



United Voices for People with Disabilities

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Public Data Branch
Department of the Prime Minister and Cabinet
P. O. Box 6500
CANBERRA ACT 2600

By Email: ogp@pmc.gov.au

Dear Sir/Madam

Draft of Open Government National Action Plan

United Voices for People with Disabilities (UVPD) is a member-based, independently funded, not-for profit organisation, dedicated to unite forces and create a world where all people with a disability can fully enjoy their human rights and fundamental freedoms.

We welcome this opportunity to comment on the Open Government Action Plan.

UVPD is extremely concerned about the approach the Federal Government has taken in organising and facilitating the Open Government Action Plan. From what we can gather, the Disability Community has been largely excluded from meaningful involvement and consultation.

We note the claim that the:

“..plan sets out an agenda for the next two years across a broad range of important areas:

- *Transparency and accountability in business*
- *Open data and digital transformation*
- *Access to government information*
- *Integrity in the public sector*
- *Public participation and engagement”* (p 4)

The following pages paint a picture that is encouraging of Australia's progress in some of these areas. While we appreciate the plan is for continuous improvement in these areas, we believe it is important that the status quo is unambiguously understood. It is only when one can benchmark achievements, or lack thereof, that one can confidently plan for the future. We do not believe your proposed document conveys the current mismatch between reality and the aspirations contained in your document.

As an example, we highlight a number of realities that indicate that Australia has not moved forward in a sufficiently progressive way in a number of areas highlighted above.

1. Obtaining access to information from government departments continues to be extremely difficult due to their secretive and defensive approach, which reflects an attitude that they are not accountable to the public. From a practical perspective, this has not improved.
2. The transfer of data has not been open and transparent and departments continue to collude in order to protect themselves. The handling of Freedom of Information requests is an excellent example. Access in the Disability Sector, for example, to Incident Reports, despite the importance of transparency in this area for the well-being of the client, is routinely obstructed.
3. In terms of integrity in the public sector, from the perspective of the Disability Community, numerous reports reflect that public sector employees, for example teachers and government care workers, continue to breach the rights of people with disabilities in a systematic fashion. We refer to the 2015 Federal Senate Committee inquiry into "Current levels of access and attainment for students with disability in the school system, and the impact on students and families associated with inadequate levels of support". We refer to the 2015 Federal Senate Committee Inquiry into Inquiry into "Violence, Abuse and Neglect against People with Disabilities in Institutional and Residential Settings." There has been no government commitment to implementing the recommendations of either of these reports.
4. People from the Disability Sector and the Public Sector continue to have their basic human rights breached and continue not to have access to justice as set out in a number of reports over the last few years. There has been little to no movement in this area, and in some respects a deterioration. We refer to the recent cuts across Australia to Community Legal Centres beginning in 2017, despite the Productivity Commission recommending significant increases.
5. The manner in which this forum has failed to ensure the participation and engagement of the disability community in itself represents a disconnection with the Australian community and the groups that support people with disabilities. Given these current national reforms will affect these groups, it is inexcusable that a specific effort has not been made to engage them in this forum.

Further to this, we also note the following:

The Whistle-blower protections do not go far enough. As mentioned previously at Government Hearings in relation to Whistle-blower Protection legislation, many people have continually made requests for the Government to implement a False Claims Act in Australia which would see Whistle-blowers further protected when making claims of wrongdoing and corruption, and being protected legally for doing so. They should be entitled to compensation in the event they have suffered detriment due to the act of Whistle-blowing.

Broadly speaking, many disability groups are not aware of the Action Plan. This means that a significant percentage of people that make up our civil society are not represented in this process.

We believe the Government needs to start its process again, and this time should ensure that people with disabilities, their advocates and working partners are included.

Yours sincerely



Peter Cross
President