

Department of Communities and Justice
NSW Government

By email: NSWDIP@facsnsw.gov.au

To whom it may concern

Thank you for providing the Australian College of Nursing (ACN) with the opportunity to provide feedback on the review of the *Disability Inclusion Act 2014*.

In reviewing the Act, ACN has the following feedback for consideration in relation to the specific consultation questions. ACN has only responded to questions where we have a viewpoint and where our members provided comments.

Question 1: What changes, if any, should be made to the objects outlined in section 3 of the Disability Inclusion Act 2014? Is there anything missing that you would want added to the objects?

ACN members recommend providing a framework to support a whole of government approach to improving the inclusion of all New South Wales people with disability in all areas of life in the state of NSW.

ACN members suggest in relation to point (f) that this be changed to include: articulating and facilitating the roles of the State, provision of responsibilities of the State during and following the transition to the National Disability Insurance Scheme.

Question 2: Do the general principles in section 4 and section 5 of the Act sufficiently cover the principles guiding modern practice and policy for people with disability? Are there additional principles that you think should be added here or some that should be removed?

ACN members suggest including a heading under General principles that states:

(1) The following principles are to be observed in the operation, administration and enforcement of this Act.

Following this, ACN members believe adding numerical numbering of the statements as with the objects of the Act will aid the reader.

Question 3: Are the provisions relating to the State Disability Inclusion Plan still correct and relevant? Do you think a State plan is necessary, and if so, what do you think is most important to be included in the plan?

ACN members believe a State Disability Inclusion Plan (plan) is necessary to ensure the best ways are considered to address community needs.

All hospitals/buildings need to be accessible so that those with disability obtain the correct services. ACN members suggest initiating and maintaining contact with Aboriginal and Torres Strait Islander disability services and provide hearing loop services to those who need them.

ACN members are of the view that the plan needs to be community inclusive, which means respecting and valuing people with a disability, and promote, protect and champion disability rights within the broader community.

Question 4: Should the Act cover more than just NSW Government agencies and local government, Disability Inclusion Action Plans (DIAP)s? If so, what other groups do you think should be required to have a DIAP?

ACN members suggest that the Act cover all government organisations, departments and local councils. Entities prescribed in the Disability Inclusion Regulation 2014 should be required to have Disability Inclusion Action Plans (DIAPs).

Question 5: Are DIAPs effective in achieving greater community participation and inclusion for people with disability? If not, how do you think they could be made to better ensure participation and inclusion of people with disability?

Yes, ACN members believe DIAPs are effective in assisting and including people with a disability in the greater community. ACN would like to see more accessibility, inclusion, fair treatment, respect, collaboration, communication, employment and education opportunities, and workplace assessments for people with disabilities to maximise their wellbeing and contribution.

Question 6: What improvements, if any, could be made to help agencies prepare their DIAPs? What are the steps you think they should be required to complete before drafting their plans?

ACN members believe consulting with key stakeholders: people with disability, family members, carers, people who work with those with a disability, people whom work for state and local governments and researchers will help agencies prepare their DIAPs.

Question 7: Are the elements included in Disability Inclusion Action Plans still appropriate, or are there parts you think should be removed or added to make them more effective?

The elements within the Disability Inclusion Action Plans do not include the custodial setting and people who have been in contact with the justice system as a priority group - this is important for health service planning and in this setting. Given the high rate of significant mental illness, head injury, intellectual disability and early ageing as well as having nearly a quarter of people in custody who are Aboriginal (higher incidences of everything) is somewhat of an oversight. Though Aboriginal and Torres Strait Islander people are mentioned in section 5, this needs to remain though broaden the priority groups to the custodial setting.

Question 8: Are the reporting requirements for Disability Inclusion Action Plans enough? If not, how do you think they should report and who should they be reporting to?

Reporting requirements for DIAPs are appropriate, their annual report to the Minister on the progress of their DIAPs each financial year which is tabled in Parliament.

DIAPs must be reviewed every four years though they should be able to be changed if there are legislation changes that occur within the four-year timeframe.

Question 9: Do the functions of the Disability Council remain appropriate? Are there any additional functions that should apply to the Council to make it more effective or accessible?

The functions of the Disability Council remain appropriate: promoting community awareness of matters concerning the interests of people with disability and their families and advising public authorities and the Minister about content and implementation of DIAPs.

Additional functions that should apply to the Council to make it more effective are reporting on DIAP compliance or lack of towards those with disability.

Question 10: What impact, if any, has the roll out of the NDIS in NSW had on the work of the Disability Council? Should their role be refocussed, and if so how?

The Disability Council has not been impacted by the roll out of the NDIS though ensured people with disabilities receive quality services and supports.

Question 11: Do the provisions relating to membership of the Disability Council NSW remain appropriate? If not, what should the membership consist of?

Provisions relating to membership of the Disability Council NSW remain appropriate with specific timeframes pertaining to a member of the Councils role.

Question 12 What, if any, role do Parts 4 and 5 of the Disability Inclusion Act 2014 play since the rollout of the NDIS in NSW? Are there any elements that should be retained, and if so, why?

Section 4 and 5 acknowledges the rights of people with disability and specific groups to ensure that they are provided with respect for their abilities and the needs of people with disability to ensure they have access and equal rights for services. These sections and their elements should be retained for the provision of inclusive communities and increasing access to mainstream facilities.

If you have further enquiries regarding this matter, please contact me, Dr Carolyn Stapleton FACN, Manager – Policy and Advocacy, at Carolyn.Stapleton@acn.edu.au.

Yours sincerely



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