



Review of the NSW Disability Inclusion Plan

**Submission by the Physical Disability Council of NSW**

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## Who is the Physical Disability Council of NSW?

The Physical Disability Council of NSW (PDCN) is the peak body representing people with physical disabilities across New South Wales. This includes people with a range of physical disability issues, from young children and their representatives to aged people, who are from a wide range of socio-economic circumstances and live in metropolitan, rural and regional areas of NSW.

Our core function is to influence and advocate for the achievement of systemic change to ensure the rights of all people with a physical disability are improved and upheld.

The objectives of PDCN are:

- To educate, inform and assist people with physical disabilities in NSW about the range of services, structure and programs available that enable their full participation, equality of opportunity and equality of citizenship.
- To develop the capacity of people with physical disability in NSW to identify their own goals, and the confidence to develop a pathway to achieving their goals (i.e. self-advocate).
- To educate and inform stakeholders (i.e.: about the needs of people with a physical disability) so that they are able to achieve and maintain full participation, equality of opportunity and equality of citizenship.

## Introduction

As the peak representative body for people with physical disability across NSW, PDCN welcomes the opportunity to contribute to the review of the NSW Disability Inclusion Plan (the DIP).

In 2015, the State Government enacted its first Disability Inclusion Plan, through the Disability Inclusion Act (NSW) 2014, as a mechanism to address systemic and attitudinal barriers which inhibit the capacity of people with disability to participate as equal citizens and community participants.

The DIP set out the Government's objectives to work towards:

- the development of positive community attitudes and behaviours towards people with disability.
- the creation of more liveable communities for people with disability
- the achievement of a higher rate of meaningful employment participation by people with disability through inclusive employment practices; and
- More equitable access to mainstream services for people with disability through better systems and processes.

The NSW DIP covered a four-year period – 2015 – 2019. During this time, there has been universal uptake of the DIP (via Disability Inclusion Action Plans (DIAPs)) by all mandated government agencies. Much time and effort has been spent in the development and implementation of DIAPs driving some positive change for people with disability.

At the same time, we consider that the DIP has failed to be as effective as it could have been. There is evidence that there are many areas of life where people with disability have seen little to no change, and other areas where inequities have in fact been seen to increase.

We want the DIP to work. We want DIAPs to operate as effective tools to effect change across our community. We are concerned that the relevance of such instruments will only increase in line with the forecast exponential increase in people aged 65 years and over as a proportion of our State population.

At the same time, we consider that the next evolution of the DIP should expand in scope to better align with the acknowledgement that inclusion is a 'whole of society' issue. We want to see businesses, institutions, and other private entities accountable for ensuring that people with disability can experience inclusion as a 'whole of life' experience – *that access does not stop at the threshold of a restaurant.*

Our answers to the consultation questions are drawn from the experiences and insights of our membership. We have also raised several additional points and recommendations in the "*additional comments*" section.

## Consultation Questions

**1. Do you agree that the recommended four key priority areas will further drive change to achieve an inclusive society for all in NSW? Yes/No**

Yes.

**2. Do you think including guiding principles as action items under each key priority area would be beneficial? Yes/no**

Yes

**3. The findings from the Sax review stated that the NSW DIP could do better in providing for the specific needs of the diversity groups with disability mentioned in the Disability Inclusion Act:**

- **Aboriginal and Torres Strait Islander People**
- **people from culturally and linguistically diverse (CALD) communities**
- **children**
- **women**
- **LGBTQI**

**How do you believe these diversity groups could be better represented in the NSW DIP?**

PDCN suggests several ways these groups could be better represented in the NSW DIP, including:

- Stand-alone priority area/focus area.
- Clear engagement/consultation strategies for these groups – and targets that must be met.
- Specific strategies for councils etc to ensure groups are adequately addressed in DIAPs – ensuring that there are clear requirements for DIAPs in the State DIP.
- Increased/improved reporting re these priority groups.
- Consultation is critical – an advisory group focussing on these key groups could be established, or ensure, when establishing an advisory group, that all these groups are covered.

**4. There is a need to strengthen and improve reporting standards and processes for monitoring implementation of DIAPs. Do you agree updating the Disability Inclusion Action Plan Guidelines and introducing a dashboard will provide a more consistent approach to reporting and will improve reporting across agencies and local councils? Yes/no**

Yes

**5. The Sax review found that some disability action plans were under ambitious and sporadic with their level of engagement and that the progress and achievements should be communicated more widely and strategically to maintain momentum for action and to facilitate learning.**

Developing positive community attitudes and behaviours

**a) Do you believe community attitudes and behaviours have improved since the inception of the DIP? Yes/No**

No

**b) Should we engage business and community leaders to speak up about inclusive attitudes and behaviours within the disability community? Yes/No**

Yes

**c) If opportunities were available for you to participate in forums or surveys on the NSW DIP would you be interested? Yes/No**

Yes

## Creating liveable communities

**d) Universal design involves making built environments, facilities, information, policies, products, programs, and services accessible for all people and abilities from the beginning. Doing as much as possible at the start lessens the need for expensive adaptations. Universal design helps everyone.**

**What do you think about including universal design as guiding approaches under Creating liveable communities in the new plan?**

PDCN considers that the promotion of universal design is vital to creating liveable communities, not just for people with disability but also the elderly, people with mobility impairments and families with young children/parents with prams.

The promotion and/or development of universal design principles is expected of signatory nations under Article 4 of the UNCRPD and we would advocate this as best practice. We note that Universal Design principles are recognised as an equitable way of addressing the diverse access needs of communities overseas, most notably in the Nordic countries, such as Norway.

Universal design represents a cost-effective way of managing the changing needs of individuals over their lifetimes. The most appealing aspect of universal design is that it focuses on general usability and offers a more holistic solution to the accessibility needs of individuals. This is preferable to specific adaptations and modifications of mainstream services and facilities, which only serves to emphasise physical limitations and “otherness” that our members wish to avoid.

**e) Do you agree we still need to increase the availability and accessibility of public and private transport for people with disability, especially for those living in regional and rural areas?**

Yes

**f) Would increasing the availability, accessibility, relevance and distribution of information about mainstream services, public spaces, local events and activities, help you participate in the community more? Yes/No**

Yes

## Supporting access to meaningful employment

**g) A NSW Premier's Priority is to increase the representation of people with disability in the public sector to 5.6% by 2025. Do you believe employment targets achieve meaningful and sustainable employment for people with disability? Yes/No**

Yes

***h) Do you agree including the following guiding principles under the meaningful employment focus area to be beneficial? Yes/No***

- o Promoting a culture of inclusion within organisations and businesses, including highlighting NSW employers that demonstrate best practice employment practices***
- o Promoting diversity and accessibility in vocational training***
- o Improving transition supports for students with disability leaving school***

Yes

Improving access to mainstream services through better systems and process

***i) Should all NSW government agencies and local councils commit to moving to procuring and developing any new systems and processes that have been tested and proven to being universally accessible, meeting the minimum worldwide access standards? Yes/No***

Yes

***j) How can NSW government agencies and local councils highlight, celebrate and encourage the adoption of leading best practices for accessible and inclusive service delivery across NSW?***

- o Their website***
- o Social media***
- o Newsletter***
- o Local media releases***
- o Council meetings***
- o Email***
- o Printed material***

All of the above, but ensuring this also includes doing so in accessible communication formats – Easy Read, Auslan, captions, audio description, etc.

***6. The objective of the NSW DIP is to ensure full participation for people with disability in all facets of the NSW community.***

***a) Would celebrating and promoting examples of non-government agencies and businesses that have adopted their individual DIAP help to improve the access and inclusion of people with disability in NSW? Yes/No***

Yes

***b) How could community awareness of the NSW DIP and the DIAPs of NSW Government agencies and local councils be increased to encourage businesses and non-government organisations to implement a DIAP?***

PDCN suggests the following ways to increase community awareness of the NSW DIP:

Firstly, we would recommend the setting up of a central administrative body to:

- Provide education and training to government entities, the private sector, and individuals
- Provide information and advice
- Ensure that responsibilities are met
- Assess and evaluate outcomes
- Promote both the DIP and the DIAPs

- Manage a central information point (perhaps a website like that for the Reconciliation Action Plan (RAP) where all DIAPs are available to view &
- Receive feedback directly from people with disability on the operation of the DIP and the DIAPs in a systemic sense.

In addition, we would recommend:

- Utilising ambassadors – people with disability that can link with businesses and non-government organisations required to prepare DIAPs to promote inclusion via the DIP/DIAPs.
- The development of a standard form template for planning a DIAP, particularly for organisations creating one for the first time
- Utilise existing groups that have links with businesses and non-government organisations e.g. disabled persons organisations, disability advocacy peaks, the Disability Council, the Australian Human Rights Commission, Anti-discrimination NSW and the DIPIC to promote the DIP and DIAPS via their networks
- Encourage government, and LGAs, to regularly report on activities under their DIAPs across social media, in newsletters and any external publicity.

### **7. How could we measure the success of the Disability Inclusion Plan?**

In our submission to the review of the DIA in early 2020, we emphasised the need for clear, measurable targets and outcomes. This can be applied to the DIP as well. An operational plan that is reported on regularly (e.g. every two years). To measure the success of the DIP we propose the following:

1. DIAPs must include KPIs determined on *improved outcomes for persons with disability* within the community.
2. Persons with disability must be consulted at all stages of the DIP process – most particularly, at evaluation.
3. A consistent method of reporting should be developed across entities – we see a huge amount of variability across the quality and format of reporting which makes it difficult to assess the effectiveness of DIAPs. We are also aware of instances where entities have referred to different priority areas or have added additional priorities.
4. Data relating to KPIs to be collected and managed by an external body (for example, the Ageing and Disability Commissioner) and a report provided to the Minister for Families, Communities and Disability Services for parliamentary review annually.
5. Additional funding should be provided both to Public Authorities to manage reporting responsibilities, and whichever external body is tasked to manage the collection and review of data.

### **8. Any other comments. Is there anything else you would like to tell us about the Disability Inclusion Plan?**

#### *Inclusive education as a key priority area*

PDCN understands, both from information we have received from our members and through our engagement with Family Advocacy NSW that young people with disability often face barriers in accessing education, notwithstanding the fact that education has to date been interpreted as a requirement under priority 4 - *Improving access to mainstream services through better systems and processes* – and we note that inclusive education has been a specific subcategory spotlighted in the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, and anticipate a number of recommendations to be made across this area.



Inclusion starts in childhood. It is vital that children with disability have equal access to education opportunities to be able to take full advantage of all that society has to offer as adults – most importantly access to employment. The years that a child attends school are formative to them both in terms of education, but also in terms of their own sense of self-worth and self-confidence.

We understand that Family Advocacy will be advocating for education to be identified as a unique key priority area. We are confident that Family Advocacy, as an organisation, working across the interests of families and young people, will be better able to articulate why such a change should be considered and PDCN is in support of such a recommendation.

***The DIP lacks sufficient specificity in terms of responsibilities, timeframes, roles, and success indicators.***

The DIP is useful in that it sets out four key focus areas, aims under each area and a limited selection of broad action items. Across some of the key focus areas, for example, *Developing positive community values and behaviours*, areas for further development are set out and key partners are identified, however the DIP does not set out key responsibilities, timeframes, specific targets or success indicators. The DIP also does not provide instruction in terms of the roles of key partners.

The NSW Government is accountable to its citizens, in this case people with disability, and the DIP should articulate the State Government's 4-year plan in relation to disability inclusion.

Currently the DIP is not useful either to understand the State Government's strategic planning around inclusion or to determine whether the Government is in fact, successfully addressing the focus areas.

We consider that the DIP should contain more detail as to the Government's plans to address disability inclusion. It is important that the DIP sets out key targets, timeframes for meeting these targets as well as key benchmarks as indicators that progress has been made. To that end, we consider that the structure of the National Agreement on Closing the Gap (the NACG)<sup>1</sup> offers a good model in terms of how the DIP could potentially be structured.

The NACG sets out specific goals, and the key responsibilities of different parties across several priority reform areas. The NACG also includes specified timeframes in some instances and prescribes points at which progress will be assessed as it relates to each priority reform area. The major advantage of this approach is that it provides tangible goals on which progress can be tracked, whilst we also imagine that it also provides useful guidance for key partners in their own systemic planning activities. We would like to see significantly more planning detail and articulation of what the State Government hopes to achieve across the life of the next DIP.

***There should be commonality across the various statutory instruments guiding disability inclusion***

We are mindful that there is currently a review of the National Disability Strategy on foot and findings from the review of the Disability Inclusion Act 2014 from earlier this year have yet to be released publicly.

We would anticipate that changes to the NDS will be of direct consequence to the DIP (and the DIAPs). It is important that there is synergy across all statutory instruments addressing the issue of disability inclusion –PDCN sees the opportunity for a unified national approach towards driving inclusion in Australia and recommends cross referencing across the three separate reviews.

***The DIP should expand the scope of responsibilities across the non-government sector***

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<sup>1</sup>Council of Australian Governments, Partnership Agreement on Closing the Gap 2019-2029 – an agreement between the Coalition of Aboriginal and Torres Strait Islander Peak Organisations and the Council of Australian Governments, July 2020 < <https://www.closingthegap.gov.au/sites/default/files/files/national-agreement-ctg.pdf>> accessed 27 October 2020.

The current DIP focuses on the role of government exclusively – it does not talk about bringing groups together to achieve the outcomes or what Government anticipates the role of industry or the private/non-government sector more generally will be, despite the DIP emphasising that disability inclusion requires consistent efforts from both government and the wider community.

To realise the vision of the DIP –*that people with disability have a better opportunity to live a meaningful life and enjoy the full benefits of membership in the community* – PDCN agrees that effort is required across Government, the non-Government sector and individuals. In recognition of this, the DIP should champion a whole of society response and articulate the role to be played by the non-government sector and individuals, including public/private partnerships where relevant.

We would ideally hope to see DIAPs required across a broader section of society, with greater accountability, particularly across larger private businesses, industry and institutions. This could be attained through mandatory requirements of any Government contracting or procurement process, as a starting point.

### ***Promotion of the DIP remains critical to its success***

Education and training on the DIP, both across Government and more broadly is necessary to impart the principles guiding the DIA and the DIP across society. People with disability should understand that there is an expectation that Government bodies (and hopefully other entities) will have a strategy for inclusion as it relates to that entity's functioning and more broadly, ongoing education around complaint mechanisms to follow where an entity falls short of their legal requirements under anti-discrimination law. A central body should be established and funded to develop and implement education and training programs.

### ***Accountability is an ongoing issue***

There is currently very little accountability in the DIP, no provision for who is responsible for reporting on the DIP, nor how or when reporting must occur. This means it is difficult to know whether the targets are being met. PDCN believes there needs to be prescription across key accountabilities and a structure established to monitor progress, to ensure the DIP is not simply an aspiration statement.

Any structure developed to monitor progress and effectiveness on realising the vision of the DIP should also articulate the mechanism by which outcomes will be measured –we advocate that success should be formulated around *measurable positive impacts on persons with disability*, not the completion of projects, and this must be determined through consultation with a range of stakeholders, in particular, persons with disability and disability representative organisations.

### ***Meaningful consultation with people with disability should be embedded across the planning, implementation, and evaluation of the DIP***

Section 10(2) of the Disability Inclusion Act states that the Government must consult with persons with disability when planning the DIP. We consider that it is equally important that there is continued engagement with persons with disability throughout the life of the DIP, and, when the DIP is being evaluated in terms of its effectiveness.

Likewise, we would like to see greater specificity on what '*consultation with persons with disability*' means. Currently, under this section, it would be possible to argue that a brief discussion with a small group of persons with disability fulfilled this obligation. We consider broad and meaningful consultation with people with disability across the community is essential to develop a well-informed, effective DIP. PDCN would seek public consultation at all critical points in the 'life' of the DIP, including its development, any amendments and evaluation at the point that the DIP is required to be renewed.

## Final comments

A 2019 study by the Centre for Research Excellence in Disability and Health at the University of Melbourne examined the experiences of people with disability nationally as compared to their peers across twelve areas of life<sup>2</sup>.

The results showed some improvement in areas such as health and safety, however the results also indicated that there was no change in a number of areas, including 'employment', 'homelessness', 'community involvement', and in fact the gap was widening in other areas, including 'close relationships', 'learning and knowledge' and 'opportunity'.<sup>3</sup> The DIP and the associated DIAPs are critical as instruments to improve the experiences of people with disability at a state level and to stem this growing inequity. We anticipate that the DIP and the DIAPs will only become more relevant as we become an increasingly aged population.

There is still substantial need for state-based mechanisms to embed inclusion across society. We are concerned by what we see as a growing expectation that the NDIS, as a federal structure, will drive improvement across the lives of people with disability. It is important to note that while the NDIS represents one of the most significant pieces of social reform of the past decade and has indeed gone some way towards breaking down barriers, only 14% of people with disability in NSW are eligible for a NDIS plan.

This indicates that the NDIS is not a 'be all and end all' – and governments should not overemphasise the NDIS as a means of addressing inclusion and accessibility. A State Plan specifically embeds the principles of the CRPD within State infrastructure and is specifically directed at addressing inclusion within State mechanisms. It can be much more prescriptive than a National Plan.

The current requirements for the State Plan are still relevant, and valuable, however PDCN stresses, that a state plan with no accountability as to targets and outcomes is of limited value. Without indicators for success, based on best outcomes for persons with disability, there is no way of knowing if what the Plan, or indeed the DIA itself, sets out to achieve is actually being achieved. We consider that a State based plan was, and continues to be, essential, but it must have a robust process by which outcomes and impact can be assessed.

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<sup>2</sup> E. Emerson, G. Disney & N. Fortune, *Is life getting better for people with disabilities*, Pursuit E-Journal, University of Melbourne, <https://pursuit.unimelb.edu.au/articles/is-life-getting-better-for-people-with-disabilities>, accessed 30 March 2020

<sup>3</sup> *Ibid.*