

# QDN'S CO-DESIGN PRINCIPLES





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## ► CO-DESIGN: OUR PRINCIPLES AND FRAMEWORK

In our 20 years as an organisation, QDN’s motto ‘nothing about us without us’ is central to who we are and the work we do. Co-design is an important element of how we do our work. When done well and effectively, people with disability are engaged in a meaningful, equal, and authentic way to co-design solutions that deliver quality outcomes for the end-user.

QDN sees that effective and quality “co-design” includes these key elements for all participants to:

- have a shared understanding of the issue being addressed
- are able to engage meaningfully in processes for identifying and making sense of issues, identifying options, prioritising, and crafting solutions
- have time to reflect before responding
- have reasonable opportunity to be heard and have their contribution acknowledged
- have their contributions carry relatively equal weight
- see their contributions have a chance of being included in the final product, be that a new or amended policy, program, product, or service
- be acknowledged for their contribution or have transparency around why their ideas were or were not taken on board.

We know from our work that co-design is easier to describe than do.

As part of our QDN leadership framework, we have expanded on our core principles of authentic voice, respect, rights, resilience, and collective action to outline QDN’s principles and processes that underpin this work.

Co-design is a meaningful process when there is genuine intention to work together, with a belief that the process will add value to the outcome and be a positive experience for those involved.

Co-design contributes to positive change, and it is important that people involved get feedback about how their information will be used, what has changed, and the end outcome.

## QDN's Principles of Co-Design

- Authentic Voice
- Respect
- Rights
- Resilience
- Collective Action

## ▶ AUSTRALIA'S OBLIGATIONS TO CO-DESIGN AND ENGAGEMENT WITH PEOPLE WITH DISABILITY

**International, national, and state legal instruments and government policies outline and commit Australia to the active involvement of people with disability in decision making processes and particularly processes that directly impact them. From a human rights perspective, and to deliver the most effective outcomes, co-design is the proven method to follow.**

### **International obligations**

Australia is a signatory to the *United Nations Convention on the Rights of Persons with Disabilities* (CRPD) and its Optional Protocol. On 30 March 2007, Australia was one of the original state signatories to the CRPD. On 17 July 2008 and 30 July 2009 respectively, Australia ratified the CRPD and the Optional Protocol.

Amongst other things the CRPD obliges State parties to allow persons with disabilities:

- the opportunity to be actively involved in decision-making processes about policies and programmes, including those directly concerning them
- full and effective participation and inclusion in society
- to be closely consulted with and actively involved in the development of instruments that enable the implementation of the CRPD's Articles.

People with disabilities therefore have a legal right under the CRPD to be actively involved in processes that will affect them. By ratifying the CRPD, Australia accepts the obligation to recognise that people with disability enjoy legal capacity on an equal basis with others in all aspects of life and to take appropriate measures to provide people with disability access to the support they may require in exercising their legal capacity. It also requires that all measures relating to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse.<sup>1</sup>

## United Nations Convention on the Rights of Persons with Disabilities

### Preamble

The States Parties to the present Convention,

- (o) *Considering* that persons with disabilities should have the opportunity to be actively involved in decision-making processes about policies and programmes, including those directly concerning them,

### Article 3: General principles

The principles of the present Convention shall be:

- (c) Full and effective participation and inclusion in society

### Article 4: General obligations

3. In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.

<sup>1</sup> <https://www.alrc.gov.au/publication/equality-capacity-and-disability-in-commonwealth-laws-ip-44/equality-capacity-and-disability-in-commonwealth-laws/legislative-and-regulatory-framework/>

## National and State Disability Policy and Legislative Frameworks

There are a range of national and state policy and legislative frameworks that provide context and guidance around the inclusion of people with disability in the planning, design, delivery, evaluation of services, products, policy, and legislation supporting the importance of co-design by, with and for people with disability.

### National Disability Policy and Legislative Framework

#### Australia's Disability Strategy 2021-2031

Australia's *Disability Strategy 2021-2031* is Australia's national disability policy framework. It sets out the plan for continuing to improve the lives of people with disability in Australia over the next 10 years. It provides a national road map for Commonwealth, State and Local Governments to deliver an inclusive society which ensures people with disability can fulfil their potential as equal members of the community.<sup>2</sup>

This strategy builds upon the *National Disability Strategy 2010-2020*, and was developed through engagement and consultation with people with disability. The strategy includes the implementation of a Strategy Engagement Plan to ensure people with disability actively participate in implementation, monitoring and evaluation.<sup>3</sup> Key to the success of the implementation of the plan nationally and at State/Territory and Local Government levels is the active involvement of people with disability.

#### Disability Royal Commission: Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability

The Disability Royal Commission was established in April 2019 in response to community concern about widespread reports of violence against, and the neglect, abuse, and exploitation of, people with disability. These incidents might have happened recently or a long time ago. Through its work, the DRC will deliver a final report to the Australian Government with recommendations on how to improve laws, policies, structures, and practices to ensure a more inclusive and just society, and play an important role going forward in shaping future national and state disability policy.

<sup>2</sup> Commonwealth of Australia (Department of Social Services) 2021. Australia's Disability Strategy 2021-2031. P4-6

<sup>3</sup> Commonwealth of Australia (Department of Social Services) 2021. Australia's Disability Strategy 2021-2031. P35

The Disability Royal Commission Community Engagement Strategy outlines how community engagement supports the work of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability and guides the Royal Commission in its engagements with people with disability, their families, supporters, and the broader community. The Disability Royal Commission has a goal to involve people with disability and key stakeholders in co-designing and delivering engagement strategies and activities.<sup>4</sup> The DRC Community Engagement Strategy defines community engagement as ‘Any process that involves the community in problem-solving or decision-making and uses community input to make better decisions’.<sup>5</sup>

### ***Commonwealth Disability Discrimination Act 1992***

The *Disability Discrimination Act 1992* (DDA) makes it unlawful to discriminate against a person, in many areas of public life, including: employment, education, getting or using services, renting or buying a house or unit, and accessing public places, because of their disability.

## **Queensland Disability Policy and Legislative Framework**

### ***All Abilities Queensland State Disability Plan 2017-2020***

Queensland State Government is responsible for the development, implementation, and evaluation of State disability plan. Queensland’s disability plan – *All Abilities Queensland* guided the actions by the Queensland Government, working in partnership with the Commonwealth Government, local governments, businesses, non-government and community organisations, communities, and individuals.

### **Disability Service Plans**

Under the *Disability Services Act (Qld) 2006*, each Queensland Government department is required to develop a Disability Service Plan.

The Disability Service Plans outline the actions each department will take to progress the five priorities of *All Abilities Queensland: opportunities for all state disability plan 2017–2020*.

<sup>4</sup> Royal Commission: Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability Community Engagement Strategy <https://disability.royalcommission.gov.au/system/files/2020-09/Community%20Engagement%20Strategy.pdf>

<sup>5</sup> The International Association for Public Participation, [www.iap2.org.au](http://www.iap2.org.au)

## ***Disability Services Act 2006***

The *Disability Services Act 2006* took effect on 1 July 2006. The Act provides the strongest foundation Queenslanders have ever had for promoting the rights of people with a disability, increasing their wellbeing, and encouraging their participation in the life of the community.

## ***Anti-Discrimination Act 1991***

In 1991 the Queensland Parliament passed the *Anti-Discrimination Act* which aims to protect people in Queensland from unfair discrimination, sexual harassment and other objectionable conduct and provides a means to bring a complaint and have it resolved.

## ***Human Rights Act 2019***

In February 2019 the Queensland Parliament passed the *Human Rights Act*. It lists 23 rights to be protected by law, places obligations on public entities to act compatibly with human rights, and provides for a complaint resolution process through the Commission.





## ► QDN'S PRINCIPLES OF CO-DESIGN

QDN believes in the human rights of people with disability to be fully included, equal and valued active citizens. QDN strives to create a community that embraces the contributions of all people with disability where people are included, their rights are protected, and everyone is empowered to have a say. QDN believes that it is important that people with disability are included from the beginning in the planning, design, implementation, and evaluation of services, policy, legislation, and products.

Our five values underpin our work.

**Authentic Voice** – We are with, and for, all people with disability and ensure those with limited or no voice are heard and valued

**Collaborative Action** – We work together to learn from the collective experiences, values, and wisdom of people with disability

**Rights** – We believe in, and model, a human rights approach that recognises disability as a social issue.

**Respect** – We value human difference and diversity and build mutual respect through openness and fellowship.

**Resilience** – We are hopeful, even about the most complex challenges and are here for the long term.

These values have been used to inform QDN's principles for co-design and the actions and indicators that demonstrate in practice, quality, and effective co-design that values, empowers, and respects the role and voice of Queenslanders with disability.

### QDN'S Co-design principles and indicators

#### Authentic Voice

The voice of people with disability is present, strong, included, and valued as part of the co-design process.

The authentic voice is an honest expression of one's own personal perspective, freely given, well informed, and supported with good processes. A co-design process has integrity when the voice of people with disability is incorporated, their feedback is presented accurately and in context, contributions are acknowledged and, when excluded, this is transparent with an explanation about why given.

## Indicators:

- People with disability's voice is present and strong
- Stories of lived experience are included and valued
- Time and support is provided for participants to share their stories, experiences, and feedback
- Everyone's time and contribution is valued
- Actions and engagement to include diversity of people from different disabilities, cultures, locations, genders, viewpoints, socio-economic backgrounds, and ages
- Invitation to engage and co-design is to people where the issue, product, service, law is directly relevant to the person so they can provide a valuable contribution
- Feedback and input is recorded and accurately represents what was said or provided.

## Respect

The co-design process respects people with disability, valuing individual capacity and diversity. People are provided the support needed to engage fully, materials being provided in a useful format with time to read, reflect and ask questions, payment for time engaged, support for travel, an appropriately paced agenda, and timely, fulsome feedback. Respect means that people are consulted before decisions are made, not after, and do not ask people with disability to make choices about inaccessible or inferior options.

## Indicators:

- Listening, patience and valuing of all parties is evident
- Everyone's engagement is valued and their capacity to contribute
- People are provided with clear information from the beginning about what is in scope, what is not, what is negotiable, and what they can influence
- Individual and collective story is honoured
- Facilitators and fellow participants show that they value feedback and participation
- The engagement experience builds self-worth of individuals
- There is clear respect for diversity and individual difference and the process is accessible and inclusive
- Cultural differences are acknowledged and embraced
- Questions reflect genuine inquiry rather than tokenism, and all parties come to the table with an open mind
- There is acknowledgement/welcome to country for all events
- People are provided with clear information prior to the engagement so they can make informed decisions about whether to become involved
- People are given information prior to co-design engagement with regards to process, who will be participating, timing, and any information to read before.

## Rights

Co-design is underpinned by human rights and needs to:

- safeguard people against harm, with awareness of current and future potential consequences of their engagement.
- include the right for people with disability to have a say, to be heard, to question, to withdraw consent, and to abstain from giving input.
- identify, avoid, and call out tokenism in engagement and co-design processes.
- declare if it is not possible to fully engage people around an issue and hold an information session, rather than name it as a full engagement co-design process

### Indicators:

- Access and inclusion needs across diverse disabilities are met including for venue, processes of engagement, information and communication, platforms for engagement, etc
- Participants feel safe and welcomed and safeguards are in place to protect people from harm or potential harm as a result of their involvement
- People have opportunity to lead conversations
- Ensure confidentiality of input and transparency over who (including specific area of government) will have access to input that is personally attributable.

## Resilience

As people with disability, we co-design ideas and solutions to lead and influence change and are here for the long term.

We believe it is important to acknowledge that people's experience of engagement can expand or diminish a person's confidence in having a say. A positive experience will build skill, the ability to adapt to different groups of people and issues, to problem-solve, to connect with others, and ultimately, to disrupt and influence the issues that matter. It is important that as part of good co-design processes, people are supported to think through the consequences of speaking up. Where there is reasonable potential for a negative personal consequence of speaking up, then thought should be given to processes used, de-identification, and attention to safe-guarding measures.

### Indicators:

- People are engaged in way that is inclusive and accessible that safeguards their engagement
- People are supported to engage and given time and opportunity to build relationships
- Discussions are facilitated in such a way as to remain true to agenda (and expectations) and timeframe for engagement, and people can put forward their relevant points

- Everyone's time and contribution is valued equally
- People can provide feedback if what has been recorded is not accurately represented or interpreted correctly
- There is diversity in viewpoints, ideas, and perspectives
- People can step in and out as their circumstances change and what they are interested in – its ok not to be involved in everything.

## Collective Action

Good co-design brings people to work together in a way that enables everyone to bring different experiences, values, and wisdom to the table. People come together for a shared purpose but do not have to reach the same point of view. Collectively, people can contribute where they are at and in areas that interest them. People are well-informed and supported in a way that helps people build their individual and collective capacity to engage. The process is designed and delivered in an inclusive way that meets the needs and preferences of the individual participants.

### Indicators:

- Engagement started at the beginning – defining the problem, crafting the question, exploring the issue, developing options, generating ideas, choosing possible solutions, shaping prototypes or pilots, and action learning
- The collective action reflects the diversity of perspectives on the issue
- Through co-design, the facilitator seeks to identify the common ground then moves onto clarify and includes points of difference in leading and active co-design
- Need to acknowledgement of who is not in the room – who is missing from this conversation - and there is regular reflection to ask - “who else do we need to bring to this conversation” and actively seek their involvement
- It is clear why people are there, the purpose of their involvement and engagement
- The process of engagement from initial recruitment to final involvement is mapped out so people can understand the journey they will be involved in and decide if and when they can opt in or out – the map should be coherent and in plain English
- The final product reflects the various contributions in good faith
- People with disability understand and experience good process
- Decisions to be involved are underpinned by ethical decisions
- People have a shared understanding of what co-design and collaborative action is.

## Our co-design processes

**The starting place** – Craft the question that reflects intent/purpose and invites inquiry

**Build the team** – Get diversity and support inclusion

**Discovery Phase** – see the issue from lots of different viewpoints, perspectives, and ways. Hear from others including those who aren't connected or disagree.

**Pause and Reflect** – Take time to pause and reflect on what you have learnt in the discovery phase and what you still don't know before jumping to solutions

**Sense-making** – Look at the data, story, research, and evidence in their raw form and work together to make sense and meaning of what has been gathered

**Generate options** - Stage where sense-making starts to yield conclusions, ideas and possibilities, and people get in the creative zone

**Developing Prototypes** – Generate as many ideas as possible and develop a working example of the policy, service, program, product, or scenario-based solution

**Learning, reworking, and refining** – Part of the learning cycle and reworks can produce 'prototype' – the solution for testing, piloting, or putting into action

**Imbed what works** – Turn it into action and make it real. Keep people engaged and stay accountable.

## Suggested reading

Baldwin, C. (2005). Storycatcher, New World Library, Novato, CA 94949

Baldwin, C. & Linnea, A. (2010). The Circle Way: A leader in every chair, Berrett-Koehler Publishers, San Francisco

Dick, R. & Damau, T. (1991) Values in Action: Applying the ideas of Argyris and Schon, Interchange, Chapel Hill, Qld. Australia

Scharmer, O. & Kaufer, K. (2013) Leading from the Emerging Future, Berrett-Koehler Publishers, San Francisco.

Wheatley, M.J. (2007) Finding Our Way: Leadership for Uncertain Times, Berrett-Koehler Publishers, San Francisco.



## ► CASE STUDY — ACCESSIBLE AND INCLUSIVE TRANSPORT — REQUIREMENTS OF CO-DESIGN AND ENGAGEMENT OF PEOPLE WITH DISABILITY

The *Disability Standards for Accessible Public Transport 2002* (DSAPT) are Disability Standards developed under the *Disability Discrimination Act 1992* (DDA). The DDA gives DSAPT legal force.

### ***Disability Discrimination Act 1992***

#### **31 Disability Standards**

(1) The Minister may, by legislative instrument, formulate standards, to be known as disability standards, in relation to any area in which it is unlawful under this Part for a person to discriminate against another person on the ground of a disability of the other person.

Compliance with DSAPT may be achieved through meeting the prescribed solutions stated in the DSAPT or by means that deliver an equivalent or better outcome. Any Equivalent Access solution requires consultation with ‘passengers with disabilities who use the service, or with organisations representing people with disabilities’.

Equivalent Access solutions developed without co-design risk being regarded as tokenistic and exploitative—a process used by the operator or provider to reach a pre-determined solution. A solution of this type entails legal jeopardy and may be subject to a successful legal challenge.

In order to avoid challenges to poor and inadequate Equivalent Access solutions, the Australian Human Rights Commission in its *Guidelines: Equivalent Access under the Disability Standards for Accessible Public Transport 2002* (Cth) recommends ‘long-term access solutions developed through co-design rather than as a result of a complaint or litigation’ as an optimal outcome.

## ***Disability Standards for Accessible Public Transport 2002***

### **33.3 Equivalent access**

(1) Compliance with these Standards may be achieved by:

(a) applying relevant specifications in these Standards before the target dates;  
or

(b) using methods, equipment and facilities that provide alternative means of access to the public transport service concerned (but not using separate or parallel services) with equivalence of amenity, availability, comfort, convenience, dignity, price, and safety.

### **33.4 Consultation about proposals for equivalent access**

The operator or provider of a public transport service must consult with passengers with disabilities who use the service, or with organisations representing people with disabilities, about any proposal for equivalent access.

## ***Disability Standards for Accessible Public Transport Guidelines 2004 (No 3)***

### **Part 36 Consultation**

#### **36.1 Consultation with government and passengers**

- (1) The Disability Standards encourage consultation between operators, providers, all levels of government and the community to ensure that accessible public transport initiatives will reflect local and regional needs.
- (2) Operators and providers are encouraged to appoint access coordinators to facilitate liaison with user groups.
- (3) The most important consultation is expected to be between operators, local government, and passengers. These consultations will allow operators and providers to develop cooperative implementation plans that ensure the introduction of accessible services according to locally set priorities.

## **Australian Human Rights Commission**

### **Guidelines: Equivalent Access under the Disability Standards for Accessible Public Transport 2002 (Cth)<sup>6</sup>**

Compliance with the Transport Standards can be achieved by applying the specifications set out in the Transport Standards or by using methods or equipment that deliver equivalent access.

Use of equivalent access:

- potentially offers operators and providers flexibility in the delivery of accessible public transport
- supports innovation by providing an opportunity to harness new technology to improve accessibility
- offers the potential for the delivery of public transport that exceeds minimum published accessibility standards
- **encourages communication and collaboration between operators and providers, through required consultation with passengers with disability, organisations representing people with disability and other stakeholders, which may result in long-term access solutions developed through co-design rather than as a result of a complaint or litigation.**

Failure to genuinely consult on the design of the New Generation Rollingstock (NGR) train resulted in a successful challenge to the outcome by the disability sector. This resulted in a Next Generation Rolling Stock Commission of Inquiry tasked to find where the process had erred.

The Queensland Government accepted the Inquiry's recommendations in full. Recommendations 17 and 19 are best actioned through a process of co-design.

## **Government's Response to the New Generation Rollingstock Train Commission of Inquiry Report<sup>7</sup>**

The report handed down by the Commission makes 24 recommendations and outlines a range of reforms aimed at ensuring that consultation with the disability sector and compliance with disability legislation and standards is made a fundamental and integral part of all government procurement projects and major rail projects into the future.

The Government supported the steps Commissioner Forde detailed to improve future procurement processes and acknowledged the work of disability organisations and their members for their patience, ongoing cooperation, and input during the work of the Commission.

The Government will act immediately to respond to the report and ensure that all the recommendations are adopted in full.

<sup>6</sup> <https://humanrights.gov.au/our-work/disability-rights/publications/guidelines-equivalent-access-under-disability-standards>

<sup>7</sup> <https://cabinet.qld.gov.au/documents/2018/Dec/NGRCOI/Attachments/Response.PDF>



# New Generation Rollingstock Train Commission of Inquiry | Final Report

## Recommendation 14

The Commission recommends that, where compliance with the *Disability Standards for Accessible Public Transport 2002* (Cth) will be achieved through equivalent access compliance, the process for demonstrating equivalent access, including consultation with the disability sector, be completed prior to finalisation of the design process.

## Recommendation 17

The Commission recommends that the Queensland Government implements processes to ensure genuine, early consultation is undertaken with the disability sector regarding the procurement of public transport infrastructure.

## Recommendation 18

The Commission recommends that a stakeholder consultation plan detailing how consultation will be undertaken with the disability sector be developed at the commencement of all major public transport procurement projects. The stakeholder consultation plan should be provided to the project steering committee or equivalent governance body.

## Recommendation 19

The Commission recommends that consultation with the disability sector about the design of public transport infrastructure (undertaken before, during or after procurement) be structured around the obligations of the disability legislation and functional requirements.

**QDN** NOTHING ABOUT US  
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