

Further contact: Chris Maclean (02) 9242 4043

27 March 2020

The Hon Gareth Ward MP  
Minister for Minister for Families, Communities and Disability Services  
C/- Department of Communities and Justice  
Locked Bag 4028  
ASHFIELD NSW 2131.

Dear Mr Ward

### **Review of the NSW Disability Inclusion Act 2014**

Thank you for the opportunity to provide comment on the review of the *NSW Disability Inclusion Act 2014*. Local Government NSW (LGNSW) provides the following comments and issues for consideration in relation the Discussion Paper developed by the NSW Department of Communities and Justice (DCJ) as part of this review process.

LGNSW is the peak body for local government in NSW, representing NSW general purpose councils and related entities. LGNSW facilitates the development of an effective community-based system of local government in the State.

This submission is supported by information and data provided by New South Wales councils. LGNSW and several councils have also contributed to this review process through their participation at several roundtables and workshops convened by the DCJ. Feedback from these forums has also been included in this submission.

This submission responds specifically to the following aspects identified in the Discussion Paper developed by the NSW Department of Communities and Justice:

1. The Objectives of the Act
2. Principles
3. State Disability Inclusion Plan (DIP)
4. Disability Inclusion Action Plans (DIAPs)
5. DIAP Reporting
6. NSW Disability Council Role and Membership
7. General Feedback

## 1. The Objectives of The Act

- LGNSW supports in general the overall rights-based approach to inclusion of people with disability and acknowledges the important link with the overall intent of the UN Convention on the Rights of Persons with Disability.
- The role of advocacy in the lives of people with disability is a crucial component to ensuring a normal life for all and that individual rights are identified and upheld. LGNSW advocates for a more prominent and clearer statement within the Act regarding the role of advocacy in the lives of people with disability.
- Related to the above point is the opportunity for the inclusion of people with disability into mainstream services and programs. LGNSW acknowledges the intent of the Information, Linkages and Capacity Building Program (ILC), as part of the NDIS framework, is to facilitate this inclusion. There are however many examples of where this has failed or has not been as effective as proposed. This needs to be addressed within the Act to help ensure this gap within the current framework is minimised as the NDIS framework rolls out.

## 2. Principles

- LGNSW agrees with the principles as outlined in the Act and that all these principles be retained with no deletions. LGNSW also recommends that some additions be made to these principles.

These additions include:

- that the word 'political' be added to the following principle: *'That people with disability have the right to participate in, and contribute to, social, **political** and economic life and should be supported to develop and enhance their skills and experience'*.
- a principle that clarifies and addresses the specific health needs of people with disability and the distinction of these from their disability needs. The intent of this principle is to strengthen the link, and ultimately the ability, of local health authorities to address the health needs of people with disability in NSW.
- a principle that helps strengthen equal access to mainstream services. This aligns with one of the proposed objectives referred to above as well as the intent of the ILC program within the NDIS framework.

## 3. State Disability Inclusion Plan (DIP)

- The State Disability Inclusion Plan (DIP) is an essential document that forms part of the framework for an inclusive society but requires a more strategic approach in the next version. As such the DIP requires a review and to be updated to provide a more

strategic link with other related documents including the Disability Inclusion Act and other public agency Disability Inclusion Action Plans, including council DIAPs.

- This review and update also needs to include clearer metrics to more effectively identify and measure key outcomes for the community and related organisations.

#### **4. Disability Inclusion Action Plans**

- Disability Inclusion Action Plans (DIAPs) are an important tool assisting the progression towards a more inclusive community. They remain an important and essential component of the Act. Local council DIAPs are also crucial to the overall disability inclusion framework and need to be part of the overall strategy and suite of tools to developing a more inclusive community.

LGNSW supports:

- a review of the DIAP guidelines and that local government provide important input into this review process.
- an increased focus on DIAP guidelines and plans regarding employment of people with disability.
- a more strategic approach to DIAP development including stronger alignment with the State DIP and the extension of DIAP development and implementation across more organisations. This is based on the acknowledgment and support for the rights-based approach to inclusion of people with disability which applies to everyone and acknowledges the important link with the overall intent of the UN Convention on the Rights of Persons with Disability.

#### **5. Reporting**

- Many councils have expressed some concern over the current reporting process for DIAPs and have called for a more strategic approach to the process and the outcomes.

LGNSW supports this approach and calls for:

- improved coordination of the reporting process and outcomes from a state-wide perspective.
- clearer identification of plan actions, outcomes and measures across DIAPs developed amongst all organisations.
- identification and promotion of examples of best practice of inclusion coming out of DIAP implementation and reporting.
- A continuous improvement model be implemented for new and ongoing DIAP development, including resourcing of recommended improvements.

## **6. Disability Council Role and Membership**

- LGNSW supports the view that the NSW Disability Council (the Council) needs an increased presence and visibility across the sector and broader community. To help achieve this, LGNSW recommends that the Council sit under the umbrella of the NSW Ageing and Disability Commission. This may help to increase its independence, ability to consult with the sector and community, and may increase the level of resources available to the Council.

## **7. General Feedback**

- Councils in NSW operate in a constrained financial environment as a result of rate-pegging, cost shifting onto local government and state and federal funding arrangements that are no longer fit for purpose. Council DIAPs play an important role in ensuring the rights and interests of people with disability are met. The NSW Government must ensure people with disability are able to access the services and programs available to all community members and that council DIAPs are sufficiently resourced to help enable this outcome.

LGNSW appreciates the opportunity to comment on the review of the *NSW Disability Inclusion Act 2014*. Please note this submission is in draft form until it is considered by the LGNSW Board. Any revisions made by the Board will be forwarded to you.

Should you wish to discuss any of the matters raised above please contact Chris Maclean, Senior Policy Officer, Ageing and Disability on (02) 9242 4043 or email [chris.maclean@lgnsw.org.au](mailto:chris.maclean@lgnsw.org.au).

Kind regards  
Kylie Yates  
A/Chief Executive