Submission to the Inquiry into Social Inclusion and Victorians with a Disability

Youth Affairs Council of Victoria, and Youth Disability Advocacy Service

February 2014

 

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| The Youth Affairs Council of VictoriaThe Youth Affairs Council of Victoria (YACVic) is a vibrant, member based organisation that represents and advocates for young people and the organisations that work with them. YACVic has worked for and with young Victorians and the services that support them for over 50 years.Our vision is for a Victorian community in which all young people are valued as active participants, have their rights recognised and are treated fairly and with respect.  | The Youth Disability Advocacy ServiceThe Youth Disability Advocacy Service (YDAS) is the only advocacy service in Australia which exists specifically to work on issues of concern to young people with disabilities. YDAS offers individual advocacy to young people aged 12-25 who have a disability, as well as systemic advocacy on issues that are important to them. This broader work is directed by the YDAS steering committee, whose membership is made up of young people with a range of disabilities from across Victoria. YDAS is a service of the Youth Affairs Council of Victoria, funded by the Office for Disability. |

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**Background**

The Youth Affairs Council of Victoria (YACVic) and Youth Disability Advocacy Service (YDAS) welcome the opportunity to contribute to the Inquiry into Social Inclusion and Victorians with a Disability. As the peak body for young people and the youth sector in Victoria, and as Victoria’s only youth-led disability advocacy service, we are keen to emphasise the importance of considering young people in this inquiry.

Over a million Victorians are aged between 12 and 25 years, comprising almost a fifth of the state’s population.[[1]](#endnote-1) A significant number of these young people are living with a disability. The Victorian Government Department of Education and Early Childhood Development (DEECD) estimate in their report *The State of Victoria’s Children* (2010) that children and young people with a disability represent around 7% of the child and youth population, although exact figures are unknown.[[2]](#endnote-2) Around 2% of young Victorians need assistance with core activities such as self-care, mobility and communication.[[3]](#endnote-3)

In 2011, Patricia Faulkner AO, Chair of the Australian Social Inclusion Board, defined social inclusion as “where all individuals have the opportunities, capabilities and resources to learn, earn, engage in their community, and have their voice heard.”[[4]](#endnote-4) The Social Inclusion Board, a national body supported by the Australian Government for five years until 2013, specified that for people to be socially included, they must have the resources, opportunities and capabilities to:

* Learn (participate in education and training)
* Work (participate in employment, voluntary work, and family / carer responsibilities)
* Engage (connect with people, use local services and take part in cultural, civic and recreational activities), and –
* Have a voice (influence the decisions that affect them).

Gaps in resources, opportunities and capabilities can lead to people not playing a full part in their community, and low resources and low participation lead into cycles of disadvantage and exclusion.[[5]](#endnote-5)

We encourage this inquiry to pay particular attention to the circumstances of young people with a disability. Adolescence and young adulthood are key stages of life in relation to all the above-mentioned categories. Some of the most significant transitions in relation to learning, working, engaging and having a voice occur during a person’s adolescent and young adult years. These include finishing school, moving into higher forms of education, entering the workforce, becoming involved in sexual relationships, taking part in new cultural and recreational activities, and becoming eligible to vote. Secondly, young people are disproportionately vulnerable to certain problems, such as low income, difficulty in entering the housing market, poor mental health and struggles for independence and identity.

Social inclusion need not mean anything different to young people with a disability than it does to other young people and the rest of the community. However, young people with a disability face particular barriers to access in all of the above-mentioned categories. Dr George Taleporos, manager of the Youth Disability Advocacy Service, has observed that many young people with disabilities miss out on key milestones of adulthood taken for granted by their peers, and are forced instead into prolonged dependence on their families, a situation which carries great personal, social and financial costs in the long term.[[6]](#endnote-6) Addressing this requires challenging systemic and structural inequalities and discrimination. As writer and disability advocate Stella Young has commented “By far the most disabling thing in my life is the physical environment. It dictates what I can and can't do every day.”[[7]](#endnote-7)

In this submission, we will focus on two particular terms of reference for this inquiry:

* Identify the nature and scale of relative inclusion (exclusion) and participation of Victorians with a disability in the economic, social and civil dimensions of society
* Recommend ways to increase social inclusion, including the roles of and collaboration between local, state and federal government, the community sector, individuals with a disability and their carers.

Here, we have chosen to focus on five topics of particular relevance to young people, which line up with the four social inclusion priorities of learning, earning, engaging and having a voice. They are:

* The importance of a youth-specific voice.
* Access to education
* Access to employment
* Access to services and other forms of support
* Access to social, cultural and recreational spaces

In each case, we will outline the nature and scale of inclusion / exclusion of young people with a disability, and recommend approaches to increasing social inclusion.

**A stronger voice for young people with disabilities**

It is important to pay particular attention to the voices of young people with disabilities aged between 12 and 25 years. According to Australia’s obligations under the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child, young people with a disability should be entitled to enjoy their human rights to participate in political and public life (Article 29), to freedom of expression (Article 21), and to raise awareness of the rights needs and interests of, people with disability (Article 8 of the Convention).[[8]](#endnote-8) This points to the importance of bodies such as YDAS and Women with Disabilities Victoria, which are led by and for people with disabilities, recognising them as the experts on their own lives and promoting inclusion and justice.

At present, a great deal of systemic advocacy in the disability space is not age-specific, and has limited scope or expertise to involve and represent young people. Other representative bodies focus much of their work on younger children, whose needs and priorities are different to those of adolescents and young adults. A lot of advocacy concerning children with a disability also tends to be parent-led. Here, the approaches and environments can feel disempowering and inappropriate for young people, who wish to be included as active decision-makers in their own right.[[9]](#endnote-9)

To this end, YDAS, in conjunction with YACVic and the Australian Youth Affairs Coalition (AYAC), has called for the establishment of a youth-led National Youth Disability Council, to represent the rights and interests of young people with disabilities between the ages of 12 and 25. This recommendation is an outcome of the first National Youth Disability Conference, held in September 2012. This event brought together over 100 young people with disabilities from all over Australia, and was enhanced by an online survey of 143 young people and interviews with 42 young people. Their responses demonstrated the strong wish of young people to voice their concerns about issues that affect them. The young participants highlighted the critical need for a national advocacy voice to focuses specifically on their rights, needs and interests.[[10]](#endnote-10)

Comments by young people with disabilities who contributed to the above campaign included:

* “I want for young people with disabilities what I want for all young people — to be empowered, engaged, supported, and valued. I would like all young people with disabilities to have the supports that they need to participate and control their own life, whatever that means for them.”
* “I want to see a national voice for young people with a disability because it is important! We are a minority that not many people listen to very often, usually assuming that we know nothing and that everybody else knows what is best for us because they have more life experience! They don’t!”
* “[Y]oung people with disabilities … are often overlooked when it comes to making decisions about what they want and need, when they are perfectly capable of doing so… We are the experts in this, and should be treated as such.”
* “An opportunity to have our voices heard and to network with one another. It would also prepare and enable the next generation of people with disabilities to advocate for the rights of people with disabilities.”[[11]](#endnote-11)

Key barriers to inclusion for young people with a disability:

* Many public conversations around disability are dominated by older people and parents.
* Limited spaces and support for young people with a disability to share their views and take the lead in advocating around the issues that affect them.

Key approaches to promoting greater inclusion:

* Give particular consideration to the views of young people with a disability. Representatives from the youth-led Youth Disability Advocacy Service would be willing to make further presentations to this inquiry.
* Endorse the establishment of a National Youth Disability Council. This could be located within the Youth Disability Advocacy Service, in partnership with the Australian Youth Affairs Coalition.

**Access to education**

Young people with a disability face considerable exclusion when it comes to accessing an adequate standard of education and making the most of their abilities in educational settings. In 2012, the Australian Social Inclusion Board noted that 74% of 20-24 year old Australians with a disability or long-term health condition attained Year 12 or Certificate II or above, compared to 87% of their peers without a disability or chronic health condition. Of those young people who were classified as needing time off from regular classes or needing special tuition, less than two-thirds had attained Year 12 or equivalent.[[12]](#endnote-12)

This is indicative of profound, structural exclusion. Here, we would refer the Inquiry to the 2012 report by the Victorian Equal Opportunity and Human Rights Commission (VEOHRC), *Held Back: The experiences of students with disabilities in Victorian schools*. The report surveyed 1800 students, parents and educators, identified key issues for action, and made 50 recommendations.

VEOHRC found that many individual schools and teachers were working successfully to build inclusive school communities, and that many programs, policies and curriculum supports developed by DEECD were very valuable in supporting this. However, they also found great discrepancies; students’ experiences varied between schools and teachers, a situation described as ‘hit and miss’. Overall, students with disabilities continue to experience barriers.

Most of the 70 secondary-aged students surveyed by VEOHRC felt they could participate in school like everyone else, citing positive factors such as integration aides, extra time with teachers, learning programs suited to their needs, extra time for exams, specialist staff, and facilities like wheelchair ramps. However, about a third felt they could not participate equally. Half the students and parents surveyed reported discrimination at school, and a quarter of educators surveyed reported having witnessed discrimination. These problems were found to be greater for students from Indigenous or culturally diverse backgrounds.[[13]](#endnote-13)

Key concerns included:

* Students being steered towards specialist schools when they seek entry to a mainstream school. Many young people in contact with the Youth Disability Access Service have echoed this concern. They note that specialist schools are sometimes the only option for students, and argue for greater effort to make mainstream settings accessible to all.
* Poor access to extracurricular activities such as school camps, excursions and holiday programs, preventing students from taking part fully in the school community.
* Significant levels of bullying, which was reported by almost two-thirds of the students surveyed here.
* Significant unmet need for support services, such as integration aides, occupational therapists, speech therapists, and assistive technology. These shortages are particularly marked in rural and regional areas.
* Insufficient training and support for teachers around disability, and insufficient time for them to provide individualised approaches for students.
* Exams being held in environments inappropriate to the student’s needs, thus lowering their educational achievements.
* Learning environments not adjusted adequately. 58% of parents who’d requested adjustments reported these had only been made partly, and 10% said they had not been made.
* The use of restraint on students, sometimes under circumstances which would constitute a breach of human rights and the *Equal Opportunity Act 2010*. Use of restraint was reported by 34 of the parents surveyed and 514 of the educators, over half of whom said they felt inadequately trained to deal with the situation.
* Shortages of Individual Learning Plans (ILPs), which are central to the process of setting and achieving goals for students with disabilities in the state school system. Lack of an ILP was reported in a quarter of the relevant cases surveyed here.
* Transport barriers – a problem reported by more than a quarter of students surveyed. Some students reported travelling long distances on buses to specialist schools, with disturbing reports of being denied food, water and toileting facilities. Many others depended on their parents for transport, limiting their independence.[[14]](#endnote-14)

Student comments included:

* “Some teachers (while others are great!) are scared by my epilepsy… and rather I don't attend excursions or attend with my mum, which is an option I am NOT a fan of!”[[15]](#endnote-15)
* “[Some] believe it’s ‘too risky’ to take me places even at times when there is a low risk.”[[16]](#endnote-16)
* “… used to be left out of lunchtime games that involved physical activity because I wasn’t as fast or ran with a funny gait. As we got older though, we started talking more at lunchtimes and running around less. The students now are extremely accepting and want to know as much about my disabilities as possible. I am just one of them”.[[17]](#endnote-17)
* “I was punched and repeatedly smashed into a brick wall whilst being called a ‘deaf faggot’ because I wear a hearing aid.”[[18]](#endnote-18)
* “I don’t think they believe that I have an acquired brain injury and they think I’m lazy. Other teachers are good because they come around and see if I’m struggling. They try and explain it in a simple way.”[[19]](#endnote-19)
* “I have a hearing loss, so in order to support me in the best way possible, my teachers organise a note taker for the classes I want/need them for. … it is school policy that if a deaf/hard of hearing student is in the classroom, they must only show films, video clips etc with captions, or if captions aren’t available a detailed transcript must be provided.”[[20]](#endnote-20)
* “... I was not allowed to reschedule my last exam and ended up completing it by ticking answers at random because I so desperately needed to lie down.”[[21]](#endnote-21)

Since the release of the *Held Back* report, VEOHRC has been working closely with DEECD and other areas of government to improve accessibility for Victoria’s most vulnerable students. A cross-department Senior Officers’ group has been formed to consider the report’s recommendations, review existing programs, and take action to improve present guidelines and practices. Notable actions have included:

* The launch of an online professional learning resource for school leaders and all school staff on the Disability Discrimination Act 1992 and the Disability Standards for Education
* A review of DEECD’s complaints management processes, with the intention of strengthening and improving management of complaints from parents
* Implementing the first stage of a nationally consistent data count of all students with disabilities
* Developing advice, staff training programs, resources and material to support schools in the management of challenging and dangerous behaviours.[[22]](#endnote-22)

Key barriers to inclusion for young people with a disability:

* Limited choices about schooling, and limited access to mainstream schooling
* Limited access to extracurricular activities
* High rates of bullying and misunderstanding
* Limited resources, time and funding to support equitable educational outcomes
* Limited access to safe, appropriate transport to attend school
* Disproportionately high rates of restraint and violence

Key approaches to promoting greater inclusion:

We would encourage continued action to address the recommendations of the *Held Back* report (pp.12-16), notably in the following areas:

* Enhancing teachers’ skills and capacity to support students with a disability. This could include a core subject on disability awareness in all undergraduate teacher courses, and whole-of-school professional development, including around anti-discrimination practice and inclusion of students in camps, excursions and other extra-curricular activities. There should be monitoring to ensure new training is reflected in teaching practice.
* Formulating a simpler process for making adjustments for students with a disability in VCE examinations.
* Ensuring venues used for school camps and other extracurricular activities are accessible to students with a wide range of disabilities.
* Promoting allied health workforce development to meet the need for specialist support officers, notably in rural and regional schools and for Indigenous students.
* Developing and implementing programs to address bullying on the basis of disability.
* Ensuring effective Individual Learning Plans are in place for all students whose disability affects their education.
* Greater action to monitor and reduce the use of seclusion and restraint against students and promote evidence-based alternatives within a human rights framework.
* Extending access to bus transport to attend school, and ensuring bus drivers are adequately trained around disability and human rights.

**Access to employment**

If participating in sustainable, gainful employment is accepted as a key avenue to social inclusion, young people with disabilities must be recognised as especially vulnerable. The Australian Social Inclusion Board identified very significant disparities in workforce participation between Australians with and without a disability. The rate of workforce participation for people with a disability has long been significantly lower than that of the rest of the population, and there was no significant change in the employment rate of people with a disability between 2003 and 2009 – 49% and 50% respectively – compared to 77% of the population without a disability. Access to employment decreased according to the severity of disability – in 2009 51% of people with a mild limitation were employment, compared to 45% with a moderate limitation and 15% with a profound limitation.[[23]](#endnote-23) Of young people with a disability, 38% were fully engaged in employment and / or education, compared to 56% of young people without a disability. Disturbingly, of young people with a disability who were not fully engaged in work or education, only a minority reported studying or working part-time; more than two-thirds reported that they were doing neither. Young people in this group are especially vulnerable to long-term unemployment or securing only low-paid work.[[24]](#endnote-24)

In light of this, it can be no surprise that people with disabilities are especially vulnerable to poverty and homelessness. The Social Inclusion Board noted that there was a higher proportion of people with a disability in households with low economic resources and high financial stress than in the overall population – 47% compared to 33%. Almost half of all people on income support for 12 months or more had a disability. People experiencing homelessness were also more likely than people who had not been homeless to report a disability or long-term health condition – 64% compared to 37%.[[25]](#endnote-25)

Dr George Taleporos, manager of the Youth Disability Advocacy Service, has traced workforce inequalities to a number of causes, including:

* The underutilisation by employers of Disability Employment Services (DES), the body which supports people with disabilities to find a job and employers to hire them, including providing wage subsidies and work-based personal assistance funding. Only 3% of employers use DES when recruiting.
* The failure of governments to be proactive in setting an example of employment inclusion within the public service. Employment of people with disabilities in the Australian Public Service, for instance, declined from 5% in 1999 to 2.9% in 2012.
* The need for people with disabilities to have access to adequate equipment and personal supports to enable them to move successfully into the workforce.
* The need for a higher quality of education and training to enable people with disabilities to access a better range of jobs.
* The need to combat negative employer attitudes and discrimination. Research conducted through Deakin University demonstrated that it does not cost employers more to hire a person with a disability, as government covers the costs of workplace adjustment, and that workers with disabilities do not take more days off than their colleagues.[[26]](#endnote-26)

This is a reminder of one of the key approaches of social inclusion, as described by Lin Hatfield Dodds, Chair of the Social Inclusion Board in 2013: that inclusion requires action not only by governments but across the whole community, including the business and education sectors.[[27]](#endnote-27)

Key barriers to inclusion for young people with a disability:

* Workforce discrimination and employer attitudes
* Inequitable access to education and training
* Low employer uptake of Disability Employment Services
* Inadequate access to personal support and equipment

Key approaches to promoting greater social inclusion:

* Stronger research to build an evidence base around employer attitudes towards people with a disability (as suggested by People with Disability Australia and Disability Discrimination Commissioner Graeme Innes)
* Information campaigns targeting employers about the benefits of DES.
* Supporting coalitions of stakeholders to enhance the workforce participation of people with a disability. These could include people with a disability (including young people entering the workforce), government, employers, unions and disability services.

**Access to services and other forms of support**

In 2013, YACVic and the Victorian Council of Social Service released the report *Building the Scaffolding: Strengthening support for young people in Victoria.* This was a detailed study of the many sectors supporting young people in Victoria. It drew on a survey of 213 service providers across all Victorian local government areas, as well as an extensive literature review and scoping of programs. Amongst the key issues highlighted in the report were critical gaps in services that supported – or should be supporting – young people with a disability.

30% of survey respondents reported gaps in services for young people with disabilities. This included specialist supports, such as facility-based respite. Access to secure, appropriate and affordable housing was also noted as an urgent priority. Comments from respondents included:

* “Specific services for youth with disabilities and allied support services for their families/advocates are very much missing and absolutely crucial.”
* “Better training for career practitioners regarding options and supports for people with a disability. Living and work skills programs for people with a disability in rural and remote areas.”
* “More supported accommodation/respite services for young people with a disability.”

However, respondents also noted that young people with disabilities wanted much greater access to mainstream services and activities. They wanted to participate in their communities *as young people*, with other young people, rather than focusing only on their disability. Unfortunately, many services provide help that might be adequate for the young person’s disability, but is not appropriate for their age group and does not support them as a whole person. This can result in young people having very limited access to options for education, employment, and social and cultural life. One respondent commented:

* “(Many young people with a disability) feel socially isolated and lonely. They do not have the funds to join groups.”

Barriers to access and participation for young people with a disability include:

* Funding of services or programs. Services often do not have adequate funding (or are not aware of the funding they may access) to meet the additional costs of supporting the engagement of young people with disabilities.
* Staff who lack the training and skills to support the engagement of young people with a disability. Youth service staff and managers often lack the professional expertise to plan programs and services to ensure accessibility for young people with a disability, and to manage any behavioural issues that may relate to a young person’s disability.
* Inaccessible infrastructure, transport and program equipment. Buses and other common forms of transport are rarely accessible and often venues do not have accessible entrances, toilets or floor plans. While this is a common problem state-wide, it can be a particular barrier in smaller, isolated rural communities where resources may be tighter and where there is a smaller range of public facilities, some of which may be old and less likely to meet current accessibility standards.

Additionally, *Building the Scaffolding* raised strong concerns about the adequacy of service provision to children in the ‘middle years’ (aged 8 – 12). These children are at risk of falling through the gaps in the support sector: too old to be helped by early childhood services and too young to appropriately access youth services – although some are increasingly presenting with what would typically be considered ‘teenage’ issues. In particular, the report identified a need for more support for and inclusion of children in the middle years with a disability. Priority areas identified by several survey respondents included:

* After-school care, vacation care programs and weekend recreation programs that take into account the needs of children with disabilities
* Programs that help foster social networks — children with a disability are often isolated socially, especially in regional or rural areas.
* Increased respite options, including facility based respite
* Accommodation options for children with a disability who are currently living in facility based respite
* Increased funding for schools supporting students with a range of disabilities (acquired brain injury was specifically noted several times)
* Improving the availability and affordability of paediatric specific therapy services.[[28]](#endnote-28)

Key barriers to inclusion for young people with a disability:

* Limited access to secure, appropriate, affordable housing
* Limited opportunities to take part in social and cultural opportunities for all young people
* Limited access to services, both specialist and generalist
* Limited supports available for children in the middle years (aged 8 – 12)

Key approaches to promoting greater inclusion:

* All workers supporting young people should be familiar with the Victorian Code of Ethical Practice, the recognised framework for working with young people in Victoria, taught in all Victorian university and TAFE-based youth work courses. *Building the Scaffolding* recommended that the Victorian Government develop a workforce strategy to ensure all workers with young people, including DHS Services Connect case management staff, are familiar with the Code.

Key approaches to promoting greater inclusion (cont’d):

* All workers supporting young people should undertake disability and cultural competence training. Training should include components related to program planning for accessibility and experience in working directly with young people with a disability. Services should provide regular professional development to youth services staff to strengthen disability awareness, and include expectations in management position descriptions that youth service management staff have the skills to lead the development of accessible service models and programs.
* A policy framework should be developed by the Victorian Government for the ‘middle years’ – children aged 8 to 12 years – incorporating new program development and specific funding for services to support children in the middle years, including those with a disability.
* Funding agreements, applications and program budgets for services supporting young people should be drafted on the presumption that young people with disabilities *will* be accessing these services/programs. Services also need to be more aware of funding available to support young people’s participation.

Key approaches to promoting greater inclusion (cont’d):

* Refer to the recommendations in the 2014-15 State Budget Submission by the Victorian Council of Social Service that the Victorian Government:
	+ Cover the gap between costs and rents in public housing, to reflect the true costs of public housing, including refurbishments, maintenance and tenancy support services.
	+ Establish Housing Growth Fund to reach affordable housing targets
	+ Expand prevention, rapid re-housing and permanent support to end homelessness
	+ Establish a fund to introduce minimum standards for private rental housing, to ensure housing is safe, accessible and appropriate.

In all of these areas, tenants with a disability should be recognised as a priority group.

**Access to social, cultural and recreational settings**

In order for young people with a disability to enjoy full social inclusion, it is vital that they have equitable access to educational, employment, civic, cultural and social settings. While there is a certain recognition of the need to make more ‘formal’ or work-related settings accessible, there is less understanding about the importance of accessible social and cultural spaces, which we wish to highlight here. Most young people take for granted that they can access music, entertainment and spaces to be with their friends, but young people with a disability face continued barriers of inaccessible premises and lack of reliable information or understanding at venues and events. This contributes to a very real problem of social segregation and isolation.

To this end, YDAS has supported initiatives such as the LiveAccess project. Funded by the City of Melbourne, LiveAccess was developed in response to the barriers faced by people with disabilities in accessing local pubs, clubs, venues and events. The project works with young people with disabilities, local government, venue owners, members of the music industry and the general community. Activities include working with venues to improve access, running a website with accessibility reviews of music and entertainment venues, and holding regular accessible events for people with and without disabilities to enjoy local live music.[[29]](#endnote-29)

Key barriers to inclusion for young people with a disability:

* Social and cultural spaces often remain inaccessible due to design or transport barriers.

Key approaches to promoting greater inclusion:

* When promoting a social inclusion approach, broaden the focus beyond economic and educational participation to also consider inclusion in social, cultural and recreational settings.

Thank you for this opportunity to submit to the Inquiry. We would welcome the chance to present in person, and to continue the discussion about key points of inclusion / exclusion for young people with a disability, and effective approaches to addressing these.

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10. YDAS, YACVic and AYAC, *Proposal for the establishment of the National Youth Disability Council*, pp.7-10, 18 [↑](#endnote-ref-10)
11. YDAS, YACVic and AYAC, *Proposal for the establishment of the National Youth Disability Council*, pp.17-19 [↑](#endnote-ref-11)
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13. Victorian Equal Opportunity and Human Rights Commission (VEOHRC), ‘Held Back Fact Sheet: What students told us’, 2012, <http://www.humanrightscommission.vic.gov.au/index.php/our-resources-and-publications/reports/item/184-held-back-the-experiences-of-students-with-disabilities-in-victorian-schools-sep-2012> [↑](#endnote-ref-13)
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