



# Response to the NSW Disability Inclusion Plan Discussion Paper

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This response addresses the overall structure and content as well as the following sections of the discussion paper: Section 3 Leading the Way, Section 4D Focus for Action – Systems and Processes, Section 5.1 Priority populations – Children with a Disability.

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## Introduction

Family Advocacy is a state and federally funded disability advocacy organisation in New South Wales (NSW), founded by families of people with disability. Our goal is to advance and protect the right of people with developmental disability to achieve meaningful lives and enjoy the same opportunities and living conditions as the majority of Australians. The organisation has a high presence and profile across the State:

- building the capacity of families to undertake an advocacy role;
- developing leadership skills in families;
- making representations to Government regarding legislation, policy, funding, monitoring and practice and the extent to which they reflect the needs of people with developmental disability;
- Providing advocacy related information and advice.

Family Advocacy performs a combination of family and systemic advocacy in NSW. “Family advocacy is an independent, community-based model that usually involves family members acting on behalf of a son or daughter or sibling” (Weafer, 2003, p.39), whereas “systems advocacy lobbies for reform and change of social systems and structures that discriminate against, abuse and neglect people with disabilities” (Seymour and Peter, 2004, p.12).

This response provides comment on the overall structure of the NSW Disability Inclusion Plan (DIP) Discussion Paper (henceforth, the discussion paper) as well as the following sections: Section 3 Leading the Way; Section 4D Focus for Action – Systems and Processes; and Section 5.1 Priority populations – Children with a Disability.

## Summary of Recommendations

Family advocacy recommends:

1. *That the NSW DIP specify which legislative or policy commitments the action points in the plan relate to and honour.*
2. *That the NDS responsibilities not currently included in the Discussion Paper be incorporated into the NSW DIAP.*
3. *That as the plan evolves, points from Departmental plans be linked and referred to in the NSW plan. This would reflect the goal for the NSW DIP to “be an adaptable, evolving plan that develops with ongoing involvement and consultation from people with disability and the broader community as it is implemented” (p. 5).*
4. *That the reference to preferential purchasing from Australian Disability Employment organisations (ADEs) be removed.*
5. *That targets be included for mainstream businesses to employ people with disability at all levels of their organisation and that the government give preferential purchasing to businesses that meet these targets.*
6. *With the Disability Network Forum, Family Advocacy recommends that the NSW Disability Inclusion Plan focuses on improving the opportunities for people with disability and independent advocacy, independent information and representative organisations to provide ongoing feedback to government through structured mechanisms.*
7. *That the plan contains a commitment to independent advocacy, representation and information for people with disability. This would require a commitment from the NSW government to ongoing funding of \$6.25 million annually for organisations engaged in representation, independent advocacy and independent information; and growth funding commensurate with growth in the number of people with disability in NSW.*
8. *That housing is included in the NSW DIP as an area requiring whole-of-government attention.*
9. *Family Advocacy also endorses the Disability Network Forum recommendation 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.*
10. *That the NSW DIAP recognise the importance of active participation as a valued member within the school community, society and family for all children with disability, and that an overarching statement regarding inclusive education be included in the plan.*
11. *That the Disability Discrimination Act Education Standards be recognised in the NSW DIAP and that the resources developed by the University of Canberra be rolled out to all teachers and parents, to clarify the obligations of education and training providers and ensure that students with a disability are able to access and participate in education on the same basis as other students.*
12. *That the statement from the discussion paper “Children with disability warrant special attention, early intervention and a concerted focus to provide the best chance of achieving their potential later life. The NSW DIP will focus on supporting early inclusion and the establishment of expectations for lifelong patterns of social and economic participation” (pp. 17-18) be expanded to note the vital importance that any early intervention supports are available in a mainstream setting such as a mainstream pre-school, to avoid starting on a segregated path.*

## Overall structure and content

Family Advocacy recognises the New South Wales (NSW) Government's commitment to people with disability. We commend the Government on Stronger Together, the plan which preceded the NDIS as the largest roll out of individualised options for people with disability in Australia.

Overall, while we are pleased to see the plan working toward a more whole of government approach to inclusion, Family Advocacy calls for more specificity in the plan. We would like to see the plan make clear how the NSW Government will address the commitments made in legislation and human rights treaties as well as the National Disability Strategy (NDS). As the NDS has six priority areas, it would be useful for the NSW DIP to make clear how each section relates to the fulfilment of the NDS.

Additionally, we would like to see areas of the NDS that are not addressed in the discussion paper included in the plan, such as Policy Direction 3 of the NDS under Economic Security, improvement to housing options. This is further addressed later in this response under 'Housing'. While the discussion paper states that "[t]he vast majority of actions that were outlined in the NDS NSW implementation Plan will be incorporated into relevant departmental DIAPs" (p. 5), Family Advocacy would encourage FaCS to include NDS responsibilities in the plan so that they are given adequate prioritisation and the outcomes can be tracked together.

- 1. Family advocacy recommends that the NSW DIP specify which legislative or policy commitments the action points in the plan relate to and honour.*
- 2. Family Advocacy recommends that the NDS responsibilities not currently included in the Discussion Paper be incorporated into the NSW DIAP.*
- 3. As the plan evolves, Family Advocacy recommends points from Departmental plans be linked and referred to in the NSW plan. This would reflect the goal for the NSW DIP to "be an adaptable, evolving plan that develops with ongoing involvement and consultation from people with disability and the broader community as it is implemented" (p. 5).*

## Leading the way (Section 3)

Family Advocacy supports the NSW DIP discussion paper Section 3, which we understand is “to use the tools and levers available – such as procurement to encourage those outside the public sector to adopt practices and systems to ensure participation of people with disability in the community is maximised.”

The discussion paper states that a potential action for the NSW government on this point is to “Reiterate the NSW Government’s commitment to preferentially consider the purchasing of goods and services from Australian Disability Employment organisations where reasonable and appropriate”. This is contrary to the spirit of the plan, which aims for inclusion. Australian Disability Employment organisations (ADEs) are unfortunately segregated and discriminatory settings, as was shown in [Nojin v Commonwealth of Australia \(2012\)](#).

Rather, the Government could give preference to purchase from mainstream organisations that meet suggested targets at all levels of employment for people with disability.

4. *Family Advocacy recommends that the reference to preferential purchasing from ADEs be removed.*
5. *We also recommend that targets be included for mainstream businesses to employ people with disability at all levels of their organisation and that the government give preferential purchasing to businesses that meet these targets.*

## Systems and Processes (Section 4 D Focus for action)

Family Advocacy commends the inclusion of systems and processes as a focus for action in the discussion paper, as these are enablers or barriers to inclusion that are often overlooked. Currently the NSW Government funds advocacy organisations, information services and representative bodies to ensure people with disability have a voice in the actions of government that affect their lives. Family Advocacy provides the NSW government with feedback regarding education, housing, transport, and community services as they relate to people with disability. We also provide families with information and advice about how to make the voice of their family member with disability heard to government and to both disability-specific and mainstream service providers.

Currently the agreement between NSW and the Commonwealth Government signs over all disability funding from Ageing, Disability and Home Care (ADHC) to the NDIS by 2018. This includes funding for advocacy.

### Case study

In the mid-nineties when thousands of parents of children with disability were being refused enrolment in the regular class of the local neighbourhood school, advocacy agencies campaigned to change education policy and education infrastructure so that students with disability could expect a quality education together with their peers.

While initial advocacy efforts led to the physical presence of students with disability, teaching practice and school attitudes kept them marginalised. In response, advocacy organisations worked both outside government (through campaigns, letters, articles and discussion papers) and inside government (on working parties and advisory groups) to enable children and young people with disability to have the same opportunities as their peers without disability.

6. *With the Disability Network Forum, Family Advocacy recommends that the NSW Disability Inclusion Plan focus on improving the opportunities for people with disability and independent advocacy, independent information and representative organisations to provide ongoing feedback to government through structured mechanisms.*
7. *Family Advocacy strongly recommends that the plan contain a commitment to independent advocacy, representation and information for people with disability. This would require a commitment from the NSW government to ongoing funding of \$6.25 million annually for organisations engaged in representation, independent advocacy and independent information; and growth funding commensurate with growth in the number of people with disability in NSW.*

## Housing

Family Advocacy concurs with the NDS that “a secure and affordable place to live is the basis of economic and social participation in the community” (p. 44). An inclusive housing system:

- **Separates support and housing:** This means that the person receiving support has the flexibility to change service provision without changing homes, and vice versa. When housing and support come from one provider, the person has less control and is more vulnerable.
- **Makes deinstitutionalisation a reality:** Many people with disability continue to live in segregated accommodation, group homes or congregate care facilities in Australia. There is growing evidence and examples of people with disability, including those with very high support needs, successfully living in the community.
- **Provides affordable housing:** Adequate, affordable housing is a human right, and it applies to **everyone**. Adequate means the right to live somewhere in security, peace and dignity, with legal security of tenure and availability of services, facilities and infrastructure. Housing should be habitable, accessible, appropriately located to employment, health and education, and be culturally adequate. To be adequate, housing must be affordable.
- **Is accessible:** Accessibility is part of adequate housing. Housing must be accessible to those entitled to it, including people with disability. Housing law and policy should take this fully into account, including for the percentage of people with physical access needs.

With this in mind, Family Advocacy seeks more funding for community housing from the NSW government and specifically, more places for people with disability. We also note the importance of advocacy in helping people with disability access housing.

### Case study

Advocacy has led to positive changes in social housing eligibility rules for people with disability. Advocacy meant that an inequality in the application process was fixed, making it possible for a person with disability, who requires a live-in support person, to have their application assessed fairly. If the person with disability is eligible, but the income of the support person would otherwise rule out the application for social housing, the person with disability can apply to be assessed as a single applicant. This has resulted in successful applications for 23 people in the last three years.

8. *Family Advocacy recommends that housing be included in the NSW DIP as an area requiring whole-of-government attention.*
9. *Family Advocacy also endorses the Disability Network Forum recommendation 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.*



## Children with Disability (Section 5 Priority Populations)

Family Advocacy welcomes the prioritising of groups identified by the United Nations Convention on the Rights of People with Disability. As an organisation with a history of successful advocacy for inclusive education, we provide the following comments on the NSW DIP discussion paper section on children with disability.

While the discussion paper notes that many items from the NDS NSW implementation Plan “will be incorporated into relevant departmental DIAPs” (p.5), we would like to see the plan note the importance of active participation as a valued member within the school community, society and family for all children with disability, as well as acknowledge the barriers to education (see Cologon 2013). Thus education initiatives that address diversity in education and what inclusion really means would be a welcome part of the plan.

Kids belong together in mainstream schools, with appropriate resources, support and adjustment. Research shows that this provides the best learning outcomes for children with disabilities (de Graaf, van Hove and Haveman 2013), as well as benefitting children without disabilities (e.g. Dessemontet and Bless 2013). Children who are taught with diverse peer groups benefit in a variety of ways and have no negative impact on their overall results. As evidence suggests, those included in mainstream education are more likely to gain social and economic participation in the general community due to exposure to a diverse curriculum, employing key social skills/cues, enhancing communication skills, building support networks/friendships along the way in inclusive settings.

10. *With this in mind, Family Advocacy recommends that the NSW DIAP recognise the importance of active participation as a valued member within the school community, society and family for all children with disability, and that an overarching statement regarding inclusive education be included in the plan.*
11. *Family Advocacy also recommends that the Disability Discrimination Act Education Standards be recognised in the NSW DIAP and that the resources developed by the University of Canberra be rolled out to all teachers and parents, to clarify the obligations of education and training providers and ensure that students with a disability are able to access and participate in education on the same basis as other students.*
12. *Family Advocacy recommends that the statement from the discussion paper “Children with disability warrant special attention, early intervention and a concerted focus to provide the best chance of achieving their potential later life. The NSW DIP will focus on supporting early inclusion and the establishment of expectations for lifelong patterns of social and economic participation” (pp. 17-18) be expanded to note the vital importance that any early intervention supports are available in a mainstream setting such as a mainstream pre-school, to avoid starting on a segregated path.*

## Selected References

Cologon, Kathy 2013 *Inclusion in Education: Toward a Better Outcome for Students with Disability*, Children with Disability Australia, available from <http://www.cda.org.au/inclusion-in-education>.

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