

# **NSW DISABILITY NETWORK FORUM**

## **Submission on the NSW Disability Inclusion Plan Discussion Paper and Draft Outline**

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## Introduction

### Executive Summary

People with disability make up approximately 18 per cent of the NSW population.<sup>1</sup> Yet people with disability are much more likely to be living in poverty, and to experience violence and exclusion, than the rest of the community. It is therefore essential that the NSW Disability Inclusion Plan is an effective tool to remove barriers, and overcome disadvantage experienced by people with disability.

The disability sector is experiencing rapid change. Australia's ratification of the UN Convention on the Rights of Persons with Disabilities (UN CRPD) has prompted considerable action across government to address the human rights of people with disability. The development of the National Disability Strategy (NDS) has been an historic initiative to progress change. The NSW Disability Inclusion Plan joins these initiatives to implement, in a practical sense, the principles and goals of the UN CRPD and the NDS.

The NSW Disability Network Forum expresses its fervent hope that the Disability Inclusion Plan is effective to reducing disadvantage. This Disability Network Forum provides this submission to inform and assist with this goal.

The NSW Disability Network Forum believes an effective Disability Inclusion Plan will ensure that the human rights of people with disability are fulfilled. The NSW community will be able to track progress through regular reporting on progress against meaningful targets and outcome indicators. NSW Government agencies will be clear about their roles and responsibilities within the Plan. And, most importantly, people with disability will have a strong voice in informing the Plan into the future.

People with disability are diverse, and live in diverse circumstances. Disadvantage experienced by people with disability is likewise distributed and diverse across a number of areas. The initiatives to address this disadvantage need to be specific to the barriers faced by people with disability in relation to housing, justice, education, cultural inclusion, health, and in other fields. The NSW Disability Inclusion Plan should address both the specific requirements for people with disability to be fully included, and co-ordinate these activities across the NSW Government.

The NSW Disability Network Forum also believes that non-government agencies are essential to achieving the goals of the Disability Inclusion Plan. Effective partnerships between government, business and the community sector are an important part of improving inclusion. The NSW Disability Network Forum emphasises that independent advocacy, information and representation of people with disability are an essential partner in these efforts.

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<sup>1</sup> Australian Bureau of Statistics, *Survey of Disability, Ageing and Carers Australia: New South Wales, 2012*, Table 3.1, last accessed: 21/11/2014, released 17/04/2014.

Australian Bureau of Statistics, *Australian Demographic Statistics, March 2014*, last accessed: 21/11/2014, last updated: 25/09/2014.

## About the NSW Disability Network Forum

The NSW Disability Network Forum comprises non-government, non-provider peak representative, advocacy and information groups whose primary aim is to promote the interests of people with disability. The aim of the NSW Disability Network Forum is to build capacity so that the interests of people with disability are advanced through policy and systemic advocacy. The Council of Social Service of NSW (NCOSS) provides secretariat support to the Disability Network Forum.

### NSW Disability Network Forum Member Organisations:

Aboriginal Disability Network NSW	Multicultural Disability Advocacy Association of NSW
Association of Blind Citizens of NSW	NSW Consumer Advisory Group - Mental Health
Brain Injury Association NSW	NSW Council for Intellectual Disability
Deaf Australia NSW	NSW Disability Advocacy Network
Deaf Society of NSW	People with Disability Australia
DeafBlind Association NSW	Physical Disability Council of NSW
Deafness Council (NSW)	Positive Life NSW
Information on Disability and Education Awareness Services	Self Advocacy Sydney
Institute For Family Advocacy	Side By Side Advocacy Incorporated
Intellectual Disability Rights Service	Council of Social Service of NSW

## Summary of Recommendations

### Whole-of-government actions

1. That the Disability Inclusion Plan specifies the legislative, human rights, or policy provisions that specific actions and initiatives are intended to fulfil.
2. That the Disability Inclusion Plan addresses all six outcome areas for the National Disability Strategy, and any initiatives relating to the National Disability Strategy are included in the Plan.
3. That a report on the evaluation of the previous *National Disability Strategy NSW Implementation Plan 2012-14* is published, discussing the outcomes achieved and learning that can be incorporated into future initiatives.
4. That the NSW Law Reform Commission reviews all NSW laws and legal mechanisms to determine whether they comply with the UN CRPD, and outlines a process to update and reform laws to ensure they fulfil the human rights of people with disability.
5. That NSW Health services, programs and plans relating to people with disability are driven through a central decision making process.
6. That the Disability Inclusion Plan includes mechanisms to address gaps in mainstream services and systems that are highlighted in the development of the NDIS.
7. That the NSW Disability Inclusion Plan includes initiatives to promote Disability Inclusion Action Planning in the community.
8. That NSW Government procurement policy requires suppliers to have a Disability Inclusion Action Plan.
9. That the NSW Government resources community development activities to promote inclusion of people with disability through local initiatives.

10. That the NSW Disability Inclusion Plan specifies that people with disability will continue to have access to NSW Government funded independent advocacy and independent information, and representative organisations will continue to have appropriate resources to promote inclusion of people with disability.

### **Liveable communities**

11. That the plan involves a housing strategy, focused in developing a planning policy, working with developers, improving data, and support for people with disability to engage in housing markets.
12. That the NSW Disability Inclusion Plan involves funding to improve accessible transport infrastructure, such as bus stops and train station precincts.
13. That the NSW Disability Inclusion Plan updates the Taxi Transport Subsidy Scheme, including:
  - Increasing to the cap to \$60 and indexing it to taxi fares.
  - Reviewing the level of subsidy to ensure it supports affordable taxi transport for people who rely on taxis as their only transport option.
  - Introducing a smartcard system for TTSS participants.
14. That the NSW Government:
  - Provides an immediate increase in funding to community transport providers to meet the growing need for non-emergency health transport services.
  - Assesses the need for health transport services, and to review the delivery of non-emergency health transport in NSW, including community transport providers.
  - Delivers a coordinated, integrated system at the Local Health District level and a consistent approach for responding to people in need of transport assistance.
15. That the NSW Disability Inclusion Plan:
  - Includes targets to increase accessible seating at venues, with wheelchair accessible seating in valued locations and distributed across the available seating.
  - Improves the responsiveness of Government venue and event operators to people with disability, through use of the Companion Card at all NSW Government operated venues.
  - Increases access to the Companion Card through wider eligibility and greater promotion.

### **Employment**

16. That representative organisations of people with disability are engaged in establishing disability employment networks.
17. That feedback from people with disability who are not in paid employment informs strategies relating to employment of people with disability.
18. That all TAFE institutes and RTOs dedicate appropriate funding, commensurate with current funding, to support for students with disability.
19. That the NSW Disability Inclusion Plan sets a target for the NSW public sector to include a percentage of employees with disability.
20. That regular reporting on the Disability Inclusion Plan outlines the number and proportion of public sector employees with disability in NSW, and strategies to improve public sector employment of people with disability across the NSW public service.

21. That the NSW public service sets targets for employment of people with disability at all levels.
22. That NSW Government procurement gives preference to suppliers who meet agreed employment targets for people with disability.

### **Attitudes and behaviour**

23. That completion of human rights and disability awareness training is compulsory for public sector employees, particularly those working in fields that relate to fundamental human rights.
24. That all NSW Government plans and strategies, particularly those involving public events, activities and promotion, include people with disability.

### **Systems and processes**

25. That the NSW Government reviews community and consumer participation mechanisms to improve inclusion of people with disability across these bodies.
26. That government agencies involve people with disability in co-design processes to develop more accessible processes and systems.
27. The Department of Family and Community Services can take a leading role by establishing a centre for excellence in co-design methodologies for public policy and services, with a particular focus on co-design with people with disability.
28. That all NSW Government agencies train staff in collecting appropriate data, and referring people with disability for appropriate assessment, diagnosis and support.
29. That the NSW Disability Inclusion Plan specifies all government documents and publications will be provided in accessible formats including Braille, Easy Read, and languages other than English.
30. That the NSW Government works on increasing the capacity of interpreters and translators to work with people with disability.
31. That the Disability Inclusion Plan focuses on improving opportunities for feedback and data from people with disability and independent advocacy organisations in inform improvements in systems and processes.

### **Priority population groups**

32. That the NSW Disability Inclusion Plan focuses on increasing the engagement of mainstream services and systems with people with disability from the priority population groups.
33. That the NSW Government partners with representative organisations of and for people with disability to address the specific disadvantage experienced by Aboriginal and Torres Strait Islander people with disability, children with disability, women with disability and people with disability from culturally and linguistically diverse communities.
34. That the NSW Government provides resources to the NSW Network of Women with Disability and the Association for Children with Disability NSW to enable them to work more effectively with women and children with disability, and contribute to the goals of the NSW Disability Inclusion Plan.

35. That the NSW Disability Inclusion Plan embeds cultural competency in disability inclusion initiatives through focusing on:

- building the capacity of people with disability to be leaders and champions in their communities;
- ensuring disability awareness raising involves content relating to cultural competency;
- measuring performance relating to cultural competency of disability inclusion initiatives.

**Creating and implementing an effective plan for inclusion**

36. That the NSW Disability Inclusion Plan specifies that an agency other than Ageing, Disability and Home Care will provide ongoing funding for independent advocacy, independent information and representation for people with disability.

37. That the NSW Disability Inclusion Plan has specific resources adequate to achieve actions and goals under the plan.

38. That performance agreements for senior executives in public authorities include measures relating to achieving goals and outcomes in the NSW Disability Inclusion Plan.

39. That the Plan includes specific timelines for implementation of initiatives, with clear milestones to ensure timely progress, and outlines who is responsible for implementing them.

## Whole-of-government actions

At present the potential actions identified in the discussion paper focus on local or regional actions. These will be valuable, however they require an overall strategy to draw these initiatives together. A number of policy and process changes must support the implementation of these initiatives. This plan offers the opportunity to address these matters from a whole-of-government perspective.

*Q1. Is it clear how the NSW Disability Inclusion Plan fits with the other policies supporting the rights of people with disability?*

The NSW Disability Network Forum is not clear how the Disability Inclusion Plan will address the policy commitments made in legislation and human rights treaties. To clarify this, the Disability Network Forum recommends that the Disability Inclusion Plan specifies which provisions in legislation, regulation and policy it is fulfilling e.g. the *Disability Discrimination Act 1992* (Cth), the National Disability Strategy, or the UN Convention on the Rights of Persons with Disabilities.

### **Recommendation 1**

That the Disability Inclusion Plan specifies the legislative, human rights, or policy provisions that specific actions and initiatives are intended to fulfil.

## The National Disability Strategy

The NSW Disability Network Forum is not clear how the Disability Inclusion Plan will give effect to the National Disability Strategy (NDS), as the NDS has identified 6 outcome areas for concerted action in order to meet the provisions in the UN CRPD. While it is clear how some identified areas of focus for the plan align with the NDS, other obligations under the NDS have yet to be clarified.

As the six outcome areas in the NDS have been agreed as national priorities, the NSW Disability Network Forum considers that the plan should also address the other outcome areas, even where responsibility for actions would be primarily or solely carried out by one government agency. Reliance on agency-level Disability Inclusion Action Plans to achieve the national priorities in the NDS may result in gaps and delays, with a risk that milestones identified in the NDS will not be met.

Additionally, due to restructuring within Government there are multiple decision making structures within agencies that would need to collaborate to implement the NDS. Many agencies have shifted more decision making to regions and districts, while also combining diverse agencies into larger departments. This requires a greater level of co-ordination centrally to ensure that whole-of-government priorities, such as inclusion of people with disability under the NDS, are implemented. If the NSW Disability Inclusion Plan addresses all outcome areas identified in the NDS it will be possible to co-ordinate these actions and track progress over time with all of the priority outcome areas.

The Learning and Skills, and Health and Wellbeing areas are not addressed in the discussion paper. The Ministry of Health and the Department of Education and Communities are both important partners to improving inclusion of people with disability in many areas. Learning and skills are important to achieve many of the goals of the Plan, such as improving employment prospects. Likewise, improving attitudes and behaviours among health professionals is an important aspect of inclusion.



The NSW Disability Network Forum recommends that any initiatives relating to the National Disability Strategy are included in the Disability Inclusion Plan.

**Recommendation 2**

That the Disability Inclusion Plan addresses all six outcome areas for the National Disability Strategy, and any initiatives relating to the National Disability Strategy are included in the Plan.

**Actions from the previous NDS NSW Implementation Plan 2012-14**

A number of actions from the previous National Disability Strategy NSW Implementation Plan 2012-14 remain incomplete. Although an evaluation of the plan commenced, it is also necessary to understand the outcomes achieved. The *National Disability Strategy NSW Implementation Plan 2012–2014 - Status report* only reports on the number of actions that have commenced. Furthermore, for the dissemination of learning and measurement of progress to inform Disability Inclusion Action Plans, it is necessary to publish a report on the evaluation of the previous Implementation Plan 2012-14.

**Recommendation 3**

That a report on the evaluation of the previous *National Disability Strategy NSW Implementation Plan 2012-14* is published, discussing the outcomes achieved and learning that can be incorporated into future initiatives.

**‘Equality before the law and promotion of human rights**

People with disability continue to experience adverse outcomes in the justice system, including with laws and legal mechanisms relating to decision making, consumer rights, in interacting with police, when experiencing crime, and when they are incarcerated. Although the Australian Law Reform Commission has conducted an inquiry into Equality, Capacity and Disability in Commonwealth Laws, many aspects of the legal system remain within the jurisdiction of the State Government. There must be a review of NSW laws and legal mechanisms to ensure they comply with the UN CRPD.

**Recommendation 4**

That the NSW Law Reform Commission reviews all NSW laws and legal mechanisms to determine whether they comply with the UN CRPD, and outlines a process to update and reform laws to ensure they fulfil the human rights of people with disability.

**Promoting the highest standard of health and wellbeing for people with disability**

People with disability have a right to the highest available standard of health and wellbeing. Fulfilling this right, and the responsibility it confers, requires co-ordination within the health system. NSW Health has decentralised many aspects of decision making about health services to Local Health Districts (LHDs), including development of Disability Action Plans. However, the needs and issues for people with disability with health services are similar across NSW, such as making sure there is adequate accessible parking near hospitals and health facilities and improving the disability awareness of clinicians. Disability Network Forum members have seen inconsistency across many LHDs in the experiences people with disability have with health services, e.g. many Deaf people experience difficulties with Auslan interpreters in hospitals. The Disability Network Forum recommends that NSW Health decisions to improve inclusion and access in health services for

people with disability are made centrally. People with disability must be included in all NSW Health plans and strategies.

**Recommendation 5**

That NSW Health services, programs and plans relating to people with disability are driven through a central decision making process.

**The National Disability Insurance Scheme**

The National Disability Insurance Scheme (NDIS) is a landmark reform that will fundamentally transform how disability support is delivered across Australia. However, the NDIS has a specific function of funding and providing supports relating to participants' functional capacity. Approximately 18% of people with disability in NSW will be NDIS participants. The NSW Disability Inclusion Plan appropriately targets the broader community and government to improve equity of access and inclusion for all people with disability.

Since the scope of the NDIS is limited by legislation and policy, some supports for people with disability will not be provided by the NDIS. This will result in gaps that will come to light as the NDIS is developed and implemented. This could be addressed by establishing effective channels of communication and collaboration between the National Disability Insurance Agency (NDIA) and other agencies, both government and non-government, to address issues of shared responsibility. The effectiveness of these working relationships will be vital to implementing the Plan. Information from the NDIS about gaps with mainstream services experienced by people with disability, especially in areas relating to the National Disability Strategy, will therefore be important to inform the priorities of the NSW Disability Inclusion Plan. Although this should be addressed through NSW agencies responsible for NDIS implementation, this must also be co-ordinated with the priorities of the NDS. The NSW Disability Network Forum recommends that this is an integral part of the NSW Disability Inclusion Plan.

**Recommendation 6**

That the Disability Inclusion Plan includes mechanisms to address gaps in mainstream services and systems that are highlighted in the development of the NDIS.

**Government procurement**

The NSW Disability Network Forum does not believe that Australian Disability Enterprises (ADEs) offer inclusive employment opportunities people with disability. For example, many are using a discriminatory assessment process to determine wages for their employees.<sup>2</sup> Most workers with disability in ADEs have few opportunities for career development or progression, e.g. few ADE workers have transitioned to open employment. This submission further discusses this matter under the Employment focus area on page 14.

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<sup>2</sup> Nojin v Commonwealth of Australia (2012) FCAFC 192, see <http://www.judgments.fedcourt.gov.au/judgments/Judgments/fca/full/2012/2012fcafc0192>

## Actions to support inclusion

Q2. What other actions could government take to influence the adoption of inclusive practices across the general community?

Are there case studies or other examples available to illustrate how this may occur?

### Disability Inclusion Action Planning in the broader community

Public authorities are required to develop Disability Inclusion Action Plans (DIAPs) under the *Disability Inclusion Act 2014*. This is an extremely valuable way to improve inclusion across government. The NSW Disability Network Forum also believes it will also be effective to promote DIAPs in non-government agencies, including the private sector. The Disability Network Forum recommends that the Disability Inclusion Plan includes initiatives to promote Disability Inclusion Action Planning in the community, including considering if this could be a requirement in government procurement.

#### Recommendation 7

That the NSW Disability Inclusion Plan includes initiatives to promote Disability Inclusion Action Planning in the community.

#### Recommendation 8

That NSW Government procurement policy requires suppliers to have a Disability Inclusion Action Plan.

### Community development

At present the processes to support disability inclusion are facilitated by a range of community sector workers, including Ability Links NSW co-ordinators and local government Ageing and Disability Officers. These roles provide an important role in building the capacity of communities to improve accessibility and inclusion. For instance, many of these roles have led and the development of Disability Action Plans within local government.

Due to ADHC funding being transferred to the NDIS these roles will be discontinued in the coming years. However, they are vital to achieving localised improvements for people with disability and to implementing statewide strategies in local areas. Many of the NSW Disability Network Forum member organisations can contribute to addressing this gap. However, appropriate support and resources are required to do so.

Community development roles would co-ordinate the proposed activities in the discussion paper such as local 'liveable communities forums' and undertake the proposed local projects. They would also have the capacity to promote and support Disability Inclusion Action Planning in community and private sector agencies.

#### Recommendation 9

That the NSW Government resources community development activities to promote inclusion of people with disability through local initiatives.

### People with disability must be involved in decisions that affect them

People with disability are the experts in their own lives. Many people with disability need independent support to engage with all of the priority focus areas identified for the Plan, especially

when problems and barriers arise. For example, if a person faces barriers in relation to access to premises, public transport, or workplace discrimination, they will need support with the legal and administrative processes involved with making a complaint under the *Disability Discrimination Act 1992* (Cth).

Currently this support is provided by independent advocacy, independent information and representative organisations. As part of the transition to the NDIS, funding for these functions will cease, and will not be replaced by the NDIS. To truly facilitate access and inclusion for people with disability, it is necessary to ensure that independent advocacy, independent information and representation continue, and are an integral part of achieving the Plan's goals. This submission includes a number of examples that illustrate how this occurs.

**Recommendation 10**

That the NSW Disability Inclusion Plan specifies that people with disability will continue to have access to NSW Government funded independent advocacy and independent information, and representative organisations will continue to have appropriate resources to promote inclusion of people with disability.

## Liveable communities

Improving the inclusiveness of the built environment is an essential element of disability inclusion. The Plan appropriately identifies this matter as a priority for inclusion of people with disability.

However, the term “liveable communities” is unclear. The NSW Disability Network Forum recommends using another term which specifies the meaning of this initiative, such as ‘an inclusive built environment’.

To achieve inclusion it is not sufficient to only consider the issues common to older people, carers and people with disability. Each of these groups has specific circumstances and requirements that need to be addressed for genuine inclusion. The Disability Inclusion Plan must address the specific needs of people with disability.

### Housing: The urgent priority

*A secure and affordable place to live is the basis of economic and social participation in the community.*

- National Disability Strategy, p. 44.

There is an urgent need for more housing that is affordable and accessible for people with disability. Only 0.5% of rental properties in metropolitan NSW are affordable for a person on the Disability Support Pension, and 3.9% of rental properties are affordable for a person living on a minimum wage.<sup>3</sup> Lack of appropriate housing can mean that people with disability miss out on opportunities, and may be at greater risk of crisis and abuse. A recent survey of independent advocacy organisations in NSW demonstrated that housing is the most common issue dealt with in independent advocacy.<sup>4</sup>

Not only is there a lack of housing stock meeting universal design standards, there are also many barriers to participating in housing markets for people with disability. As such, the NSW Disability Network Forum recommends that housing is a focus for the NSW Disability Inclusion Plan. Housing is also considered a national priority under the NDS.

Housing is also an area which involves multiple levels of government and multiple agencies, including the Department of Planning and Environment, Department of Family and Community Services, the Land and Housing Corporation, the Office of Local Government, and the Department of Premier and Cabinet. Other non-government agencies such as the Property Council, the Real Estate Institute, the Housing Industry Association and the Federation of Housing Associations would also be important partners to engage to improve the accessibility and affordability of housing stock

Many of these agencies, as well as not-for-profit groups, have identified opportunities to improve housing stock, e.g. many groups have access to land but not capital and have had little success seeking support from various government agencies. NSW needs a strategy to give life to these ideas and to better fulfil opportunities that arise.

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<sup>3</sup> Anglicare Australia, *Rental Affordability Snapshot*, Canberra, April 2014, available at: <http://www.anglicare.com.au/pages/reports.html> last accessed: 01/12/2014

<sup>4</sup> Survey of independent advocacy agencies in NSW by NCOSS, May 2014 (unpublished).

### **Proposal: A disability housing strategy**

A broad strategy, addressing several systemic barriers and opportunities, could achieve considerable change. As a matter of priority, the Disability Inclusion Plan must create options in the planning system to increase availability of accessible, universally designed residential housing. It would need to involve the major agencies involved with housing, particularly the Department of Planning and Environment, other government agencies, as well as non-government and private sector partners. This strategy would involve:

- developing a planning policy to increase availability and affordability of accessible, universally designed housing close to services and amenities, and ensuring these priorities are reflected in other policy and legislation;
- taking advantage of funding opportunities that may arise, and ensure that housing developments are inclusive of people with disability;
- specifying a budget for access modifications to social housing;
- improve partnerships between the NSW Government, local government, and non-government groups to take advantage of opportunities to develop accessible, universally designed housing;
- working with developers to ensure that new housing stock is affordable, accessible and universally designed;
- improving the availability of data about current housing stock, including the number of people with disability living in social housing, the number of accessible dwellings, and the standards they meet;
- raising the awareness of landlords and real estate agents of the needs of people with disability (an action that could also be among the ‘attitudes and behaviour’ initiatives);
- offering support for people with disability to engage in the private housing market e.g. support to attend inspections and apply for private rental housing.

#### **Recommendation 11**

That the plan involves a housing strategy, focused in developing a planning policy, working with developers, improving data, and support for people with disability to engage in housing markets.

### **The role of independent advocacy**

The examples below illustrate the importance of independent advocacy to achieving better housing outcomes for people with disability. As noted above, housing related matters outstrip all other matters that independent advocacy organisations deal with. People with disability do not have equal access to housing, and have diminishing choices because a great deal of housing is unaffordable and inaccessible. Independent advocacy is essential to support people with disability to overcome the barriers in the housing market, and obtain suitable housing.

#### **Living where you want to**

Eric is 44, his mother has just died and his sister now wants him to come and live near her. Eric does not want to do this. He has friends, a job and likes living where he has lived for the last 6 years. He is scared that she will make him move as she has already rung the real estate agent to terminate his lease. Eric contacts an information service as he does not know what to do. He is linked to an advocacy service that helps him to stop his sister’s actions.

### **Help to make the right move**

An advocate has for some time now been supporting a man with intellectual disability who lives independently in the community; particularly in undertaking more complex tasks associated with a Housing NSW tenancy. Recently the advocate was contacted by a Housing NSW representative who had come to know that the man receives support from Side by Side Advocacy. The man had to move house because he had been living in a property leased by Housing NSW from a private owner; and the owner wanted the property back.

Advocacy assisted the man to understand that he was going to have to move, why and what the process would be. Advocacy supported the man to express his needs clearly and used knowledge of his needs accumulated through various advocacy actions and through speaking (with permission) to the man's family to ensure that only appropriate offers of alternative housing were made.

The man's family drew attention to the fact that while living in a previous house, the man had been a target of abuse from neighbours. The advocate supported the man throughout the offer, acceptance, lease signing and organising for Housing NSW to pay for the cost of the move. He is now settled in his new home. Advocacy has also provided some guidance on tasks that have to be done when a person changes address and what to do if there is a problem with any of the neighbours.

### **Improving access to transport**

Transport is an integral part of our society, and its accessibility has a significant impact on the opportunities available to people with disability. Lack of appropriate transport that is accessible to all in the community limits how effective other services, such as health and education, can be.

There are considerable opportunities to draw on funding for public infrastructure, such as the Restart NSW fund, to improve universal access to existing services and gain the benefits of previous investment in accessibility.

Considerable transport infrastructure such as bus stops and station precincts is not within the direct control of Transport for NSW, yet it can be the factor that enables or prevents a person with mobility disability using public transport. An improved planning framework and funding for upgraded transport infrastructure would significantly improve access and inclusion.

#### **Recommendation 12**

That the NSW Disability Inclusion Plan involves funding to improve accessible transport infrastructure, such as bus stops and train station precincts.

### **Increasing affordability of flexible transport options**

For some people with disability, taxis are the only transport option. Public transport may be difficult to use, and driving may be impossible. But the cost of taxis can be prohibitive, meaning that people with disability miss out on opportunities, risk being socially isolated, or must do without other essentials in order to pay for transport.

Over the last decade and a half taxi fares have seen significant price rises, but under the NSW Taxi Transport Subsidy Scheme (TTSS), the maximum subsidy of \$30 per trip has not increased since 1999. People can no longer travel as far as previously without exceeding the subsidy cap. But the

\$30 cap is not the only problem. Even a 50% fare is expensive, and many people with disability have very low incomes. The Scheme is well overdue for upgrade and reform.

**Recommendation 13**

That the NSW Disability Inclusion Plan updates the Taxi Transport Subsidy Scheme, including:

- Increasing to the cap to \$60 and indexing it to taxi fares.
- Reviewing the level of subsidy to ensure it supports affordable taxi transport for people who rely on taxis as their only transport option.
- Introducing a smartcard system for TTSS participants.

Another area of major transport need is non-emergency health related transport. For many people with disability, community transport is their only option to access health services. However, current availability of health transport is limited, and needs are likely to increase. As funding for non-emergency health transport is currently delivered through the NSW Community Care Supports Program (CCSP), which is a disability program, not all those who require it can access transport when they need it. Funding for the CCSP will also transfer to the NDIS, and some people with disability who access community transport for health appointments will not be eligible for the NDIS.

**Recommendation 14**

That the NSW Government:

- Provides an immediate increase in funding to community transport providers to meet the growing need for non-emergency health transport services.
- Assesses the need for health transport services, and to review the delivery of non-emergency health transport in NSW, including community transport providers.
- Delivers a coordinated, integrated system at the Local Health District level and a consistent approach for responding to people in need of transport assistance.

**Equal opportunities to participate**

People with disability must have equal opportunities to participate in audiences for events and performances. Greater availability of accessible seating and more effective use of the Companion Card program can contribute to achieving this aim.

**Recommendation 15**

That the NSW Disability Inclusion Plan:

- Includes targets to increase accessible seating at venues, with wheelchair accessible seating in valued locations and distributed across the available seating.
- Improves the responsiveness of Government venue and event operators to people with disability, through use of the Companion Card at all NSW Government operated venues.
- Increases access to the Companion Card through wider eligibility and greater promotion.

Many privately owned and operated venues and businesses are also inaccessible. The NSW Disability Network Forum recommends more effective use of the planning process to ensure that new developments and redevelopments improve accessibility of private venues and business premises.



## Employment

The NSW Disability Network Forum welcomes the strong focus on employment in the NSW Disability Inclusion Plan. Lack of access to jobs is a major reason that people with disability are more likely to be living in poverty. Most people with disability want to work, but there are barriers to employment. Overturning these barriers will be essential to promoting inclusion in the community.

### **Promoting the views of people with disability about their employment experiences**

Ongoing dialogue with people with disability regarding barriers to employment and in the workplace must occur. The discussion paper outlines a potential action to examine the possibility of establishing a disability employee network. Members of the NSW Disability Network Forum have recently been involved with reviews to Commonwealth Disability Employment Services, and can therefore share insights about how to improve employment experiences and opportunities for people with disability.

The NSW Disability Network Forum recommends that people with disability who are unemployed can voice their concerns to inform the Plan. Unemployed people with disability have valuable insight into the barriers that make it difficult for people with disability to obtain and retain employment.

#### **Recommendation 16**

That representative organisations of people with disability are engaged in establishing disability employment networks.

#### **Recommendation 17**

That feedback from people with disability who are not in paid employment informs strategies relating to employment of people with disability.

### **Education and training: the pathway to employment**

Access to education and training is one of the most powerful ways to improve a person's employment prospects. The NSW Government's responsibilities for delivering education and training can make a strong contribution towards improving employment opportunities of people with disability. The National Disability Strategy specifies that governments will "reduce barriers and simplify access for people with disability to a high quality inclusive education system including early learning, child care, school and further education" (action 5.1, p. 58). With appropriate support to access education and training, people with disability can have greater opportunities to overcome poverty through employment participation.

#### **Access to Tertiary Education**

Some school leavers with disability for whom access to tertiary studies could provide future inclusion and career prospects have not had the encouragement or opportunity to progress to further study like their peers without disability. Nor have they been informed about or provided with appropriate or adequate access to tertiary studies or supports to enable same. The Disability Network Forum was concerned that the numbers of people with disability entering tertiary studies to increase career prospects is consistently and alarmingly disproportionately low. This is necessarily a worthwhile investment. The NSW Disability Network Forum recommends that the NSW Disability Inclusion Plan promotes continuous improvement towards parity of access to tertiary studies for school leavers.

### **Support to access Vocational Education and Training**

Reforms to Vocational Education and Training (VET) are therefore likely to have significant effects for people with disability in relation to employment prospects and wellbeing. NSW has provided supports that are considered best practice. However, the Disability Network Forum notes that under the Smart and Skilled reforms to VET, there will be a new basis for setting funding levels for supports for students with disability, specified as a loading of 15% of the base price of a course.

The NSW Disability Network Forum is concerned that this will be insufficient to meet the costs of supporting students with disability to access VET, and the funding will not be dedicated to support students with disability. Forum members are concerned by reports that some RTOs intend to use the funding for staff salaries rather than tailored supports to enable students with disability to participate.

The Disability Network Forum understands that TAFE institutes have been informed that they can use their Community Service Obligation (CSO) funding to ensure appropriate support is provided, but this is not guaranteed. Without a dedicated source of funding, people with disability are likely to have fewer options to obtain qualifications that can improve their employment opportunities.

#### **Recommendation 18**

That all TAFE institutes and RTOs dedicate appropriate funding, commensurate with current funding, to support for students with disability.

### **Employment opportunities for graduates**

The NSW Disability Network Forum is also aware that people with disability often experience barriers to obtaining employment after they graduate from VET and higher education. Staff in career centres and disability centres at TAFEs and universities have done a great deal of work to address these issues. Partnering with them to enhance existing initiatives, or to bring new partners, particularly employers, to join these initiatives, could be successful.

### **Public Sector Employment**

The Disability Network Forum welcomes the focus on public sector employment opportunities for people with disability. Public sector employment of people with disability is declining. It is necessary for the NSW Government to undertake specific strategies to increase the number and proportion of public sector employees with disability. The NSW Government should set an example by leading practice in employing people with disability by setting a target for a proportion of NSW public sector employees with disability.

#### **Recommendation 19**

That the NSW Disability Inclusion Plan sets a target for the NSW public sector to include a percentage of employees with disability.

### **Reporting and accountability**

The NSW Disability Network Forum recommends that government reports on the number and proportion of employees with disability in the NSW public service. This would ensure greater accountability and create an incentive for improvement. If the proportion of employees with disability is high and/or increasing over time, publication will demonstrate the effectiveness of the

actions implemented and reflect positively on the reputation of the organisation. Conversely, where the proportion of people with disability employed is low or has decreased over time, this should be discussed along with strategies for improved outcomes in future.

**Recommendation 20**

That regular reporting on the Disability Inclusion Plan outlines the number and proportion of public sector employees with disability in NSW, and strategies to improve public sector employment of people with disability across the NSW public service.

**Career Progression**

A major issue for people with disability with regard to employment is that there are often limited opportunities for them to progress after obtaining employment. It is important to set targets for employment of people with disability at all levels within the public service. This will create an incentive to support professional development and progression of employees with disability.

**Recommendation 21**

That the NSW public service sets targets for employment of people with disability at all levels.

**Government procurement**

As discussed above, Australian Disability Enterprises are not an inclusive employment option. There is a range of other steps the NSW Government can pursue, however, to improve employment outcomes for people with disability through procurement.

For leadership that will make a genuine difference, the NSW Government should give preference to suppliers who meet certain employment targets for employing people with disability, including goals related to the number of employees with disability, the nature of roles people with disability are employed in, and career progression opportunities developed for workers with disability.

**Recommendation 22**

That NSW Government procurement gives preference to suppliers who meet agreed employment targets for people with disability.

**Other barriers to employment**

There may be other barriers, e.g. lack of accessible transport, to people with disability accessing employment. Strategies relating to improving employment should also find opportunities to address these barriers, and respond to the recommendations and solutions offered by people with disability.

**Importance of Independent advocacy**

Independent advocacy often supports people with disability in relation to their employment. Often, this can help to mediate disagreements and avoid the escalation of conflicts. People with disability require access to this support to navigate workplace issues and relationships on an equal basis.

**Talking to the boss**

An advocate supported and created opportunities for a young man to express his feelings about his workplace role and responsibilities. The employer of 7 years had not recognised or given any consideration to this man's workplace support needs and his anxiety was overwhelming.

The two meetings that consequently took place were structured to enable the young man to lead and guide discussions. This man is currently enjoying his work and future review meetings are planned to review and maintain what has been achieved.

Due to the support of the advocate, there is improved understanding, support and enhanced relationships within his workplace.

## Attitudes and behaviour

People with disability often experience barriers from the attitudes of people without disability, especially people employed in positions that affect their lives in profound ways, where policy and legislation have been reformed. Improving disability awareness across a range of fields is essential to ensuring that people with disability can access legislative and policy mechanisms to fulfil and exercise their rights.

The NSW Disability Network Forum supports the potential actions in the discussion paper and suggests that work on attitudes and behaviour focuses in particular on (1) improving attitudes and behaviour among select professionals, and (2) increasing the broad mainstream visibility and presence of people with disability. Strategic work on these priorities will build on the success of many past initiatives. NSW Disability Network Forum members can be partners with government on many of these e.g. many member organisations deliver disability awareness training and have tailored it for specific audiences, others deliver leadership development programs to build the capacity of people with disability to speak up for themselves in various settings.

### Increasing disability awareness

The Paper states that all NSW government departments will be provided with access to a training module on disability related human rights and inclusion to support their inclusion planning. Completion of this should be compulsory for all public sector employees, as this would promote positive attitudes towards people with disability and increase awareness. It is also likely to result in increased job satisfaction and employment outcomes for employees with disability within the agency. Many NSW Disability Network Forum members deliver disability awareness training and can assist with this.

Attitudes and behaviour of professionals in particular fields, e.g. health professionals, police and private rental agents, are a major contributor to barriers that people with disability experience to accessing services and opportunities. For example, Disability Network Forum member organisations have intervened where some health professionals have proceeded with involuntary sterilisation of women with disability who do not have capacity to consent to the procedure, even though this is prohibited under the *Guardianship Act 1987*. The NSW Disability Network Forum recommends that the NSW Disability Inclusion Plan focuses on attitudes and behaviours of professionals in fields that relate to the National Disability Strategy and the UN CRPD.

#### **Recommendation 23**

That completion of human rights and disability awareness training is compulsory for public sector employees, particularly those working in fields that relate to fundamental human rights.

### Reaching a broader mainstream audience

Visibility of people with disability is often limited and people with disability lack opportunities to present their own stories about what is important to them. The NSW Disability Network Forum commends the refocus of the Don't DIS My Ability campaign towards greater mainstream awareness raising and visibility. These efforts would be greatly enhanced by further engagement with media partners to increase the visibility of people with disability in mainstream settings. Using events such

as the Special Olympics and the International Day of People with Disability to reach more mainstream audiences would enhance opportunities to present the achievements of people with disability. Disability Network Forum member organisations can assist as many deliver leadership and capacity building programs to develop the skills of people with disability to speak up for themselves.

### **Inclusion across all government strategies and plans**

People with disability engage with every area of life. It is therefore necessary for all NSW Government plans and strategies to include people with disability, particularly where public promotion is involved, such as health promotion and public awareness activities. This would demonstrate that people with disability are involved in all parts of the community and public life. For example, the NSW Electoral Commission has a strategy to ensure that people with disability can participate in NSW State elections. This demonstrates how people with disability are involved in exercising their rights and civic responsibilities.

#### **Recommendation 24**

That all NSW Government plans and strategies, particularly those involving public events, activities and promotion, include people with disability.

## Systems and processes

### Participation in decisions

People with disability are experts on their lives and experiences. The NSW Disability Network Forum recommends that the Disability Inclusion Plan prioritises opportunities for people with disability to participate in decisions of and provide feedback to public agencies they engage with. This will greatly improve processes and systems for people with disability. Agencies must seek regular feedback from people with disability who are involved with the agency, e.g. the Department of Education and Communities must seek feedback from students with disability and their families.

Consultation mechanisms can sometimes become tokenistic if they only engage individuals, as there can be a tendency for the same individuals to be engaged repeatedly. Representative peak organisations can overcome this issue by engaging with people in a variety of circumstances through mechanisms like research and community engagement, particularly people who are disadvantaged in other ways e.g. people living in marginal housing. Participation processes should therefore involve both individuals and organisations.

This is already occurring in many agencies through advisory committees and similar bodies. Some of these bodies are focused on people with disability, and others are generally focused on community and consumer engagement. All such bodies should include people with disability who have direct experience with the agency, including provision for supports such as paying transport costs and support workers to enable equitable participation. A review of public participation processes in the NSW Government, and their inclusion of people with disability, would be valuable to improve these mechanisms. It would also offer people with disability valuable experience that could enhance employment and other opportunities.

#### **Recommendation 25**

That the NSW Government reviews community and consumer participation mechanisms to improve inclusion of people with disability across these bodies.

### Involving people with disability in developing administrative processes

NSW Disability Network Forum member organisations often observe problems with government processes and systems that create barriers for people with disability, and provide support to the person to understand and navigate these systems. For example, support for people to complete long and incomprehensible application forms, to understand correspondence that uses excessive jargon and to work through administration arrangements that extend waiting times.

Many of these could be addressed by engaging people with disability involved with the agency in developing and designing processes. This would also create efficiencies and savings in the long run by making processes smoother for all involved.

**Recommendation 26**

That government agencies involve people with disability in co-design processes to develop more accessible processes and systems.

**Recommendation 27**

The Department of Family and Community Services can take a leading role by establishing a centre for excellence in co-design methodologies for public policy and services, with a particular focus on co-design with people with disability.

**Data collection, assessment and referral**

Many agencies do not collect data systematically about the number of people with disability involved with the agency or their experiences. There must be more effective data collection across agencies and an understanding among employees of how to refer people with disability to appropriate supports, or for appropriate diagnoses and assessments. Data should also be collected about other factors such as Aboriginal and/or Torres Strait Islander status, and languages spoken.

**Recommendation 28**

That all NSW Government agencies train staff in collecting appropriate data, and referring people with disability for appropriate assessment, diagnosis and support.

**Access to information**

The Discussion Paper states that NSW departments will provide key policy documents and publications of public interest or importance in accessible formats. However it is not only 'key' information or publications of interest or importance that should be accessible. People with disability have the right to equal access to information, and therefore the Plan must specify that all documents and publications will be provided in accessible formats.

**Recommendation 29**

That the NSW Disability Inclusion Plan specifies all government documents and publications will be provided in accessible formats including Braille, Easy Read, and languages other than English.

**Accessible translated information**

There is a need for quality translations that are accessible and do not assume a certain level of literacy. Individuals may be fluent in a language, but this does not mean that they are literate in that language. It is often the case that information and resources are in very formal and academic language which would not be suitable for somebody who had low levels of literacy in their first language.

Bing or Google translate are not accurate and reliable tools. These tools focus on word-for-word translation but do not translate meanings well. Quality translations require understanding of context and meaning. This also requires translators and interpreters to have strong understanding of disability, and capacity to explain disability related matters.

**Recommendation 30**

That the NSW Government works on increasing the capacity of interpreters and translators to work with people with disability.



### **Online information**

The NSW Disability Network Forum supports the proposed action to ensure that all NSW Government departments websites and software systems meet compliance standards or have suitable procedures in place to support access by all. However not people with disability have internet access or may require support to access to the internet. For this reason it is important to make sure that no information which may be critical to a person is solely provided online.

### **The importance of independent information**

People with disability, like anyone else, want trusted, credible and reliable sources of information. Independent information supports people with disability to make informed decisions for themselves by providing information when, where, and how the person wants it. Independent Information is important because it is not tied to any other allegiances such as service provision. Due to its independent nature, independent information services value accuracy and do not act as promoter or adviser in any other capacity.

The example below illustrates how independent information can contribute to promoting disability awareness and inclusion across the community:

#### **Training in easy-to-read information**

NSW Council for Intellectual Disability (CID) and IDEAS information services had numerous requests regarding creating easy to read information – where could people go to learn this skill? NSW CID and IDEAS partnered to host training in NSW, which was attended by a large cross section of professionals. The benefits of this training have been far reaching – many new resources and publications were created for audiences that have poor literacy skills. This included information on mobile phone scams, diabetes, complaints, research and health.

### **Sharing information across the community**

People with disability need access to information from a wide variety of sources and in various formats. Often official sources are not the most trusted or the first sources people will access. Some communities rely on community and religious leaders for information about personal or sensitive matters. Many communities rely strongly on community or local media, including radio, television and newspapers. It is necessary for Government agencies to work with these outlets to share information effectively across the community, particularly in communities where people with disability experience additional barriers and isolation such as Aboriginal and Torres Strait Islander communities, culturally and linguistically diverse communities, and lesbian, gay, bisexual, transgender and intersex (LGBTI) communities.

### **Appropriate safeguards**

#### **Consumer protections**

It is necessary to ensure effective consumer protections are in place to uphold the rights of people with disability. At present there are considerable barriers to people with disability exercising their consumer rights in relation to goods and services provided by both government and non-government agencies. It is necessary to ensure that mainstream consumer protections in legislation and regulation are inclusive of people with disability. Some of this work will also be necessary for the NDIS. However, reforms to consumer protections would be most effective if they have a broad view

to include all people with disability who need them, not only in relation to goods and services that participants will be funded from the NDIS.

### **Rights and responsibilities**

Each person needs information about what they can expect from a service, and their rights and responsibilities, explained in a way that is appropriate for them. To achieve this, it is necessary for public sector employees to have an effective understanding of their rights and responsibilities when working with people with disability. This includes the right of a person to independent support when making decisions, and the person's right to participate actively in decisions that affect them.

### **Effective complaints handling and feedback**

An important aspect of consumer protection is effective complaints handling and feedback. The NSW Ombudsman has commenced a review of complaints handling and feedback in NSW Government agencies which will proceed into the term of the NSW Disability Inclusion Plan. The Plan must ensure that recommendations from this review are implemented.

Inclusive complaint mechanisms will offer people opportunities to provide feedback in a variety of languages and formats, e.g. providing a video where they sign their feedback in Auslan. NSW Disability Network Forum members also recommend that complaint mechanisms provide feedback to the person, or the person responsible if they are under a Guardianship order, about the outcome of the complaint.

### **Independent advocacy**

Independent advocacy supports people with disability to navigate through complex administrative and legal processes, such as negotiating with services, resolving problems, making complaints and appearing before a court or tribunal. These have important risk mitigation benefits for service systems, such as providing early warnings and safeguards for people against abuse and crises. They are also flexible and can work across a range of levels of government and agencies to find solutions for the person. In this way independent advocacy is an essential safeguard to ensure people's rights are fulfilled.

The NSW Disability Network Forum recommends that the NSW Disability Inclusion Plan focuses on improving use of feedback and data from independent advocacy agencies to inform improvement in government systems and processes.

#### **Recommendation 31**

That the Disability Inclusion Plan focuses on improving opportunities for feedback and data from people with disability and independent advocacy organisations to inform improvements in systems and processes.

## Priority population groups

*Q4. What actions should be considered for inclusion in the NSW Disability Inclusion Plan to support the inclusion of the particular groups identified?*

*Can you describe examples of personal experience or stories which illustrate how the barriers facing these groups can be broken down.*

The NSW Disability Network Forum supports the focus of the discussion paper on people with disability from the identified population groups. These groups are identified in the UN CRPD as having additional barriers to their full and equal participation in society.

Rather than identify separate initiatives relating to the identified population groups, the NSW Disability Network Forum recommends that all initiatives under the Disability Inclusion Plan prioritise Aboriginal and Torres Strait Islander people with disability, children with disability, women with disability and people with disability from culturally and linguistically diverse communities. The major barriers experienced by people with disability among these populations relate to inclusion and access in mainstream services and systems, and therefore these are the settings where improvement efforts should focus.

The NSW Disability Network Forum recommends that FACS engages with other relevant government agencies such as the Office for Aboriginal Affairs, NSW Advocate for Children and Young People, Multicultural NSW, and Women NSW to increase their engagement with people with disability. It is necessary to embed understanding and commitment to inclusion of people with disability across all of these agencies.

### **Recommendation 32**

That the NSW Disability Inclusion Plan focuses on increasing the engagement of mainstream services and systems with people with disability from the priority population groups.

### **Importance of representation**

In NSW there are specific representative organisations of and for the identified population groups. These include:

- Aboriginal Disability Network NSW
- Association for Children with Disability NSW
- NSW Network of Women with Disability
- Multicultural Disability Advocacy Association of NSW

The NSW Disability Network Forum recommends that the NSW Government partners with representative organisations to address the specific disadvantage experienced by people with disability from the identified population groups.

**Recommendation 33**

That the NSW Government partners with representative organisations of and for people with disability to address the specific disadvantage experienced by Aboriginal and Torres Strait Islander people with disability, children with disability, women with disability and people with disability from culturally and linguistically diverse communities.

These organisations can bring their members together, share information, and directly contribute the perspectives of people with disability. They have been working for many years to build awareness and empowerment among the community of issues for people with disability, and to build the capacity of people with disability.

As the Association for Children with Disability NSW and the NSW Network of Women with Disability are currently volunteer-based organisations which receive no funding or resources from government, their capacity to address the many issues for children with disability and women with disability is very limited. Specific resources will need to be allocated to ensure appropriate capacity for these initiatives.

**Recommendation 34**

That the NSW Government provides resources to the NSW Network of Women with Disability and the Association for Children with Disability NSW to enable them to work more effectively with women and children with disability, and contribute to the goals of the NSW Disability Inclusion Plan.

**Aboriginal and Torres Strait Islander people with disability**

Aboriginal and Torres Strait Islander people are twice as likely to have disability as non-Aboriginal people, and experience greater impairment as a result of their disability.<sup>5</sup> The NSW Disability Network Forum recommends that inclusion of Aboriginal and Torres Strait Islander people with disability is a focus for all policies and initiatives relating to the NSW Disability Inclusion Plan.

**Justice reinvestment**

Approximately 1 in 5 Aboriginal people being incarcerated in the justice system have a disability. Addressing the complex and multiple disadvantage experienced by Aboriginal people with disability in contact with the justice system, requires work across all areas of government responsibility including employment, education and housing. There must be a focus on justice reinvestment to shift spending to supportive services that will address the factors affecting offending.

**Importance of culturally safe support**

Aboriginal and Torres Strait Islander people with disability must have support that is responsive to their cultural and social circumstances. Autonomous Aboriginal advocacy, information and representation is essential to Aboriginal people with disability having equal opportunities to have their needs met.

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<sup>5</sup> Australian Bureau of Statistics, *Aboriginal and Torres Strait Islander People with a Disability, 2012*, released 01/12/2014, available at: <http://www.abs.gov.au/AUSSTATS/abs@.nsf/d105255d2996ecbaca256fe70019f3a6/176b7899cce3b173ca257d9e00112463!OpenDocument>.

### **We need the support of our own people**

When we think about disadvantage, living in a remote community in western NSW and having a child with disability, who requires multiple medical interventions daily, this is the reality for many Aboriginal families in trying to live a good life.

Mum is a strong black woman who is a survivor of the stolen generation, who cares for multiple people in her household with disabilities. To be able to use Aboriginal advocacy support has sustained her life. Recently the family needed to navigate the medical system in Sydney and without having individual advocacy support they could not have been able to succeed in the outcomes they wanted. The social and professional language is very different for an Aboriginal person from a geographically isolated area and real needs can get lost within frustration and anger.

To have one of their own kin, from the disability advocacy network, to lean on in times of extreme stress and moments of vulnerability, is not only comfortable and non-judgmental, but it also eliminates the need to explain why.

This family has a need for ready and available advocacy provided by one of their own and its success can only be measured in the outcomes that have been attained by having someone at hand, only a phone call away.

### **Children with disability**

Children with disability are vulnerable both due to their age as well as needs for support during developmental stages. Appropriate support for children with disability in mainstream settings is essential to improving inclusion. Without these supports, children and young people with disability risk missing out on life opportunities and experiencing persistent disadvantage later into their lives.

#### **Early childhood education**

Early childhood is a critical time for child development. To optimise the opportunities available to children, children with disability and their families need access and inclusion in all early childhood services provided by the NSW Government. A focus on inclusion within early childhood education and services will support ongoing inclusion later in a child's life and in further school education.

#### **Inclusive school education**

The Department of Education and Communities must work towards meeting the *Disability Standards for Education* and to improve inclusion of children with disability in mainstream schooling. NSW Disability Network Forum members regularly work with families where their child with disability has fewer educational opportunities, or is missing out on school altogether, because of a lack of appropriate support and understanding from the school and teachers. The NSW Disability Network Forum recommends that the Department of Education and Communities:

- increases the number of support units in schools;
- implements the loading recommended by the Gonski Review of Funding for Schooling for school support for students with disability;
- upgrades access in schools and school facilities;

- ensures all teachers complete the eLearning resource produced by the University of Canberra on teaching and learning with students with disability<sup>6</sup>; and
- increases support for students with disability in mainstream, rather than segregated, schools.

### **Access to all educational opportunities**

Children with disability also need equal access to other educational opportunities, including Out-of-School-Hours care and school transport. The NSW Disability Network Forum recommends that all school transport involves accessible vehicles so that students with disability have equal opportunities to participate in schooling and extra-curricular activities.

### **Role of independent advocacy**

A major area that independent advocacy organisations regularly engage with the education system with and for students with disability and their families. The example below illustrates a very common issue that independent advocacy agencies find with schools.

#### **A student with disability gets the school support he needs**

The parent contacted an advocacy agency when her son with disability was suspended for 20 days from school because of behaviour. The parent reported that her son had been suspended 3 times each for 3 days over the past school term and that on each occasion, he had returned to school, the behaviour recurred and he was resuspended.

The advocate gave the parent a copy of the Suspension Guidelines of the Department of Education and Communities, summarising (s6.2.3) that during the time of suspension, the Principal should use all available school, education and other resources to assist the student modify his behaviour.

The advocate suggested that the parent meet with the Principal to request specialist support to assist the student to change his behaviour, to give the teacher additional skills to reduce the likelihood of the inappropriate behaviour and to assist the teacher to plan so that the student was more engaged in learning.

The advocate assisted the parent to plan for the meeting with the Principal. In addition, the advocate gave the parent contact details of the Behaviour Support teacher at regional office. In turn, the Behaviour Support Teacher offered to remind the Principal of the support that could be provided.

When the parent met with the Principal, he was amenable to the suggestions of the parent. The Principal also agreed that the parent would be part of the initial meeting to brief the Behaviour Support teacher.

### **Juvenile Justice**

A disproportionately high number of young people in the juvenile justice system have disability or mental illness.<sup>7</sup> Many of these young people are from socio-economically disadvantaged backgrounds, and many are Aboriginal and/or Torres Strait Islander. These are among the most vulnerable and disadvantaged young people with disability. The Juvenile Justice system should work

<sup>6</sup> Available at: <http://dse.theeducationinstitute.edu.au/login/index.php>

<sup>7</sup> Department of Justice, Juvenile Justice NSW, Disability Action Plan 2007-2011 (extended to 2013), p. 6.

towards preventing young people from entering the juvenile justice system through improving the inclusiveness of education and other community based supports.

### **Child protection and out-of-home care**

Although research about the prevalence of children and young people with disability in child protection and out-of-home care services is patchy, the available evidence suggests the proportion is high.<sup>8</sup> There is a greater need for evidence about the experiences of children and young people in child protection and out-of-home care in NSW, particularly with a view to enhancing access to education and experiences leaving care.

### **Women with disability**

#### **Parenting**

Many women with disability, particularly women with intellectual disability, have had their children removed. Available evidence suggests that this is because of a lack of appropriate support for mothers with disability to fulfil their parenting responsibilities.<sup>9</sup> It is necessary to have a greater focus on provision of family support services that meet the needs of parents with disability, with a view to early intervention and prevention, to enable women with disability to fulfil their parenting responsibilities.

#### **Ending violence**

Women with disability are at much greater risk of violence than women without disability and experience many more adverse impacts of violence.<sup>10</sup> Yet women with disability often have less information and access to legal protections, and law enforcement agencies are less likely to respond appropriately. It will be necessary to develop initiatives as part of the NSW Domestic and Family Violence Justice Strategy to improve the responsiveness of the justice system to women with disability who are experiencing violence.

### **People with disability from culturally and linguistically diverse communities**

The NSW Disability Network Forum emphasises that cultural, linguistic and religious diversity are all considered in initiatives in the Disability Inclusion Plan. Cultural diversity alone does not capture the barriers and important issues for the diverse communities in NSW.

People with disability from culturally and linguistically diverse communities are often socially isolated and face barriers to equal participation due to a combination of barriers relating to both

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<sup>8</sup> CREATE Foundation, *Supporting children and young people with a disability living in out-of-home care in Australia: Literature Review, August 2012*, available at: [http://create.org.au/files/file/Research/CREATE\\_AmberHall\\_ChildrenwithaDisabilityLivinginOOHC\\_Aug2012\\_publicationedition.pdf](http://create.org.au/files/file/Research/CREATE_AmberHall_ChildrenwithaDisabilityLivinginOOHC_Aug2012_publicationedition.pdf) last accessed: 21/11/2014.

<sup>9</sup> Alister Lamont & Leah Bromfield, *Parental intellectual disability and child protection: Key issues*, NCPC Issues No. 31, December 2009, published by the Australian Institute of Family Studies.

<sup>10</sup> National Council to Reduce Violence against Women and their Children, *Background Paper to Time For Action: The National Council's Plan for Australia to Reduce Violence Against Women and their Children, 2009–2021*, Australian Government Department of Families, Housing, Community Services and Indigenous Affairs, March 2009.

disability, culture, language, national origin, and race/ethnicity. These barriers can include language, lack of information, and lack of appropriate supports. Furthermore, culturally and linguistically diverse communities often have lower levels of understanding about disability, which affects the experience of the person.

Community development initiatives will be essential to developing leadership and expertise within communities “that can act as resources, points of referral or a community voice”. These efforts should prioritise building the capacity of people with disability to be leaders and champions in their communities.

The cultural competency of services, organisations and systems is also a major factor that presents barriers to people with disability from culturally and linguistically diverse communities. The NSW Disability Network Forum recommends that cultural competency is embedded in other reforms and efforts to improve disability awareness and inclusion, for example, by including performance indicators in Disability Inclusion Action Plans relating to cultural competency and inclusion.

**Recommendation 35**

That the NSW Disability Inclusion Plan embeds cultural competency in disability inclusion initiatives through focusing on:

- building the capacity of people with disability to be leaders and champions in their communities;
- ensuring disability awareness raising involves content relating to cultural competency;
- measuring performance relating to cultural competency of disability inclusion initiatives.



## Creating and implementing an effective plan for inclusion

### Activities to support the NSW Disability Inclusion Plan

#### Disability Inclusion Action Planning

It is not clear how the NSW Disability Inclusion Plan will relate to agency Disability Action Plans (DIAPs). As noted above, the NSW Disability Network Forum recommends that activities relating to fulfilling the National Disability Strategy are included in the Disability Inclusion Plan. Agencies with specific responsibilities in relation to the NDS can also reflect these actions in their DIAP. This will provide some coordination of activities and reporting, so that there are clear measures of progress against the goals of the NDS.

Effective DIAPs require many of the features that the NSW State Disability Inclusion Plan will need. These include:

- Effective independent advocacy and representation of people with disability in the community and to government;
- Dedicated resources;
- Availability of relevant evidence;
- Effective governance at an appropriate level;
- Senior administrators held accountable for achieving goals;
- Appropriate timelines and milestones to mark progress towards achieving outcomes
- Accessible mechanisms for people with disability to give feedback at all levels, including access to independent information.

These elements are discussed below. Further discussion of what makes an effective DIAP is in the Disability Network Forum guide *Eliminating Discrimination and Embracing Diversity: Effective Disability Inclusion Action Planning in NSW*.<sup>11</sup>

#### Strengthening the voice of people with disability in the community

People with disability are the experts in their own lives.

As outlined above, representative organisations, independent advocacy and independent information are essential to making sure people with disability have a voice to provide feedback on how policy and processes affect them.

Individual feedback is valuable and important. It is necessary to ensure that the lived experiences of people with disability inform government strategies. Many initiatives under the Disability Inclusion Plan would be best implemented with co-design strategies that involve people with disability in planning, designing, testing and evaluating products, services and programs.

The NSW Disability Council provides an important role providing broader feedback to government. Its role must be fully supported to carry out its enhanced functions in monitoring and providing feedback on Disability Inclusion Action Plans under the *Disability Inclusion Act 2014*.

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<sup>11</sup> Available at: <http://www.ncoss.org.au/resources/DNF/forum/141203-NSWDFN-Disability-Inclusion-Action-Plan-Project.pdf>

People with disability in NSW also require independent representation to have an effective voice in the community. Independent representative organisations can provide evidence and feedback about the experiences of people with disability across the community through advocacy, research, community development and directly engaging with people in disadvantaged circumstances.

As illustrated in this submission independent advocacy is also essential to improved outcomes. Independent advocacy provides a safeguard against crisis, and can also promote broader change. This can be through influencing services and systems, as well as through building the capacity of people with disability and families to speak up for themselves. These activities are essential to strengthening the voices of people with disability in their communities.

Information is essential to giving people the opportunity to participate. Independent information agencies have developed extensive experience with providing information to people with disability in accessible formats, and supporting people with disability to make informed decisions. For people with disability to have an effective voice in the community, ongoing provision of independent information is essential.

### **Ongoing funding**

In order to continue with these valuable functions, representation, independent advocacy and independent information must continue to be resourced by the NSW Government. The NSW and Commonwealth Government Agreement to establish the National Disability Insurance Scheme (NDIS) in NSW commits all disability funding under NSW Ageing, Disability and Home Care (ADHC) to the NDIS from 1 July 2018. Current ADHC funding agreements for independent advocacy, independent information and representative organisations are set to conclude on 30 June 2016, with no certainty about a funding source beyond that.

Without independent advocacy, independent information, and representative organisations people with disability living in NSW risk exclusion from mainstream services and the general community. An agency other than ADHC must provide ongoing funding for these functions to continue.

### **Recommendation 36**

That the NSW Disability Inclusion Plan specifies that an agency other than Ageing, Disability and Home Care will provide ongoing funding for independent advocacy, independent information and representation for people with disability.

### **General supports**

*Q5. Are there other general supports that the NSW Government should consider to ensure the NSW Disability Inclusion Plan achieves its goals?*

There must be a number of supporting actions for the Disability Inclusion Plan to be effective. These are outlined below.

### **Resources**

The NSW Disability Inclusion Plan must have specified resources dedicated to achieving the actions and outcomes, over the four year period of the initial plan. The Disability Inclusion Plan is intended to address the major areas of inequality for people with disability. People with disability make up

approximately 18 per cent of the population of NSW.<sup>12</sup> Addressing inequality on this scale in relation to employment, ‘liveability’, attitudes and behaviour, and government systems and processes will require specific resources adequate to achieve meaningful and lasting change.

**Recommendation 37**

That the NSW Disability Inclusion Plan has specific resources adequate to achieve actions and goals under the plan.

**Principles of inclusion**

*Q6. Are there any additional principles that should be included in the NSW Disability Inclusion Plan?*

The NSW Disability Network Forum recommends adding the following principles for inclusion in the Plan:

- People with disability have a right to access independent support, advocacy and information in their dealings with government and non-government agencies
- People with disability have a right to have a representative voice involved in decision making, including in the development of Disability Inclusion Action Plans
- People with disability have a right to exercise their decision-making capacity, and a right to support to exercise their capacity
- Aboriginal and Torres Strait Islander people with disability have a right to equal treatment without discrimination
- Women with disability have a right to equal treatment without discrimination
- Children with disability have a right to equal treatment without discrimination
- People with disability from culturally and linguistically diverse communities have a right to equal treatment without discrimination

**Context for the Disability Inclusion Plan**

*Q7. Is there additional information about the NDIS or Ability Links that should be included in the NSW Disability Inclusion Plan?*

The NSW Disability Network Forum does not consider it necessary to include extensive information about the NDIS or the Ability Links NSW program in the plan. These initiatives have specific goals and other agencies have carriage of them. The Disability Inclusion Plan is a policy document, rather than a resource on disability supports. As information about the NDIS and Ability Links may change over

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<sup>12</sup> Australian Bureau of Statistics, *Survey of Disability, Ageing and Carers Australia: New South Wales, 2012*, Table 3.1, last accessed: 21/11/2014, released 17/04/2014.

Australian Bureau of Statistics, *Australian Demographic Statistics, March 2014*, last accessed: 21/11/2014, last updated: 25/09/2014.

time it would be more appropriate for the Plan to refer to the most appropriate sources of information.

However, as discussed above, information from the NDIS and Ability Links NSW will be important to inform the ongoing activities under the plan.

### **Improving the evidence base**

*Q8. What data (current and publicly available) would inform the direction and strategies of the NSW Disability Inclusion Plan?*

There are a number of data sets that must be provided publicly. Furthermore, better use of some data sets is needed to inform policy and strategies in government. These include:

- better data about the number of people with disability living in public and social housing, the number of dwellings that are wheelchair accessible, and the standards they meet e.g. Australian Standard, Livable Housing Design Standard, etc.;
- analysis of the accessibility and affordability of private rental housing;
- better use of data from independent advocacy, independent information and representative organisations;
- data about people with disability in the criminal justice system, including prevalence of disability among offenders;
- data about the numbers of students with disability in mainstream schools.

### **Accountability**

Senior executives must be accountable for achieving the goals and outcomes set out in the Plan. This must be included in performance agreements of senior executives.

#### **Recommendation 38**

That performance agreements for senior executives in public authorities include measures relating to achieving goals and outcomes in the NSW Disability Inclusion Plan.

### **Monitoring and evaluation**

*Q9. What outcome measures or performance criteria should be included in the evaluation and reporting of the NSW Disability Inclusion Plan?*

Clear, time-limited goals and identified responsibilities which can be reported on regularly are essential for an effective Plan. Baseline population-level data, against which improvement can be tracked, is also important to measure progress. Reporting must also focus on the *outcomes* of initiatives under the plan, as well as outputs such as number of projects or activities. Accountability would also involve consultation in addressing those areas where initiatives under the plan may need to be modified or re-thought.

### **Meaningful performance indicators**

The Disability Network Forum recommends the framework of social performance reporting in the 2005 NCOS discussion paper *Measuring Up: A Framework for Government Social Performance*

*Reporting in NSW.* The principles NCOSS recommends for selecting primary indicators for performance are:

- Indicators must be the most meaningful compared to others;
- The most understandable or communicable;
- Easy to collect, robust, measurable and feasible for diverse populations;
- Fit together and tell a clear story;
- Include positives (i.e. community resilience) and not just negatives;
- Be collectable and reviewable over time;
- Measure outcomes over which state government has significant impact; and
- Galvanise action.

There must also be independent evaluation of the plan, which involves people with disability in designing and conducting the evaluation. The evaluation of the strategy must occur from its inception, rather than only being considered once it is underway.

### **Timelines and milestones to mark progress**

Any plan for improving opportunities for people in disadvantaged circumstances must adapt and change as the context does. However, specific actions, it is necessary to specify goals and timeframes for implementation to ensure that progress can be measured. The Plan must specify who has carriage of actions and outcomes. Actions which address barriers which prevent people with disability from exercising their fundamental human rights, such as equal access to information, should begin immediately and should not have a lengthy timeframe. In addition to a specific timeframe for completion, setting interim milestones will ensure timely progress and accountability.

#### **Recommendation 39**

That the Plan includes specific timelines for implementation of initiatives, with clear milestones to ensure timely progress, and outlines who is responsible for implementing them.

### **Ongoing feedback mechanisms**

*Q10. What strategies, tools and methods should be employed to encourage and support feedback from people with disability on the NSW Disability Inclusion Plan?*

It is necessary to ensure people with disability and their representative organisations have structured opportunities to give feedback to government. These defined opportunities must be outlined in the plan.

Adaptations to the Disability Inclusion Plan should be made with the participation of people with disability and their representative organisations. It is necessary for the ongoing feedback mechanisms to offer various ways for people with disability to consider proposed changes and provide suggestions.

This submission suggests above that there is a review of feedback and advisory mechanisms across government to ensure that they are inclusive and accessible. People are likely to provide feedback close to the setting that they are involved with e.g. to their council if they have feedback about library service. Where these matters relate to the National Disability Strategy this feedback should be captured, analysed and reported through the process for reporting on the NDS.

The NSW Disability Network Forum recommends that Government does not rely on the ‘Have Your Say’ website for feedback. The ‘Have Your Say’ website is inaccessible for many people with disability, especially those with low literacy or limited access to a computer and the internet. The Plan should include a variety of mechanisms for people with disability to give their feedback at a local, regional and statewide level. For instance, many local councils have Access Committees which provide feedback to the council. Increasing participation in Access Committees, and ensuring they are present within all councils, would be an option for people to give feedback at a more local level.

### **The NSW Disability Network Forum**

The NSW Disability Network Forum was established to provide feedback to government on issues relevant to people with disability. It involves the major representative groups of and for people with disability, as well as independent advocacy and independent information agencies with a focus on the rights and interests of people with disability. The depth and variety of expertise that these stakeholders bring to the Forum will be a valuable resource to provide feedback at a statewide level. The Forum engages on many matters across government agencies and would welcome an opportunity to provide regular feedback about the Disability Inclusion Plan.

The NSW Disability Network Forum understands that the Department of Family and Community Services is in the process of establishing a reference group, involving a range of disability and community sector organisations, to provide input on the Disability Inclusion Plan. The Forum strongly supports this initiative.

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## **Acknowledgement**

The NSW Disability Network Forum would like to thank the Association for Children with Disability NSW and the NSW Network of Women with Disability for their contribution to this submission.