

Vision Australia Submission to

NSW Department of Communities and Justice

Review of Disability Inclusion Act

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## Introduction

Vision Australia is providing comment as part of the Review of the NSW Disability Inclusion Act (the Act) because we strongly support the Principles and Objectives of the Act, and readily acknowledge that the Act is helping NSW become a leader in disability inclusion. We will draw attention to some areas where the Act has so far not led to positive change, and we have suggestions for how the operation of the Act could be strengthened. We will structure this submission around the Questions contained in the very helpful Discussion Paper that the Department produced to support the review, noting that we have only provided responses to those questions that are most relevant to our particular field of knowledge and experience in providing services to, and representing the views of, people who are blind or have low vision.

Using extrapolations from data available from the Australian Bureau of Statistics (ABS), Vision Australia estimates that there are approximately 120,000 people in NSW who are blind or have low vision, 60% of whom are over age 65. As the population continues to grow older and live longer, we estimate that by 2030 there will be 176,000 people in NSW who are blind or have low vision, 69% of whom will be over age 65. Decisions taken and strategies and policies implemented by the NSW Government now will have significant repercussions on an increasing number of people who are blind or have low vision well into the future. The Act provides a sound foundation on which to support the inclusion of people with disability in all aspects of community life.

NSW has introduced a number of initiatives that are of real benefit to people who are blind or have low vision, including the iVote system used in state elections since 2011, the Taxi Transport Subsidy Scheme, and support for the Australian Standard for the procurement of accessible ICT products and services. There are other areas where progress has so far not been encouraging, and we hope that the current review of the Act will highlight these and strengthen the framework for implementing positive change.

While the act is neutral with respect to the National Disability Insurance Scheme (NDIS), and recognises that all people with disability have the same rights and are equally entitled to expect high-quality services, it is important to note that the NDIS will not, in and of itself, provide a sufficient guarantee that all people in NSW with a disability will receive appropriate services and be included in the community. The NDIS provides services and supports only to people under 65 who have “severe and permanent” disabilities, and there are many people who fall outside the scope of this definition, but who nevertheless experience the same systemic barriers that limit their full participation in community life. Moreover, the NDIS does not provide support to people over 65. It is essential, therefore, that in applying the principles and objects of the Act, the NSW Government recognises that all people with a disability, not just those who are eligible to become part of the NDIS, have equal rights, expectations and need for services.

## 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?

One of the most intractable problems facing people who are blind or have low vision is gaining employment. Local and international research shows that only about 24% of people who are blind or have low vision are in fulltime employment. Vision Australia has worked with several clients who have found it difficult or impossible to gain or continue employment in the NSW public service, often because the systems and processes used do not comply with accessibility standards and guidelines. We have encountered some resistance to the concept of reasonable adjustment, and unwillingness to modify inaccessible systems and processes to make them more accessible for people who are blind or have low vision.

We recommend that there be a specific reference to the right to employment, so as to focus more attention in this area, and provide a stronger basis on which organisations including Vision Australia can advocate to achieve better employment outcomes for our clients.

Access to information is a key concern for people who are blind or have low vision, especially during emergencies and extreme events. We recommend that there be a specific reference to the need to provide information in formats (not just a “way”) that are appropriate for specific disability groups.

## 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?

We strongly believe that the State Disability Inclusion Plan has an important ongoing role in establishing overarching principles and expectations for disability inclusion. However, it is equally important that this state plan is then used to clearly shape the development and implementation of the Disability Inclusion Action Plans of each government department and agency. Real and lasting change can only occur if the principles and objectives set out in the state plan become the basis of specific actions and measurable outcomes in the individual department and agency plans.

One concern we have with the current situation is that there appears to be little if any accountability for failure to comply with a disability plan or meet accessibility benchmarks. Some government departments continue to deploy inaccessible systems and processes that limit or prevent employment opportunities for our clients; some new websites that provide important information related to public health and safety (such as the Air Quality website maintained by the Department of Planning, Industry and Environment) do not comply with international web accessibility guidelines and to that extent exclude people who are blind or have low vision from the health and safety benefits of this information; major infrastructure projects such as the Sydney Light Rail have caused significant safety concerns among people who are blind or have low vision that were entirely predictable and should therefore have been identified and comprehensively addressed early in the project development cycle.

Our strong view is that a state disability plan will only be effective if there are significant disincentives for non-compliance, and if there are clear lines of accountability.

As part of a more robust compliance mechanism, we recommend that statistics be published about the number of complaints received by the Australian Human Rights Commission and the NSW Anti-Discrimination Board alleging disability discrimination by NSW Government departments and agencies. Other publically-available metrics should also be developed, for example, the number of people with specific disabilities employed by each department and agency.

A state disability inclusion plan has the potential to bring about real change in areas that currently are difficult to address in any other way. One key example is the lack of consistency and commitment in applying the Australian Standards that deal with the need for a clear and uninterrupted path of travel next to the building line on footpaths, which is extremely important for the amenity, convenience and safety of pedestrians who are blind or have low vision. The maintenance and regulation of footpaths is a local government responsibility, and each local government area has a different approach. A person who is blind or has low vision living in one suburb might find that the footpaths are clear of obstructions such as A-frames, outdoor tables and the like, while a few suburbs away a person may find that there are significant obstructions that make it difficult or unsafe for them to walk outside. Some local councils adopt best practices in catering to the needs of people with disability, while others prioritise the interests of businesses ahead of the safety and well-being of people with a disability.

We recommend that a state disability inclusion plan be used to promote liveable and inclusive communities by ensuring that there is a consistent, state-wide and whole-of-government approach to certain areas that impact the safety and well-being of people with a disability.

## Question 4:

## The Sax institute review reported on NSW Government agencies and local Government Disability Inclusion Action Plans (DIAPs).

## Should the Act cover more than just NSW Government agencies and local government DIAPs? If so, what other groups do you think should be required to have a DIAP?

We recommend that any organisation that receives NSW Government funding, or which is awarded Government contracts, be required to have a Disability Inclusion Action Plan that is monitored and subject to compliance and reporting mechanisms.

## Question 5:

## Are Disability Inclusion Action Plans effective in achieving greater community participation and inclusion for people with disability? If not, how do you

## Think they could be made to better to ensure participation and inclusion of people with disability?

Over the years we have been asked to provide input or feedback on many disability inclusion action plans. Some of these have been exemplary, while others, including some by government departments and agencies, have been so high-level, aspirational and lacking in specificity as to be well-nigh meaningless and of no practical use at all in achieving tangible change.

Consultation with the disability sector during the development of Plans is a necessary, but not a sufficient, condition for their success. Disability inclusion action plans are only useful in achieving real and lasting change for people with a disability if they are developed and implemented according to basic requirements such as those specified in S.61 of the Disability Discrimination Act 1992, if there are clear lines of accountability linked to measurable outcomes, and if there are strong disincentives for non-compliance.

We therefore recommend the development of a consistent approach or template that can be used and assessed by all levels of government in NSW, and extended into the private sector as well. Such an approach should naturally be developed through comprehensive consultation with the disability sector, and have regard for examples of good and poor practice.

## 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?

While we believe that the Disability Council plays an important role, we would like to see a greater connection between the functions of the Council and the work of the NSW Ageing and Disability Commission. This would help ensure a more consistent, integrated approach to government policy-making in the disability space.

We also believe that there is a pressing need for the Council to engage more closely with organisations in the disability sector, such as Vision Australia. Many of the issues that have a tangible impact on the daily lives of people who are blind or have low vision are increasingly complex, and can only be addressed effectively through assembling knowledge and experience from a range of stakeholders. Examples include emergency preparedness, access to government services in the digital environment, safe access to public transport in an era of silent hybrid and electric vehicles, and providing equal access to information that is often conveyed to the public in multimedia forms. Without structured engagement with the disability sector, even the most considered policy advice will lack the nuance and detail that is required if people with a disability are to be fully included in the community, not only now but into the future.

## 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?

It is important to reiterate a point that we made previously - that the NDIS is not a catch-all for service provision of services to people with disability. Firstly, not all people with disability are eligible to join the NDIS and, secondly, there are many services, such as library and advocacy services, that are not funded by the NDIS. We therefore believe that Parts 4 and 5 of the Act should be retained, at least to the extent that they will ensure quality and consistency of service provision for people for whom, and in circumstances in which, the NDIS does not apply. In addition, the requirements detailed in Parts 4 and 5 should be amended so as to make them consistent with similar requirements under the NDIS to simplify regulatory compliance by NDIS providers and non-providers alike.

## Conclusion

The Disability Inclusion Act is helping to make NSW a national leader in the inclusion of people with disability in all aspects of contemporary life. We have drawn attention to some areas where the Act could, and should, play a greater role in eliminating barriers and promoting change, and we are keen to have further discussions with the Department to clarify and elaborate on our comments in this submission.

# About Vision Australia

Vision Australia is the largest national provider of services to people who are blind, deafblind, or have low vision in Australia. We are formed through the merger of several of Australia’s most respected and experienced blindness and low vision agencies, celebrating our 150th year of operation in 2017.

Our vision is that people who are blind, deafblind, or have low vision will increasingly be able to choose to participate fully in every facet of community life. To help realise this goal, we provide high-quality services to the community of people who are blind, have low vision, are deafblind or have a print disability, and their families.

Vision Australia service delivery areas include: registered provider of specialist supports for the NDIS and My Aged Care Aids and Equipment, Assistive/Adaptive Technology training and support,

Seeing Eye Dogs, National Library Services, Early childhood and education services, and Feelix Library for 0-7 year olds, employment services, production of alternate formats, Vision Australia Radio network, and a national partnership with Radio for the Print Handicapped, NSW Spectacles Program and Government Advocacy and Engagement. We also work collaboratively with Government, businesses and the community to eliminate the barriers our clients face in making life choices and including fully exercising their rights as Australian citizens.

Vision Australia has unrivalled knowledge and experience through constant interaction with clients and their families, of whom we provide services to more than 26,000 people each year, and also through the direct involvement of people who are blind or have low vision at all levels of our organisation. Vision Australia is well placed to advise governments, business and the community on challenges faced by people who are blind or have low vision as well as they support they require to fully participating in community life.

We have a vibrant Client Reference Group, comprising of people with lived experience who are representing the voice and needs of clients of our organisation to the board and management.

Vision Australia is also a significant employer of people who are blind or have low vision, with 15% of total staff having vision impairment. Vision Australia also has a Memorandum of Understanding with, and provides funds to, Blind Citizens Australia, to strengthen the voice of the blind community.