



State and Territory
Disability Advisory Councils

16 June 2008

Committee Secretary
Joint Standing Committee on Treaties
Department of House of Representatives
PO Box 6021
Canberra ACT 2600

Dear Committee Secretary:

Consultation on Ratification: UN Convention on the Rights of Persons with Disabilities (CRPD)

I am writing on behalf of the UN CRPD Ratification Task Force to express our strong support for ratification of the UN Convention on the Rights of Persons with Disabilities (CRPD) without reservations. Our support is based on our consultations with Australian representative organisations governed by persons with disability, the national and state and territory disability advisory councils, and legal services involved with people with disability on the impact of Australia ratifying CRPD.

The UN CRPD Ratification Task Force comprises representatives from the Australian Federation of Disability Organisations (AFDO), People with Disability Australia (PWD), Queensland Advocacy Incorporated (QAI), the National Association of Community Legal Centres (NACLC) and the secretariat of the state and territory disability advisory councils. This Task Force was convened in June 2007 by representatives attending a major national meeting on CRPD ratification and implementation in Australia auspiced by the Human Rights and Equal Opportunity Commission (HREOC).

On behalf of the Australian Government, the Task Force managed the February 2008 consultation process that sought the views of the disability sector on the impact of CRPD ratification in Australia. The consultation outcome report represented disability sector input into the Australian Government's NIA in relation to its' proposed ratification of the CRPD. This report was presented to the Australian Government on 31 March 2008, and is available on the Task Force website at http://doc.afdo.org.au/UN/AFDO_CRPD_Roundtable_Rpt%202008%20Mar.doc

The report outlines the impact of ratification of CRPD in Australia, and highlights that:

- there is overwhelming support from the disability sector for ratification of CRPD;
- there is an extensive range of significant benefits in ratification;

- ratification of the CRPD will have significant positive economic, environmental, social and cultural impacts in Australia;
- there are no disadvantages or negative impacts; and
- there is no significant barrier to Australia ratifying the CRPD arising from any fundamental inconsistency between CRPD obligations and Australian laws, policies and programs.

The report also recommends that Australia's ratification of the CRPD should be accompanied by a number of statements of interpretation and a declaration to clarify how CRPD obligations will be applied in the Australian context. A full discussion of these statements of interpretation and the declaration is contained in section 8 of our report, and summarised in point 19, page 19 in the *Attachment on Consultation* that is attached to the *National Interest Analysis* tabled on 4 June 2008 by the Australian Government.

Of particular importance, and in light of the Australian Government's apology to the Stolen Generation in February 2008, is our recommendation, outlined in 8.4-8.7 of our report, that "the Australian government...refer to indigenous persons in its speech to the United Nations accompanying ratification as a specific population group requiring attention in CRPD implementation and monitoring efforts, at both the national and international levels". This gesture would build on and be consistent with the Australian government's recent reconciliation initiatives.

We also recommend that ratification of CRPD occur as soon as possible. CRPD became international law on 3 May 2008. Delay in ratification could mean that Australia will not be able to submit nominations for the Committee of Experts (COE), the body that will monitor implementation of the CRPD, nor participate in the first Conference of State Parties (COSP), which the UN must convene before 3 November 2008 (6 months from the date of the CRPD's entry into force). Only State Parties that have ratified at least 30 days before the COSP may fully participate because the treaty has to enter into force for that country. At least 4 months prior to the COSP, the UN Secretary General will invite State Parties to submit, within 2 months nominations for the COE, with the election of COE members taking place at the first COSP.

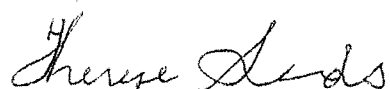
It is critical that ratification be progressed as quickly as possible to ensure that the Australian Government, in consultation with Australians with disability is able to submit nominations for the COE and actively participate in the first COSP.

In addition, our report found that there was unanimous support for Australia to immediately sign and ratify the Optional Protocol to the CRPD, and that a failure to do so would reflect poorly on Australia's willingness to be accountable for the implementation of CRPD rights, and undermine its leadership in human rights in the international community.

There is an extensive range of significant benefits associated with Australia ratifying the CRPD and its Optional Protocol for Australians with disability and the community generally.

The UN CRPD Task Force members appreciate the opportunity to make this contribution to the Consultation on the Possible Ratification of the United Nations Convention on the Rights of Persons with Disabilities. If you would like to discuss our views further then please contact me on 02 9370 3100 or tsands@pwd.org.au .

Yours sincerely

A handwritten signature in cursive script that reads "Therese Sands".

THERESE SANDS

Co-Chief Executive Officer

On behalf of UN CRPD Ratification Task Force members:

Australian Federation of Disability Organisations

Queensland Advocacy Incorporated

National Association of Community Legal Centres

Secretariat of State and Territory Disability Advisory Councils