



5 January 2015

Disability Access & Inclusion
Department of Family and Community Services
Lockhart
Australia Square NSW 12

LEGAL CENTRE

BY EMAIL: NSWDIP@family.nsw.gov.au

Dear Sir / Madam,

Submission to consultation on the NSW Disability Inclusion Plan

Kingsford Legal Centre (KLC) thanks you for the opportunity to contribute to the development of the **NSW Disability Inclusion Plan (NSW DIP)**.

Kingsford Legal Centre

KLC is a community legal centre which has provided legal advice and advocacy to people in need of legal assistance. KLC provides general advice on a wide range of legal issues, including discrimination on basis of disability.

KLC has a specialist discrimination law service (NSW wide), a specialist employment law service, and an Aboriginal Access Program. In addition to this work, KLC also undertakes law reform and policy work in areas where the operation and effectiveness be improved.

In 2014 KLC provided 237 advices in relation to discrimination, which was over 10% of all advice provided. Of the advices provided in relation to discrimination, 108 advices were in relation to disability discrimination.

General comments

KLC supports the development of a plan which sets out mechanisms to realise the rights of people with disability through reform procedures across the whole of government.

It is vital that this plan set out and describe any intended government actions in plain English, so that what the NSW Government is saying it will do can be readily understood. The actions described in the plan need to be specific and concrete so that it is clear whether the NSW Government or relevant agency has done what it said it would do.

KLC supports the four areas of focus for the NSW DIP: liveable communities, employment, attitudes and behaviour, and systems and processes. Set out below are our suggestions for how to create more preservation and provision of appropriate social housing for people with disability.

We note that access to education for people with disability has not been a focus area. As KLC has significant and relevant experience in this area, this is the issue below, as well.

Housing for people with disability

KLC commends the NSW Government's commitment to creating liveable communities, including accessible housing.

KLC is concerned about the impact of the current public housing program on people with disability. The current public housing program is reducing the number of public housing units available, forcing them into the private rental market. Many people with disability cannot afford market rents and find it difficult to find housing which meets their needs. They are more likely to experience homelessness.

The NSW Government also needs to ensure that public housing offered to people with disability is appropriately modified to ensure it is accessible and safe. Clients have told us that it has taken months, and sometimes years, to get housing NSW modified in a way so that it is accessible.

The NSW Government also needs to ensure that people with disability are provided with the support they need to maintain their tenancies. In our experience, people with significant disabilities, who live in public housing, are not provided with any additional support from housing NSW or appropriate services.

KLC is concerned about the proposed introduction of a 'three strikes' policy for people with disability or mental health issues. People with disability or mental health issues are often accused of being a nuisance to their neighbours. Housing NSW should take a conciliatory and supportive approach rather than taking a punitive approach.

Children with disability

KLC supports the current approach to the provision of special education and intervention and support services for children with disability.

The NSW DIP should take specific actions which improve access for students with disability to all levels of education, including pre-school, primary and high school. This means that schools need to be adequately funded and resourced and school teachers and staff properly trained to support students with disability.

KLC has advised and assisted schools that have experienced discrimination at their schools. Some children with mental health issues have been excluded from their schools. Their challenging behaviour has been used as a justification for their exclusion. The schools have not provided adequate support to the children. Some parents have been made to feel they are responsible for their children's behaviour at school. Some parents have been made to feel they are responsible for advocating for their children at school.

KLC has also advised students who have been denied or had to wait long periods to access appropriate support materials and equipment. This has significantly affected the ability of these students to complete their school work and perform to the best of their abilities.

We have assisted clients make discrimination complaints to the NSW Anti Discrimination Board and the Australian Human Rights Commission. These matters have taken years to resolve, with students sometimes finishing school before the complaints process has finalised.

In KLC's view, all students with disability are adequately supported at school and are provided with the materials and equipment they need to do their school work. Clients with disability and their parents should not have to make a complaint to the NSW Anti Discrimination Board or the Australian Human Rights Commission.

Recommendations

KLC recommends that the following actions be included in the NSW Bill.

1. The NSW Government increases the availability of public housing to people with disability.
2. Housing NSW ensure that people with disability can maintain their tenancies.
3. Housing NSW offer to people with disability housing which has been appropriately modified to make it accessible and safe or modify housing in a timely way.
4. The NSW Department of Education (NSW DEC) provide school staff in how to make schools more supportive and accessible to students with disability, including how to plan ahead to ensure students have the resources they need to perform their school work.
5. The NSW DEC adequately resource schools to support students with disability and their families so that any behavioural issues are identified and responded to early without the need to exclude the student from school.
6. Better resource the NSW Anti Discrimination Board to respond to complaints of discrimination by people with disability.
7. Introduce a NSW Human Right Bill into Parliament to further strengthen the rights of people living with disability.

Please do not hesitate to contact us on 02 9550 4200 if you wish to discuss any aspect of our submission further.

Yours faithfully,
KINGSFORD LEGAL CENTRE


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