**Draft Transcript**

Melbourne Disability Institute

A New Disability Rights Act Webinar

(Via Zoom)

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KIRSTEN DEANE: Good afternoon, everyone. We'll just give everybody a few moments to come in and then we will get started.

Well, thanks, everyone. I think we might get started now. So welcome, everybody, today to today's panel discussion on disability rights. My name is Kirsten Dean and I'm the Deputy Director at the Melbourne Disability Institute.

Before we get started, I'd like to pay my respects to the traditional custodians of all of the lands on which we meet here today and pay my respects to Elders past and present. I want to acknowledge that this is, was and always will be Aboriginal land that was never ceded. I'm on Wurundjeri land this afternoon, but I acknowledge that we have people joining us from all around the country today and so I encourage you to acknowledge the traditional owners of the land that you're on. I'd also like to extend that respect to any Aboriginal or Torres Strait Islander people we have joining us here today.

I also like to start our events at MDI by also acknowledging the many, many, many years of disability advocacy that have brought us to where we are today. There are many individuals and organisations that have worked long and hard to advance the rights of people with disability in this country and we would not be here without their work today and we would not be able to have this conversation here today. So I want to acknowledge their tireless and often thankless work.

And I also ‑ it's sad to start off on this note, but I do have to start with a couple of apologies. MDI has been felled by illness this weekend and unfortunately our Director, Bruce Bonyhady, and our MDI Research Fellow and my co‑host for today, Raelene West, have both come down sick over the weekend. They both send their apologies and they're really sorry that they're going to be missing this conversation here today.

So if I could just run through a couple of housekeeping items before we go through. Just a couple of notifications to let you know, we are recording the session here this afternoon so that people who are not able to make it can view it later. We also have at least one journalist in the room. I would just like to let people know that that's the case.

We have captioning provided by Captioning Studio. Thank you very much, Nari and Mandy. You can access the captions by turning on the captions at the bottom of the screen or by using the link that Sara has just popped in the Q&A.

We also have Auslan interpreters, Brooke and Daniel, from Auslan Services, and they will remain pinned to the screen for the entire webinar.

Throughout the session, you're welcome to use the Q&A function to pop all of your questions in the chat. When we get to that part, we will try to get through as many questions as possible, but we do have a lot of people here today, so I'll apologise in advance if we don't quite get to your question.

And finally, I wanted to take this opportunity to thank Kay Wilson, from the Disability Law Network, and the team at the Melbourne Social Equity Institute for supporting today's event.

So today our discussion is going to focus on how we can continue the work of those who have come before us advancing the rights of people with disability in Australia. We'll talk about some of the attitudes that some in our community still hold towards people with disability and whether and how a Disability Rights Act or perhaps even a Human Rights Act could drive what the UN Convention calls the progressive realisation of rights.

It's a really big subject, we've got a lot of people here, and I'm sure that you're really keen to hear from our esteemed panellists, so let's get going.

I'm sure the panellists that we have here this afternoon need no introduction, but let me just very briefly introduce you to who we have joining us here today. So first off, Alastair McEwin. Alastair was Australia's Disability Discrimination Commissioner from 2016 to 2019 and most recently he served as a Commissioner on the Disability Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. He also recently joined us here at Melbourne University at the Grattan Institute as a Senior Fellow.

Next we have Micheline Lee. Many of you will be familiar with Micheline for her remarkable recent Quarterly Essay Lifeboat: Disability, Humanity and the NDIS. In this incredibly powerful piece, Micheline writes about how the NDIS, for all its good intentions, has not understood people with disability well enough. Micheline is currently working on her PhD supported, by the Melbourne Social Equity Unit, entitled Disability, law, and all that romance: a cross‑disciplinary approach to equality rights for people with disabilities.

I'm also really pleased to introduce you to Natalie Wade. Natalie is the Founder and Principal Lawyer of Equality Lawyers, a disability‑led disability rights firm providing legal services to people with disability and their families. Natalie has authored a book called Disability Rights in Real Life and it's a practical handbook for people with disability and their families on everyday disability rights law.

And finally, I'd like to introduce you to El Gibbs. El Gibbs is the Director of Policy at Disability Advocacy Network Australia and she is an Australian award‑winning writer with a focus on disability and social issues. She's worked as a consultant for a wide range of disability and community organisations, big and small, providing expertise in strategy, policy, communications and change‑making advocacy. So they are the fabulous panellists that we have joining us here today.

I'm going to start the event by asking each of the panellists a couple of questions and then we will throw it over to you to ask questions in the second half. Again, don't hold back. Pop your questions in the chat and I will draw on those when we get to that part of the event.

But if we could start with you, Alastair. You've had a really long involvement in disability and human rights policy work with both domestic and international roles in the private, government, not‑for‑profit sector, but most obviously and most recently you served with six other Commissioners on the Disability Royal Commission and after almost four years and 12 volumes later, the centrepiece of your recommendations is the introduction of a new Disability Rights Act. Can you talk us through your thinking and how and why you decided that this should be the foundation on which all the other recommendations should be built?

ALASTAIR McEWIN: Thank you, Kirsten, and good afternoon, everyone. I'm thrilled to be part of this very important panel discussion alongside my incredibly inspiring colleagues and friends Micheline, Natalie and El, and it's also wonderful to see so many people participating and watching this webinar.

I want to also quickly acknowledge that I am on the lands of the Kaurna people of the Adelaide Plains and I pay my respects to their Elders past and present. I also pay my respects to Aboriginal people who are part of this webinar.

Kirsten, thank you for that really important and extremely thought‑provoking question. The Disability Royal Commission recommended the enactment of a Disability Rights Act and our thinking behind that was a number of things and I may also from time to time add my own personal view. However, to be clear, I'm basing my comments on what the Royal Commission examined, heard and analysed and what they formed ‑ the findings and the things that formed the basis of that recommendation.

So essentially what we found and saw was that across Australia and domestically there was very little enactment of what we call the Convention, the Disability Convention, the Convention on the Rights of Persons with Disability. Whilst Australia has signed up to it and has committed to acknowledging and recognising the laws or the obligations in that Convention, the Royal Commission found that that hasn't really happened here in Australia. For example, there might have been some piecemeal improvement to the lives of disabled people, such as amendments to the Disability Discrimination Act, the establishment of the NDIS, the National Disability Insurance Scheme. However, the Commissioners found that these were very piecemeal and really there was no global acknowledgment and incorporation into our domestic Australian laws of the rights of disabled people as enunciated in the Convention.

We also found that the Convention, whilst recognising the rights of disabled people across all the human rights or the existing human rights, there was little for First Nations people, there was little intersectionality, so that's what we also found needs to improve here in Australia. We need a federal Disability Act that is intersectional, so recognising the rights of First Nations people and other people from other backgrounds.

The Disability Discrimination Act ‑ when it was established and came into force in 1993, it was held up as this will be the law that will make disabled people equal in Australia and the Royal Commission found that that expectation, or those expectations, had not been realised. So, in summary, we found that essentially Australia has a lot more to do to improve the rights or to recognise disabled people as rights holders on an equal basis in Australia.

I just want to also quickly mention or briefly mention the Convention on the Rights of Persons with Disability came into being as a result of the long history of exclusion, mistreatment, segregation of disabled people, disabled people being shut away from society in institutions, excluded from mainstream society. So it was because of the strong, united and collective campaign globally and particularly in Australia, including disability rights organisations or disabled peoples organisations, they campaigned to ensure that the broader human rights framework actually recognised disabled people as rights holders. So that's what we found in the Royal Commission, that it was important to recognise disabled people as rights holders.

So, in my view, the Convention, the CRPD, is a good best practice articulation of how disabled people hold their rights from a disability lens. So ultimately we recommended a Disability Rights Act be enacted in Australia. Thank you.

KIRSTEN DEANE: Thanks, Alastair. I've got a follow‑up question, but interestingly it's also already come up in the Q&A that I can see online, which is there's been a proposal that has been around for a little while now to have a Human Rights Act. So can you talk us a little bit through why the Commission decided to recommend a disability‑specific act rather than the Human Rights Act?

ALASTAIR McEWIN: Kirsten, another great question and that's one that we also considered in some detail. I absolutely can see the importance of having a broader Human Rights Act that recognises everyone in Australia, disabled or non‑disabled, as rights holders, as equal citizens in Australia, you know, not subject to non‑discrimination, equality before the law, and so forth. So whilst personally I'm not against the idea per se of a Human Rights Act, what I want to do is ensure that with a Disability Rights Act, even if it sits perhaps under the wider umbrella of a Human Rights Act, we don't lose the history of why we need to have disability‑specific legislation ‑ for example, to acknowledge the long history of exclusion, the long history of mistreatment and, of course, the ongoing segregation of disabled people. So, in my view, it's important and the Royal Commission also found that because of that history it's important to have disability‑specific legislation. Where that fits into the broader human rights framework I don't have a specific solution.

Having said that, I'll illustrate my concerns or, rather, my point about maintaining disability‑specific legislation through, for example, Article 24 of the Convention talked about inclusive education, disabled kids learning in a generalist mainstream inclusive education system. If you put that into a broader Human Rights Act and have just broadly the right to education as that is currently included in the Universal Declaration on Human Rights, it makes it harder for us as the disability community to continue to acknowledge that there are still ongoing issues of disabled kids being excluded from the mainstream education system.

KIRSTEN DEANE: Thanks, Alastair. Micheline, if I could bring you into the conversation. While we're all in furious agreement about the need for a human rights approach, we don't always agree on how we might conceptualise it or how we might apply it and you talked about that a lot in your fabulous Quarterly Essay. Can you talk a little bit more about it with us here this afternoon and how, in particular, you think that we can use the NDIS, the National Disability Insurance Scheme, to further the human rights of people with disability in this country? Thanks, Micheline.

MICHELINE LEE: Thank you, Kirsten. It's great to be here. I just can't start my video and I have a message saying the host has stopped it.

KIRSTEN DEANE: Okay, we might try to sort that out in the back end. Ti, can I get you to try to turn Micheline's video back on?

MICHELINE LEE: Thank you. Here I am. It's great to be here. Thank you for the privilege of being involved with the Melbourne Disability Institute and such illustrious speakers here.

I agree very much with Alastair's emphasis on human rights as the foundation for making sure that people with disabilities are included and your question goes right to the core of the issue of why policies that we make that have the goal of advancing the human rights of disabled persons often don't deliver to their full potential. Although we say we adopt a human rights approach and the Convention on the Rights of Persons with Disabilities makes it quite clear what a human rights approach is, we are still influenced by prejudices and misunderstandings about disability that distort our understanding and hold us back.

So what is a human rights approach under the CRPD. Forgive me for using this acronym for the Disability Rights Convention, CRPD. The approach is with who a human is and how disability is conceived. So why does how disability is understood matter? Because how disability is understood affects how we respond to it.

When they saw us as requiring protection, they institutionalised us. When they saw us as defective, we were hospitalised and medicalised. When they saw us as tragic, they treated us as objects of charity.

Now Australia claims a human rights approach, but is held back by a culture still shaped by a history of denying the humanity of disabled persons and of seeing the person's condition as the problem and not recognising how disadvantage is caused by societal attitudes and barriers.

Earlier human rights treaties had been premised on the liberal, rational and self‑sufficient person who just needed to be protected from discrimination and interference in order to exercise their rights. The CRPD recognises the artifice of that conception of the human. In fact, all people experience vulnerability and dependency to different degrees and at different life stages by virtue of our human and embodied state.

The CRPD defines disability as part of normal human variation. The CRPD rejects the medical model that sees disability as an individual defect. It adopts the social model of disability that shows the disabling effects of society. Society has excluded and disadvantaged disabled people by its inaccessible structures, including schools, transport, buildings, legal systems, inflexible work arrangements.

We are disabled by our bodies and by society. This CRPD conception of disability obliges states to provide care and to remove societal barriers and take steps to achieve inclusion.

The dominance of a medical model and today's market approach has led to an overemphasis on individual solutions and increasing individuals' access to services with a resultant neglect of the social barriers and attitudes that determine inclusion. The NDIS has been a powerful example of a reform that aimed to advance human rights, but lost its way because it relied too much on an individualist and market approach.

The market approach has helped deliver more individualised services and has contributed to a growth of services. For those who have been able to navigate the NDIS, it has been life changing. However, it has also led to a very inequitable NDIS. Disabled people who still have needs, but don't qualify for the scheme have been left with no services. People on the scheme who don't have the capacity to be good consumers and advocate for their needs have missed out. People who the market does not see as profitable because they live in remote areas or their needs are seen as too specialised or they are seen as having difficult behaviours have missed out and, importantly, the NDIS has resulted in the neglect of broader social changes, which has meant that although some of us have more of our individual care needs met, Australian society itself has not become more inclusive. After its first 10 years of operation, the NDIS has become, as Bill Shorten says, the only life boat in the ocean.

Now we are at the very exciting reform stage of the NDIS. The NDIS Reform Report says that a human rights approach will underpin its reforms. We can already see this in its emphasis on the need for broader social change and the fact that it has already gained financial commitment from governments for this. The report puts front and centre the need for treating the NDIS as part of what it calls an ecosystem that involves supports and inclusionary measures being available in the community.

The CRPD human rights approach actually provides a roadmap, or what it calls an inclusive equality approach, that sets out the prerequisites for ensuring a reform is likely to advance human rights. These prerequisites respond to the reality of the experience of disability and disadvantage.

In a nutshell, they say that you can't have inclusion without the real opportunity to pursue one's own valued choices. For that, disabled people need to have a voice to have real negotiation power. You need real options available to choose from. For example, it's not real choice if you're up for segregated education because there are no reasonable alternatives available. You also need to be valued as equal and there must be recognition of your context and actual capacities. And finally, we need transformation of social structures to accommodate different needs.

I would like to see the NDIS assess each of its proposed reforms against the prerequisites provided by the CRPD human rights approach.

KIRSTEN DEANE: Thanks, Micheline. If I could be cheeky and ask a follow‑up question. In one of the responses to your Quarterly Essay, one of the authors talks about how reluctant Australians are to talk about or embrace the concept of rights and you and I have talked about that before. Sometimes in Australia we don't even want to talk about rights at all and that stands in really stark contrast to other countries around the world. You must have given that a lot of thought when you were writing this essay. So I'm curious about where you landed. How do you think we should talk about rights in this country? Should we confront the issue head‑on, or should we continue to use other language to describe what we mean in order to get other people on board with the reform agenda?

MICHELINE LEE: Thanks, Kirsten. I think one of the things that we need to acknowledge is that one of the main reasons why people don't like human rights is because they threaten the status quo, they don't like to see human rights as an entitlement and they find it hard to accept that society has a responsibility to do things differently. Every group, women, Indigenous peoples, et cetera, asking for change have come up with similar cultural resistance, but that's not actually a reason for abandoning a human rights approach. If we do this, we're not changing the attitudes and the societal structures necessary for inclusion.

The NDIS gained bipartisan approval as an insurance scheme with a market approach. Human rights were downplayed to gain that approval. Hopefully through the reforms this is being corrected now that we have seen the negative effects of not adopting a human rights approach.

Being aware of the resistance to human rights is not a reason to abandon their mention. It's a reason for being more strategic. Much of the resistance is based on myths about humanity and disability and the role of government. By telling our lived experiences and being heard, we can dispel these myths. My Quarterly Essay blends policy theory and my own story and those of other disabled people. It was hard to do, but I think that's why it speaks to people.

A Disability Rights Act will be integral to cultural change, but people won't listen just because we say the human rights approach in the CRPD is now law. People will listen, however, if we can show how individualised and market approaches are based on a fiction of who disabled people are and how disadvantage is caused.

The human rights approach under the CRPD was formulated by disabled persons from all over the world and responds to lived experience. It's not perfect because compromises had to be made for international acceptance of the CRPD, but it goes further than anything else in responding to our reality.

I used to work in legal reform and policy. Governments always talk about the importance of evidence‑based policy and legislation. Governments might not listen to us just because we say the CRPD says so. It will listen, though, if we can show that the market approach on which a reform is based has no evidence for advancing human rights, whereas there is evidence for a human rights approach. It responds to the reality of who we are and how exclusion is caused and experienced.

KIRSTEN DEANE: Thanks, Micheline. Nat, if I could turn to you now. We've already had quite a few comments and questions in the chat about the Disability Discrimination Act, so you are the perfect person for me to ask this question. The Disability Discrimination Act is a reactive law. It only comes into force when discrimination has already happened and it relies on individuals being willing and able to make a complaint. So the focus isn't on achieving equal outcomes or opportunities. It's about dealing with issues one at a time and the problem with this kind of formal equity is that it can reinforce inequity even while it's trying to address it. So can I ask you how do you think that the proposal for a Disability Rights Act sits alongside our existing DDA and how do you think the two things could work together to, using the language of the UN Convention, progressively realise rights?

NATALIE WADE: Thanks so much, Kirsten, and good afternoon. It's an honour to be with you all. I'll just begin by of course acknowledging that I am coming to you from the lands of the Wurundjeri people of the Kulin Nation having just left my home town on Kaurna land.

I would also like to pay my respects to those who went before the Disability Royal Commission and shared their stories and their lives so that we could achieve the change that is needed for generations to come in this nation and recognise the violence, abuse, neglect and exploitation that people with disability continue to endure today in everyday life.

This is a really important if not slightly nerdy part of the conversation around whether we need both a Disability Rights Act and a Disability Discrimination Act or if we need only one or the other and there is also in conversations some merging of the two concepts.

KIRSTEN DEANE: Nat?

NATALIE WADE: Yes.

KIRSTEN DEANE: Sorry, it's Kirsten. I'm sorry to interrupt. There's just a few folks in the chat saying that they're finding it very difficult to hear you, so could I either ask you to crank up the volume ‑‑

NATALIE WADE: One moment. Get ready. Now is it better?

KIRSTEN DEANE: It's fantastic. That's much better, thank you.

NATALIE WADE: Okay. Well, look I won't repeat all that I just said. Perhaps I'll write it in the chat after. It was acknowledgments. Important though they are, I'll put them in the chat after.

Thanks, everyone. A Disability Discrimination Act and a Disability Rights Act are two wholly different but somewhat linked concepts. As Alastair mentioned at the outset, Australia has taken a relatively piecemeal approach to endeavouring to protect and realise the rights of people with disability and the role of discrimination law has been fundamental to that and at its time it was profound. It was a genuine and significant advancement in the rights of people with disability in Australia.

However, disability discrimination law is, as was said in the question, a reactive mechanism. It relies on people to have something wrong to then make a complaint to then address the individual (inaudible). Now, in some parts of the antiquated Disability Rights Act that would be similar insofar as a Disability Rights Act would also have a complaints mechanism. So if you were denied the right to accessible information or the right to inclusive education, then that too may trigger a complaints mechanism. But disability discrimination is not synonymous with enforcement of rights. It's a way in which we compare people with and without the characteristic, in this case disability, and determine whether or not, based on that characteristic, that person has been treated unfavourably.

So even though in the disability context that usually does mean a denial of rights and it is an inherent human right to be equal and live free from non‑discrimination, it is something entirely different and the legal test that is applied is entirely different than that which is being proposed in a Disability Rights Act.

A Disability Rights Act puts forward the case that there should be specific rights that are enshrined in law that people should expect to see through not only the complaints mechanism that I spoke about, but also through the creation of positive duties. So creating a positive duty on government in the first instance, but then non‑government organisations and the private sector to create specific mechanisms and approaches within their environments that support and honour and facilitate the participation of people with disability is really paramount.

I think the role of creating positive duties has a really profound impact not only on the behaviour of government and non‑government actors, but also in terms of the community‑based conversation we're having. We've seen this be very powerful recently under the Sex Discrimination Act, which has had positive duties introduced around sexual harassment and now it's a legal requirement that an organisation must take steps to ensure sexual harassment is not occurring in the workplace, and we are starting to see in that space there is a shift in the way that we're speaking about sexual harassment and the way that we're speaking about particularly the right of women to be free from sexual harassment in those places. Introducing positive duties therefore moves the onus on to the organisation or government agency rather than sitting solely with the person with a disability.

So it's a really important way in which we advance rights through a rights‑based law rather than through a discrimination‑based law. However, you need both. You absolutely need to have discrimination law in this nation, as we have for many characteristics, including disability, and interestingly enough, there's a similar conversation in the discrimination law space around nationalising and harmonising discrimination laws so that there is immunity as somewhat we are discussing around whether or not there should be a Human Rights Act or a Disability Rights Act. But you definitely do need both and they play separate but very important roles that seek to advance the progressive realisation of the rights of disabled people in Australia.

KIRSTEN DEANE: Thanks, Nat. Can I ask you the same question that I asked ‑ you've touched on it there in your answer, but could you tell us a little bit more? Can I ask you the same question that I asked Alastair? How do you think that the proposal for a disability‑specific rights act sits alongside ‑ you've described how it sits alongside the DDA, but how do you think it sits alongside the proposal for a broader Human Rights Act?

NATALIE WADE: Thanks so much. Certainly absolutely I, like Alastair and like most people on this call, strongly support there to be a federal Human Rights Act. It's absolutely essential. Australia is one of the only western countries remaining that do not have a federal Human Rights Act and we're seeing in the states that do have Human Rights Acts that have had for a long time, the ACT and Victoria, or numerous states like Queensland, have had had great success in having those laws.

However, for me as someone like all of my esteemed panellists who has spent a long time thinking about law reform and disability rights in an Australian context, I think that it is critical that we have both a federal Human Rights Act and a Disability Rights Act for the reasons somewhat very similar if not the same to Alastair. I think my view, though, extends not only to ensure that we have clear statements of law from the parliament that recognise the rights of people with disabilities specifically on the background that disabled people have been exposed and left behind for generations and have been subject disproportionately to very poor outcomes throughout many domains, all domains of life, but I also think that a Disability Rights Act, as opposed to a federal Human Rights Act, has a specific value to add in our community conversations.

So laws do in some respects two things. They tell us all how we should behave and what we should do and what the Government or the Parliament, the Government of the day, thinks is important, but they also provide us as a society with language and expectations and I think to be able to progressively realise the rights of people with disability it is absolutely imperative right now that we have an Act that specifically drives that conversation. We need to have a Disability Rights Act so there's visibility of disability rights in this nation, but there's also a specific conversation that we're having with language that reflects the realisation of rights for people with disability. But with that it would also be really excellent to have positive duties and to have a complaints mechanism and a national disability commission, of course, but I think it does those three things in a really important way that is highly relevant right now.

KIRSTEN DEANE: Thanks, Natalie. El, if I can turn to you. You have spent many years, many years, campaigning for a better deal for people with disability in this country and so I can't think of anybody better who can read the play and understand where we are now both in terms of the disability community but also in terms of the politics of all of this. So can I ask you where do you think we are in terms of a response to the Royal Commission and what do you think we need to do to create some momentum for change?

EL GIBBS: Really good questions, Kirsten. Can you all see me okay?

KIRSTEN DEANE: Yes, we can see you fine, El.

EL GIBBS: Fantastic. Look, in terms of a response to the Royal Commission, I think we've seen that governments of every flavour and at every level are finding it really complicated, which we could have told them, and the announcement last week that the response was going to be delayed until at least mid‑June this year was not unexpected, even if it was disappointing not to have an indication of what governments are going to do.

Look, I really loved listening to the panellists before me and had lots of excitement thinking about what the possibilities of a Disability Rights Act are, but I'm a little more cynical about the possibilities of us getting a human rights framework enacted into law in Australia. So I want to have a little bit of a conversation around that, but also try not to be as negative as I think I might be in my own head.

But firstly, I want to really think about that we've got decades of history of disabled people as a community fighting really hard and winning really big change. So I come from a very long line of disabled people who got, excuse the language, pissed off at the status quo and decided that things needed to change. So even in terms of law in Australia, which is what we're talking about today, from the 1980s we had the Disability Services Act and you can read a report called New Directions that was written in the early 1980s and it says an awful lot that sounds extremely familiar to us today. So in the 1990s, as we've heard, we got the Disability Discrimination Act; in the 2000s, the National Disability Insurance Scheme and the CRPD; and in the 2010s we campaigned for and won a Disability Royal Commission.

So I am really confident that if disabled people get behind a Disability Rights Act, we can win one because I've seen us do an enormous amount and win a huge amount of change. We've won the biggest social policy through the NDIS in the last 15 years. But I am concerned about us having a way of talking about it that really articulates why this is a solution to the problem that I'm not sure most people really understand.

So I'm not a lawyer, I don't have fancy lawyery things to say, but the way I understand the need for a separate Disability Rights Act is that there are things that only happen to disabled people. There is stuff that happens where people with disability are ‑ their rights are taken away, if you want to think about it that way, where they are locked up, where they don't get to go through a trial, where they don't have equal access to justice, where they're put in places where they don't have any choice where they live, where they're told they have to live with a whole lot of other people they don't like, where they're not given any way to communicate, where their decisions are taken away. You know, the Royal Commission heard, you know, a young man that I think is known to most of us is campaigning really hard against guardianship at the moment who talked about not even being able to buy a bunch of flowers for the person that he loved. And these are the kinds of laws that really only apply to disabled people.

So that's my understanding of why a specific Disability Rights Act is so important because a general Human Rights Act, as amazing as that would be, wouldn't cover the kinds of things that only happen to disabled people and particularly happen to First Nations disabled people and people with an intellectual disability.

But when we were talking about rights and when we're thinking about that, Micheline talked a little bit about how we're often not even seen as equal as people. So for people to understand that we have our rights infringed, they need to understand that that is different to what they experience, and while we've had four and a half years of, you know, people spilling their guts to the Royal Commission about the worst things that have ever happened to them, you know, as a lot of us have talked about, that isn't really widely understood or known.

So I think part of it is for people to understand why the Rights Act is the solution to the problems that we're having at the moment. And I think people like to think of themselves as nice to us disabled people, they want to see themselves as supporting the NDIS and doing the right thing, but the reality is that people don't always support our inclusion and they don't always think that people with disability belong in the house next door or in their workplace or in their home and that's some of that deep prejudice against people with disability that we have to address and understand as part of any campaign for change.

One of the ways that we do talk about rights, and there's lots of research in terms of messaging and framing and all of that kind of that's probably way more familiar to me than the intricacies of law and Rights Acts is about talking about values, those kind of values that we want everybody to understand. So when we're thinking about segregation, as everybody has talked about with education, for example, we want all disabled kids to be able to learn with other kids, get a great education, be able to be part of a community. Talking about those kinds of values is the way to really kind of get beyond the technicalities of rights itself and to really get it so that it applies to everyone in the community, not just to people with disability.

One of the things, though, that I do get a little bit ‑ I don't want to say cynical, but maybe realistic around is that with the differences of opinions about the Disability Rights Act versus the Australian Human Rights Act and do we want to have one or the other or potentially both, I think we'll probably only get one go at this in terms of rights and I suspect that's what the current Disability Discrimination Commissioner is thinking about.

I don't know how we're going to actually do this in terms of that. There isn't a large amount of appetite for a big change in terms of human rights in our current political system. I haven't heard anyone talking about it in terms of the next federal election. I haven't seen much kind of appetite for it from either of the two major parties that form government and that's what it actually means in terms of getting it enacted and that will need campaigns, it will need huge amounts of work that goes towards it.

But one of the things about a Human Rights Act or a Disability Rights Act or even the Disability Discrimination Act, they are a tool in terms of getting change. So one of the things that I think Nat talked about, Natalie talked about, in terms of the positive duty and embedding that also talked about potentially enforcement and an agency that could undertake the enforcement of that Rights Act.

So one of the recommendations from the Royal Commission that I really liked was the idea of a national Disability Commission and this is something that the Commissioners talked about as enacting or enforcing the Disability Rights Act and I do think that having a kind of universal ‑ like a national standard around what our rights are, a national complaints organisation that would actually be able to act on things going wrong for people with disability with some teeth actually being able to do that and being a kind of national presence, talking about and standing up for our rights I think is really, really important. Just having a piece of legislation isn't enough. It actually needs something to enforce it, it needs people to enact it, it needs all of us then to be able to know how to use it in terms of getting things done.

One of the things that other countries that do have these kinds of legislations have done, particularly in the US, they have been able to use the legal system and the legislation to really kind of do that sort of proactive arguing about change and getting change in the community, in the environment, in institutions using that. We don't quite have that culture here or that system or kind of, you know, spare lawyers lying around who can just go, "I can absolutely run a case for you, that's easy as." So I think they're some of the things that I've been really thinking about and trying to wrap my mind around whether it would actually work or not.

There are some really ‑ the way that we've been talking about the response to the Royal Commission and to this Disability Rights Act is to make sure that people with disability are in charge and one of my disappointments at the moment is that we don't have any formal mechanisms for people with disability to engage and be driving the changes that are happening at the moment. Like Micheline, I'm excited about this part of the process of the big reforms that are happening at the moment ‑ they're scary, but also exciting ‑ between the NDIS Review and the Disability Royal Commission. The time for big changes is now. But people with disability have to be driving that change. All of the disability representative organisations, both national and state and territory, have asked for a Disability Reform Implementation Council run by people with disability where we actually have a say about what happens next and one of those things might be that we start with a Disability Rights Act, but we don't even at the moment have really a seat at the table.

So I think the next step for us in terms of campaigning is going to be starting to get together as a movement, as a community, as organisations and as disabled people and our allies in the community about what we want next. But, yeah, my professionals comms and campaigning advice is if you want a Disability Rights Act, you're going to have to fight hard, but I'm entirely confident disabled people can do it.

KIRSTEN DEANE: Thanks, El. If we are going to campaign and if we are going to do this, we have to agree on the ways that we are going to talk about it, and you touched on it in your answer just then, but also Micheline talked about it a little bit earlier. In Australia we have been generally reluctant to tackle the issue head on and talk about rights as rights. We tend to talk about them in euphemisms and we don't tend to talk about them in rights.

So if we are going to campaign and sort of create the momentum for change, given your communications expertise, what do you think is the best way to talk about it? Do we tackle it head on and say, "Hey, Australians, it's time to get over your allergy to talking about rights and let's talk about rights", or do we continue to talk about them in a different way? What do you think.

EL GIBBS: Look, I'm a little bit plan A, a little bit plan B, to be honest. I like a lot of the research that's been done and I agree with it, where particularly here in this continent when we talk about human rights, people go, "Nah, that just means that someone is getting something I'm not", and the research kind of backs that up, from focus groups and polling and that kind of stuff. And there are lots of messaging guides, including one that the Human Rights Commission has done and one that I'm working on ‑ we're working on at DANA around how we talk about these things when we talk about framing in our values and what values we have in common. There's a lot of research and testing and all of that behind that and it does work, particularly when you try to persuade someone, which is what you're trying to do when you're convincing them to support your case.

But I do think we should be actually talking about what a Rights Act could do and what it would change because there's no point us talking about wishy‑washy values. We are actually talking about what a Disability Rights Act could or wouldn't do. So would we say something like, "There are people with disability right now living with hundreds of other people and they have no say over who they live with, they don't know when they go to bed, they can't choose what they even have for dinner, this Disability Rights Act would break down the door and make them free", or something like that. Is that the way we talk about it? Do we talk about it as a tool that would get change?

I think that actually has some power to it, but it makes it specific rather than abstract when we're thinking about it because often rights are about something floaty off there and I think making it much more concrete is incredibly important.

So when we talk about things like guardianship, for example, one of the most interesting things for me that's come over the last couple of years has been the conversations around Britney Spears, for example, the conservatorship that she was put under and then the work that she did to free herself from that conservatorship, which is a form of guardianship, and the very public conversation that was had about her rights to make her own decisions about her own body, about her life, about her music, about all sorts of things, and that was a very public conversation about a really complicated issue and I think that's the kind of thing that we need to do. The conversation wasn't had about the ins and out of conservatorship or the Rights Acts in the US. It was had about her body and her ability to make those decisions over it, which is something that everybody wants to have.

So I think they're the kinds of conversations that we need to do to translate where disabled people don't have rights and where those rights are being breached all the time and make it very real for people. So things like, you know, did you know that people with disability can be paid $2.70 an hour for driving a forklift?

Now, I use that example a lot around experienced labour, those kinds of things, and people are always really shocked and they say, "That can't be legal" and I said, "It's not only legal, that is an award wage."

Now, people freak out when you tell them that story, but notice I haven't used the word "rights" in there, but I could say something like, "The Disability Rights Act would mean we could take action and stop that" and I think they're the kind of ways that we want to communicate about both the values that we want, but also the Rights Act as a tool.

KIRSTEN DEANE: Thanks, El. And in fact, at this point we're going to turn to the questions that we've got in the Q&A and thank you to everybody who's posted a question or a comment. It has a technical term, it has gone off. There's some great questions and comments in there.

So what I'm going to try to do so I can get through as many as possible is I'm going to smoosh some together and try and bring some themes together. So smoosh is a technical term, but I'm kind of going to summarise so that we can get through as many question as possible.

And there is a bunch of different ways that people have asked this question, and I'm going to ask it of all the panellists, so you're all on notice, but El, I'm going to ask with you because it follows on from your comment. Basically the comments in the chat are pretty much what do you think the political appetite is in this current term from this Government for either a Human Rights Act or a Disability Rights Act or both, and noting that some of the comments have said we have had, very unfortunately, a failed proposal for reform that has not got up this year and so what do we think the political ‑ you know, where do we think the politics are in terms of getting either a Human Rights Act or a Disability Rights Act? So El, I'm going to start with you, but the rest of the panel, you're all on notice. I'm going to ask you all the same question.

EL GIBBS: You're probably not going to like my answer, Kirsten, but I think the probability in this term of Parliament is zero. I think that there is a process under way around a Human Rights Act, a human rights framework that will need to work its way through, but I think a Disability Rights Act to enact in this particular Parliament, this particular term of Government ‑ I'm really happy to be wrong, I would be delighted to be wrong, but I think it's zero.

KIRSTEN DEANE: Can I ask you a little bit more about why, why do you think, El, and then I will go ‑ Natalie, I'll start with you next, but El, why do you think that?

EL GIBBS: Okay. So it's not that I don't think the Government isn't supportive because I do. I do think that this particular Government is a reformist Government and progressive, there are lots of progressive parts of this Government, there are not progressive parts of the Government, but I think there are some genuinely interested parties, including the Attorney‑General and the NDIS Minister and the Social Services Minister. But I think the political environment is not friendly to that and I think that trying to bring a new piece of social reform at the moment in a fairly contentious environment would be very, very difficult to do when there are a number of other reforms on the table.

Like I think that this Government has been working really hard in a range of areas ‑ we know we're really busy in our part of the world. That is happening in every single other part of government. So starting something brand new at this point I think would be really challenging to do in terms of the time that it takes to get things right. We don't have a Disability Rights Act written. We don't have the consultation yet that goes into it, just the practicalities as much as anything else. So the time to do ‑ even if we could go at express pace along with all the other reform that's going on, it would take at least a year to get that done and then we'd be right smack bang against the next election. So some of it is practical, but some of it is also political.

KIRSTEN DEANE: Thanks, El. Nat, if I can bring you into the conversation. Where do you think things are at in terms of, you know, the push for either a Human Rights Act or a Disability Rights Act?

NATALIE WADE: Thanks so much. I agree with El, and I always defer to El's expertise, absolutely. So I feel like this might be cheating off her homework a little bit.

But look, the nature of law reform is that governments rarely, and I'm trying to word this in the most flattering way possible ‑ governments don't come up with their own law reform ideas. They definitely didn't come up with the NDIS. That wasn't their idea ‑ like the Government of today, it wasn't their idea. They didn't come up with the DDA, it wasn't their idea. Like law reform counterintuitively enough doesn't start with government. It ends with government. The Parliament is the place where the magic happens, absolutely.

But, you know, in all the law reform campaigns that I've been involved in there's always this necessary lead‑in time and in my experience, and it's hard to generalise and I don't want to be overly (inaudible) about this, but it takes at least 5 to 10 years, in my experience. All the campaigns that I have ever been involved in that have been successful that now are the rules that we refer to, and I disability rights lawyer litigate on often are proactive campaigns that civil society has run over a relatively enormous amount of time and not often within one election cycle.

Now, that sounds really like oh, what, but it ‑ I don't know, like obviously law reform should be quick and I would love to see a Disability Rights Act right now. I really, really have in the forefront of my mind always people who are currently experiencing really serious, really abhorrent human rights violations in their everyday life and I am very mindful that law reform cannot take as long as law reform does for them.

And the Disability Royal Commission spoke about, you know, phasing out segregation over a 28‑year span. That, you know, is according to Google two generations which people will be left in segregated environments and that takes my breath away when I think of that. But then I also think it's probably a relatively ‑ you know, it's a relative timeframe when you think about reform.

The reason that Parliament and Government don't come up with the ideas is because civil society made up the laws. Most of the people here today know what we need, the people know what we need. People know what we need and the society that we want and that we deserve.

So my opinion is strike a balance and we should always strike when the Government is ready. Sometimes the Parliament will have ‑ as El and other expert campaigners will tell you, they will be in the mood for something and you've got strike that move when they're in it, but most of the time civil society needs time to educate around an issue, needs time to have these conversations that we're having today, needs time to debate and socialise the idea, to form a position and then to lobby Government and they lobby Government for years and lobby cross‑benchers and they lobby the Parliament more broadly to then get the outcome that they want, and everyone is very familiar with that journey through Every Australian Counts and the NDIS Act and similar.

But I think for me, like everything that El said plus civil society needs time for a campaign to bring it forward in a way that will really serve disabled people.

KIRSTEN DEANE: So we've got a question that's just popped in the chat. It follows on from both comments from El and Nat and the question is: If there isn't enough appetite or political capital to get a Disability Rights Act over the line, is an alternative could we coordinate efforts for reform to the Disability Discrimination Act that sits as close as possible to enacting rights as possible? We are too far ‑ sorry, I'm muddling up. We are too far behind to allow the law‑related recommendations to gather dust. Alastair, can I direct that one to you and then we'll bring Micheline into the conversation.

ALASTAIR McEWIN: Thank you, and this has been a fascinating conversation and really important because El and Natalie and Micheline have raised very important points around how do we get change happening and El is right in that it's a tricky time politically, you know. It's hard to see which way the wind is going sometimes with the disability community.

Natalie has talked about the need for generational change and I think when we start thinking about a Human Rights Act or a Disability Rights Act or changes to the Disability Discrimination Act, what I fundamentally believe is two things: one, the mainstream society, and I'm not going to go into the case for ending segregation that Rhonda, Barbara and I outlined except to say disabled people are continually, even today, devalued by mainstream society. So for as long as we have mainstream society devaluing disabled people, it will make it so much harder for us to have that conversation with mainstream society.

However, we can change that by if, for example, there is a groundswell and a grassroots strong campaign for a Human Rights Act more broadly, we need to be at the table, we need to be challenging what El described as the fear that non‑disabled people have of disabled people and of course we need to be talking ‑ as Natalie said, conversations need to be happening, we need to be there.

And on that note, we then need to work out well, what do we see as the top‑level thing that we are going to campaign for as a united collective voice, and I want to acknowledge the Every Australian Counts campaign is a great example of how the NDIS was established. Of course, I'm not going to go into now the history of the NDIS and the issues we still see, but some of that is related to again the attitude that mainstream society has towards disabled people.

So ultimately it comes down to what are the things that we see at top level, a Human Rights Act for example, and then try to embed the disability voice and the lens and the disability‑specific things that need to be incorporated, or do we push for legislative reform of the Disability Discrimination Act that may also result in positive change that says a positive duty for organisations and companies, et cetera, to have a positive duty to make their services and things accessible.

KIRSTEN DEANE: Thanks, Alastair. Micheline, have you got some thoughts on that? What do you think about the kind of continuing to push for a Rights Act, while still trying to push for reform to the DDA? Can we walk and chew gum at the same time or, more importantly, can governments walk and chew gum at the same time?

MICHELINE LEE: I think that the Disability Discrimination Act has actually been restricted in its application. We did try to reform the Disability Discrimination Act to create a positive obligation on governments and society to provide the structural changes and to prevent the barriers rather than wait for individual complaints and we haven't had much luck there.

I don't see that as a reason to stop trying. I think we just have to try harder and be more strategic. Because when you look at the evolution of rights, it is through the continual fight for it and the cultural change that the campaigning for this legislation and rights ‑ it's these things that make the cultural change that help advance the legislation.

I would think that in terms of political expedience, it may actually be more strategic to go for a Human Rights Act rather than a Disability Rights Act or we can go for both. I feel that we could go for a Human Rights Act that would achieve what we're hoping a Disability Rights Act would achieve because the Human Rights Act has Australia or campaigners have been campaigning for a Human Rights Act longer than we've been campaigning for a Disability Rights Act and now Australia is the only democratic nation that doesn't have some form of Bill of Rights or Human Rights Act and, as we know, governments do feel that pressure not to be left behind, you know, to catch up.

I do take what Alastair says about the fear that A human Rights Act isn't going to capture, you know, all the specific needs in relation to what the Disability Rights Act may cover, but I feel that as far as cultural change, advocating for the Human Rights Act may actually have advantages because one of the things that we are saying is that people with disabilities are part of society. We're just ‑ it's just part of the human condition that everybody has vulnerabilities. And in fact the inclusive equality approach that is taken by the Convention on the Rights of Persons with Disability is premised on Sandra Fredman's substantive equality, which is actually what has been adopted in the Convention on the Rights of Persons with Disability that recognises the things that we all have in common that we need care, we need a society that will help create resilience for people who are vulnerable and that will take a proactive stance and make the changes that are needed in society.

KIRSTEN DEANE: Thanks, Micheline. There's quite a few comments and questions and again, I'll try to sort of smoosh them together, about the attention that we need to pay to intersectionality when we're thinking about both a Human Rights Act and a Disability Rights Act and, indeed, the DDA. So if I could read one of the questions from Peter: "Will a Disability Rights Act provide for intersectional discrimination as in Article 5 of the Disability Convention? It's a major flaw in the current DDA that nothing prohibits intersectional discrimination enabling errant governments to discriminate against disability by resorting to a secondary characteristic." Alastair, I might start with you on that one and then turn to Natalie.

ALASTAIR McEWIN: Thank you, and that's another great question because, yes, as we've seen, the intersectionality, the issue of intersectionality, the courts and others have struggled to acknowledge that, you know, disabled people are not just from one background. You know, we've got a wide variety of people from all sorts of backgrounds and intersectionality is an important factor.

We also, you know, need to think about there's First Nations, there's people living in rural areas, there's also people from overseas who have come to live here in Australia and of course, you know, we still have issues around the Migration Act.

So having said all that, there's been a lot of issues for disabled people in trying to enforce their rights or rather address discrimination issues on the basis of disability if they have intersectionality characteristics. So the Royal Commission acknowledged that and, again, their recommendation for a Disability Rights Act was to see the practical translation of the CRPD, which has been pointed out, Article 5 talked about intersectionality. That's what the Royal Commission was recommending, to see the practical and legislative enactment into our domestic laws of the CRPD.

KIRSTEN DEANE: Thanks, Alastair. Natalie, can I ask you the same question? How can we make sure that we pay attention to intersectionality in a way that we haven't really been very good at doing in the past?

NATALIE WADE: Yes, sure. So it's a really important point because to date discrimination law has been formed on the basis of specific characteristics, so sex, age, ability, and you can bring a complaint that alleges discrimination on the basis of any of those characteristics in the one complaint, but never at the intersection. So it's an excellent observation.

I think that it really brings us back to the point of recognising and understanding the difference between discrimination law and disability rights‑based law or human rights law because they do choose very differently. So for the purposes of being able to bring a disability discrimination complaint that reflects your intersectionality, I certainly hear as a discrimination lawyer that that is something that is sorely needed, that people want to be able to have their lived experience wherever they are in intersections to be reflected in the complaint because they correctly feel that their experience of unfavourable treatment is more unfavourable because they are an Aboriginal person or because they are a woman with disability, and we also know that statistically that is true. We know statistically that women with disability have poorer outcomes in certain areas, for example, healthcare, than other people with disability, or we know that Aboriginal people receive disproportionate rates of unfavourable treatment in the justice system compared to people with disability in general.

So that is a really important point and I think that for the campaigners in the room you really need to be calling for reform of the Disability Discrimination Act to recognise multiple characteristics within the same or to recognise intersectional lived experience, which would be a new and different way of looking at disability discrimination or discrimination law in general.

In terms of recognising intersectionality in disability rights, again, very important and very needed, but looks different. So a Disability Rights Act would include provisions that reflect rights in the disability convention, or CRPD, such as, as Alastair explained, education, so having the right to inclusive education. That's different to having the right to be treated equally in an education setting. That's why you need two laws, right? You need one to establish the right so that you are able to have the right progressively realised, but also have that right protected if it is violated, but you also need ‑ within inclusive education, for example, you need to have the ability to be protected at law, to be treated equally or not unfavourably ‑ let's go equally.

So when you draft or develop or campaign for the reform of a Disability Rights Act, it is really important that we frame those rights in an intersectional way. Oh, my gosh, I'm in the dark. Never mind. You need to make sure that the law is able to recognise that, for example, in the instance of inclusive education, that will be a right that is inherently required by children and young people and recognising the intersection by ensuring there are appropriate points where we use the powers under a Disability Rights Act in the intersectional way both in the objects of the Act, sure, but also throughout the body of the Act ensuring that it requires decision makers, those with obligations under the Act to go back and think about and deliver on intersectionality.

KIRSTEN DEANE: Thanks, Nat. Just to say you're never in the dark to us. You're always in the light.

I am going to ‑ I'm looking at the time and I'm so sorry, we have got so many great comments and questions in the chat, but we are obviously not going to be able to get to them all. And we would love to continue this conversation at another time.

But I'm going to go with the last question and I'm going to ask it to each of the panellists. This last question comes from Belinda and it touches on something both Natalie and Alastair touched on in their last answer. So Belinda's question is: "A Disability Rights Act would have enormous resourcing implications. There would need to be significant investment by governments in improving the accessibility and inclusiveness of all service systems. So I'm interested to hear the panel's thoughts about how to make the case effectively for that investment given particularly there is so much focus, for example, on the costs of the NDIS, even though we know that that is only one part of what we need to do to build a genuinely inclusive community."

So I reckon that is an awesome way to finish the conversation. So El, I'm going to start with you. What do you reckon, on Belinda's thoughts? What have we got to do to make the case to continue to get progress in all areas?

EL GIBBS: It is such a good question and I think it gets back to what we talked about earlier that if the Disability Rights Act is the solution, what is actually the problem?

So I'll tell you a bit of a story, which is my way of answering the question. So when the NDIS Review came out at the end of last year, they talked a lot about this new magical thing called foundational supports. What on earth was foundational supports? So as generally happens when an NDIS thing happens anywhere, a lot of journalists rang me up and said, "Can you explain this to me, El?", which this happens to me quite often.

So I spent a lot of time trying to explain foundational supports to journalists and what I talked a lot about was where I live I live in sovereign Wiradjuri country in central west New South Wales. It's in a regional area and I talked a lot about if the train that we get out here is not working for some reason, it becomes inaccessible for me. Therefore, how do I get around and what does that mean for people who can't get around? If the public transport, so the public service that we all use and that we all contribute to, isn't working and isn't accessible for me, how do I get around? If I get my supports through the NDIS, the NDIS can pay to get me around, but that's expensive. It might be a disability support worker driving me around, it might be a taxi that I get a subsidised service from because I need a special service because the public service isn't available.

Now, that was a really ‑ that was the example that I ended up with because for journalists it made sense. It's more expensive if public services aren't inclusive of disabled people. But that didn't talk about rights, it didn't talk about any of that stuff and I didn't really talk about money, but they all got it really, really quickly.

So I use that kind of pragmatic example because it's very, very useful and making it very clear about which part of government should contribute and in this case it was the State Government because state governments pay for transport and not the Federal Government because they pay for the NDIS.

KIRSTEN DEANE: Awesome. Thanks, El. Micheline, you talked a lot about that very issue in your Quarterly Essay, so you would have some thoughts on what have we got to do to keep pushing for more inclusive universal studios that really are genuinely accessible for the whole population, including people with disability?

MICHELINE LEE: I think we've been focusing a lot on the cost benefit case, which is really important to show, as El was saying, how if people ‑ if public transport was accessible, how people are more likely to be able to be in the community, get to their jobs, et cetera, and also we've looked at what would happen if we didn't have the disability rights, the kind of damages that would occur in society, you know, what the cost of exclusion costs in terms of hospitalisation, homelessness, et cetera.

And I'm going to go back to the need for cultural change because I still am incredulous that more people are not outraged by the inaccessibility that we see all around us in society, the community, and we've just got used to seeing disability as an add‑on. We need to see it as a core part of society, core part of government responsibility. And as the CRPD says, if you're not going to include people with disabilities and take the measures that will enable that, then the burden is on government to show why it's not affordable or why it's not reasonable.

KIRSTEN DEANE: Thanks, Micheline, lots of thumbs up and love hearts during your comments then.

Natalie and Alastair, I'm going to give the two of you a very brief final word. Natalie, you first. What do you think of kind of your response to Belinda's question? How are we going to push the Government for real action that will require real investment.

NATALIE WADE: We've done it before, haven't we? We did it with the NDIS. We got them to front up. (Inaudible). So I think there is absolute precedence in Australia for investing in good lives for people with disability.

Australians are perhaps unique in that way in that we as a country and our culture as a society is that we want people with disability to be included, we want people to have a fair go, and even though we have a litany of legislation and practices that tell us otherwise around the treatment of disabled people, when you talk about how much will it cost for the benefit we get, I think that is a relatively reasonable way to start with conversations. El initially has spoken about that in depth. Also, when you require significant government investment, it is really important to be clear that the way we are currently doing it is not acceptable. This is not okay. It is not okay to have environments that are not accessible. It's not okay that you treat people in this way and you deny them their most fundamental human rights.

So it's actually not optional. Like any idea that governments or private sector have that they think that they are going to be able to trundle along for generations to come because it costs them too much is wasting both their time and ours. It's absolutely not optional. It's a question of when, not if and we have fantastic precedents outside of the disability rights movement, the women's rights movement and the Aboriginal rights movement where, you know, there would be absolutely many people in this call today that would remember a time where there were not female toilets available readily in public events or that there were not feeding and changing rooms available in workplaces.

So it is absolutely not optional. I think it is helpful to provide that cost benefit analysis, but ultimately even if the cost outweighs the benefit ‑ I don't see how it could, but if it did ‑ it's still the case that it is absolutely not appropriate that our human rights be violated and it ends really with this group of campaigners.

KIRSTEN DEANE: Thanks, Natalie. And Alastair, if I can turn to you.

ALASTAIR McEWIN: Thank you, Kirsten. My 30‑second response is that the Royal Commission recommended a national Disability Commission and one of its roles was exactly as El has described, to have that overall holistic oversight of all the issues that disabled people are experiencing. Yes, we have the Australian Disability Strategy. However, we found that that has failed to really take a strategic, coordination approach to address exactly the oversight of what we see where one department is failing to work with another department to address all the issues.

KIRSTEN DEANE: Alright. Thank you so much, Alastair. We are on time. Could I just ask everybody to join with me and in thanking Alastair, Natalie, El and Micheline for the incredible discussion that we've had here this afternoon and for them being so honest and open in sharing their insights and their experience and their thinking. We are incredibly grateful to all of you for the time that you have made this afternoon.

And thank you to all of you for joining us. We hope this will be the first of many conversations that we will have like this over the next little while. So stay tuned and come back. And thank you so much all for joining us this afternoon and I hope you have a great rest of the day. Thank you.