policy that has clear actions to achieve these short, medium and long-term outcomes that will progress the state's education system towards achieving inclusive education in line with the CRPD.

A Victorian Inclusive Education Policy and clear plan of action will also ensure that the funding for disability inclusion in education already committed by the Victorian Government is allocated to initiatives and reforms that will produce long-term and sustainable change.

Systemic change for positive individual outcomes

At the end of September 2020, CYDA hosted the inaugural National Youth Disability Summit – a five-day, online conference designed by and for young people with disability. The Summit offered young people from across Australia the opportunity to network and attend a range of sessions and workshops where they could develop new skills and knowledge. Over 250 young people attended the Summit, with four of the five days being 'youth only'.

CYDA has released a series of papers summarising the themes that emerged over the Summit. The five papers represent young people's ideas, insights and expertise on the topic areas:

- Education
- Employment
- Awareness, Access and Inclusion
- The National Disability Insurance Scheme

¹ Australian Coalition for Inclusive Education. (2020). *Driving change: A roadmap for achieving inclusive education in Australia*. Available at [Australian Coalition for Inclusive Education \(acie.org.au\)](http://www.acie.org.au)

- Mental Health and Wellbeing

There is a lot of overlap in these topics and the domains and outcomes in the *Absolutely everyone* outcomes framework. We have attached the five *National Youth Disability Summit: What young people with disability said* papers as a supplementary document.

As outlined in the papers, young people who attended the Summit shared what helps and prevents them to participate in the community and live the lives they would like to live. Rightfully, and in line with the social model of disability, a united perspective shared by young participants was that social inequalities are not an inherent product of being a person with disability – but rather the result of ableist, rigid and discriminatory systems.

Young participants also shared how they intrinsically saw themselves as a core part of the solution in building a more inclusive society; whereby they believe they can enact positive change if governments and systems invested in their skill development and provided meaningful platforms where they can be heard and exercise their lived expertise.

While the new State Disability Plan's focus on the experiences of people with disability as intended outcomes is positive, CYDA cautions that the new framework must retain clear and measurable objectives and accountabilities for systems to achieve these outcomes. Otherwise, the framework risks putting the onus on individuals to 'fix' social issues that are created by unjust systems.

CYDA also echoes the call of young people for the inclusion of people with disability from all-age groups and communities in the development and implementation of the updated *Absolutely Everyone* outcomes framework. This will help ensure that the outputs of the framework reflect what people with disability want and need.

Engaging with young people

Following from the previous section, we acknowledge and are encouraged by the intent of the Office for Disability to seek out the views and insights of young people. We know that the distinct needs of children and young people with disability are often overlooked in both children and youth-specific and disability-specific policies. Or when the cohort are included, they are only represented in terms of their perceived vulnerability, rather than as a promotion of their strengths and talents.

Government consultative processes are often inaccessible for young people with disability because of the times they are held, the format they are run in, the language that is used and overly formal environments. This unsuitability can then be compounded by the absence of assistive supports, such as captioning or interpreting.

Rather than young people providing feedback on the existing terms of governments, governments need to be flexible to adapt to the communication wants and needs of young people. From CYDA's experience, this is best achieved by hiring young people and youth organisations to design the content and facilitate the sessions. In

this context, CYDA strongly encourages engagement with Youth Disability Advocacy Service (YDAS).

However, when hiring young people and/or youth organisations, such as YDAS, there must be fair recognition and remuneration of the time and resourcing it takes to run a consultation with young people safely. This can include advertisement/recruitment, briefings, debriefings and training, meeting access needs, providing social and logistical support, and administration around payments.

Recently, CYDA collated resources about best practice engagement and participatory approaches for working with children and young people, including specifically those with disability in our submission to the *National Strategy to Prevent Child Sexual Abuse Final Development* consultation (p.3). We have also included this information in the supplementary document attached.

Promotion of young people's freedom to enjoy sex, sexual diversity and gender identity

CYDA strongly endorses the suggested outcome area of promoting and protecting people's right to exercise freedom, agency and risk – particularly around sex, sexual diversity and gender identity. Children and young people with disability are routinely excluded from sexual education and relationships programs. This is built on harmful historic assumptions and public narratives that people with disability are either asexual/non-sexual or hypersexual.² Not only does this contribute to undermining the enjoyment of an important aspect of life, but it also denies young people with opportunities to learn about and recognise healthy and unhealthy patterns in relationships and to protect themselves from sexual exploitation.³

This systemic failing was amplified for CYDA during the Summit, where two sessions were held on sexual health; one for young people aged 15-17 years and one for those over 18 years. Many young people in the under 18 group noted this was the first time they had access to sexuality education that was inclusive of intersectionality such as disability, gender and sexuality; and some noted this was the first time they had access to any sexuality education at all.

Further, members in the 18+ group raised that there was a lack of specific resources around sex and sexuality for young people with disability and a need for greater support and accessibility of options for those in potentially abusive relationships.

Young people CYDA has worked with us have also shared with us the importance of being seen and appreciated as their whole selves – inclusive of and beyond their disability. Intersectionality and the recognition and promotion of different identities, such as ethnicity or sexual and gender diversity, in the community is fundamental in ensuring that all young people feel safe and included.

² Women with Disabilities Australia (WWDA). (2015). *Submission to the UN Committee on the Rights of the Child (CRC): Development of the General Comment on the Rights of Adolescents*. Available at https://wwda.org.au/wp-content/uploads/2013/12/WWDA_Sub_CRC_GC_Adolescents.pdf.

³ Robinson, S., Graham, A., Fisher, K., Meltzer, A., Blaxland, M., & Johnson, K. (2017). *Preventing abuse and promoting personal safety in young people with disability: Final report*. Available at [Preventing Abuse and Promoting Personal Safety in Young People with Disability \(rcypd.edu.au\)](http://Preventing Abuse and Promoting Personal Safety in Young People with Disability (rcypd.edu.au))

We recommended that in developing the new Fairness and safety outcome area, that the Office for Disability works closely with Minus18, the leaders in championing change, building social inclusion and advocating for the rights of young LGBTQIA+ people.

Thank you for the opportunity to provide input into the development of this important plan. If you would like to know more about The Summit or CYDA's work, please feel free to contact me or our Youth Action Team on 03 9417 1025 or info@cyda.org.au.

Kind regards,

A handwritten signature in black ink, appearing to read 'Mary Sayers'.

Mary Sayers
Chief Executive Officer
CYDA