



5 January 2015

Disability Access & Inclusion
Department of Family and Community Services
Locked Bag 3002
Australia Square NSW 1215

KINGSFORD
LEGAL CENTRE

BY EMAIL: NSWDIP@facfs.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 in the Randwick and Botany Local Government areas since 1981. KLC provides general advice on a wide range of legal issues, including discrimination on the 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 of the law could 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 how the NSW Government intends to realise the rights of people with disability through reform of its policies, practices and 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 liveable communities for people with disability, in particular through the preservation and provision of appropriate social housing for people with disability.

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

Housing for people with disability

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

KLC believes the NSW DIP should include specific actions which improve the provision of affordable housing to people with disability, in particular the provision of public and community housing. KLC calls on the NSW government to halt the current sell-off of public housing which is reducing the availability of housing stock to people with disability and forcing them into the private rental market. As many people with disability cannot afford market rents and find it difficult to find housing which has been appropriately modified, they are more likely to experience housing insecurity and homelessness.

The NSW Government also needs to ensure that public and community housing offered to people with disability is appropriately modified to ensure it is accessible and safe for them. Clients have told us that it has taken months, and sometimes years, for Housing NSW to modify their homes so that they are accessible and safe.

The NSW Government also needs to ensure that social housing tenants 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, often struggle to maintain their tenancies and are not provided with any additional support from Housing NSW or referral to appropriate services.

KLC is concerned about the proposed introduction of a 'three strikes and you're out' policy for social housing tenants accused of anti-social behaviour. People with an intellectual disability or mental health issue are often accused of antisocial behaviour, and are provided with little support to help resolve problems with their neighbours. We are concerned that Housing NSW will respond punitively to any perceived problems with tenant behaviour, rather than taking a conciliatory and supportive approach.

Children with disability

KLC supports the NSW DIP's focus on children with disability and the focus on early intervention and providing the best chance of achieving their potential in later life.

The NSW DIP should include specific actions which improve access for students with disability to attend and remain at their local primary and high school. This means that public 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 parents and students who have complained about discrimination at their school. We have advised students with an intellectual disability and/or mental health issue who have been excluded from their local school because of their challenging behaviour. The schools these students attended have provided inadequate support to the student or the parent to help manage their behaviour and keep them at school. Some parents are made to feel they are trouble makers for advocating for their children at school.

KLC has also advised students who have been denied, or had to wait for long periods to, access appropriately modified school text books and computer equipment. This has significantly affected the ability of these students to complete their school work and to 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 experience, discrimination law is not always the most effective way of ensuring that students with disability are adequately supported at school and are provided with the materials and equipment they need to do their school work. Students with disability and their parents should not have to resort to making a discrimination complaint to enforce their rights.

Recommendations

KLC recommends that the following actions be included in the NSW DIP:

1. NSW Government increases the availability of public housing to people with disability.
2. Housing NSW work closely with services that support social housing tenants with disability to ensure that they 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 and Communities (NSW DEC) train teachers and school staff in how to make schools more supportive and accessible to students with disability, including how to plan ahead to ensure students are provided with 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 9385 9566 if you would like to discuss the content of our submission further.

Yours faithfully,
KINGSFORD LEGAL CENTRE


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