



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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STANDING COMMITTEE ON EDUCATION AND COMMUNITY INCLUSION  
Mr Michael Pettersson MLA (Chair), Miss Laura Nuttall MLA (Deputy Chair),  
Ms Nicole Lawder MLA (Member)

## Submission Cover Sheet

Inquiry into Disability Inclusion Bill 2024

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Committee Secretariat  
Inquiry into Disability Inclusion Bill 2024  
Standing Committee on Education and Community Inclusion, ACT Legislative  
Assembly,  
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Dear Committee Secretary

Thank you for the opportunity to make a submission to the inquiry on the Disability Inclusion Bill 2024

## About us:

Advocacy for Inclusion incorporating People with Disabilities ACT<sup>1</sup> is an independent organisation delivering reputable national systemic advocacy informed by our experience in individual advocacy and community and government consultation. We provide dedicated individual and self-advocacy services, training, information and resources in the ACT.

As a Disabled People's Organisation, the majority of our organisation, including our Board of Management, staff and members, are people with disabilities. Advocacy for Inclusion speaks with the authority of lived experience. It is strongly committed to advancing opportunities for the insights, experiences and opinions of people with disabilities to be heard and acknowledged.

Advocacy for Inclusion operates under a human rights framework. We uphold the principles of the United Nations Convention on the Rights of Persons with Disabilities and strive to promote and advance the human rights and inclusion of people with disabilities in the community. Advocacy for Inclusion is a declared public authority under the Human Rights Act 2004.

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<sup>1</sup> On March 24, 2021, Advocacy for Inclusion (AFI) officially merged with People with Disabilities ACT (PWDACT), a systemic advocacy organisation based in the ACT. Herein, reference to 'AFI' also acknowledges the values and philosophies of PWDACT.

## The Bill

The Bill aims to help the ACT to become a more accessible and inclusive society for people with disability in all aspects of community life and support the ACT Government to meet its obligations and commitments under the United Nations Convention for the Rights of Persons with Disability and Australia's Disability Strategy 2021-31 (ADS).

The Bill is proposing to establish a legislative framework which would require Government to:

- Develop, with consultation, a suite of 10-year disability strategies for ministerial portfolios – which align with the outcome areas of the ADS;
- Develop, with consultation, disability inclusion plans for all public sector entities (i.e., Disability Action and Inclusion Plans); and
- to establish a Disability Advisory Council.

### Our position

AFI supports the Bill which would provide a useful framework for whole of government work on inclusion including the efforts already underway in health, justice and education. It would also require the implementation of access and inclusion plans covering issues like employment and customer facing services. It would embed a requirement to consult the community in legislation.

It is timely given the intersecting needs for whole of government effort following on from the release of the DRC report and the NDIS review and so AFI support its passage during the current Assembly period.

Across Australia most states (New South Wales, Victoria, Western Australia, South Australia and Queensland) already have legislation for the development and implementation of disability strategies, plans and advisory bodies.

AFI supports the use of the inclusion plan framework to drive change but we do have some observations about its success over time. For instance, the Commonwealth's Disability Strategy, which was based on action plans, was ultimately unsuccessful due to a lack of buy in and long term commitment and the ACT also implemented a similar Strategy in the early 2000's to drive Action Plans which produced short term outcomes but was not sustained. We therefore make some observations regarding the keys to successful implementation:

- Inclusion Plans are only effective where there is clear leadership, policy intent, investment of time and resources and champions for change within organisations. Plans can become a tick box exercise. The introduction of the Act should be accompanied by a whole of government approach and investment to ensure quality plans.

- There is a tendency for organisations to outsource the development of the plans to providers and consultants. Some of these provide good support and advice however we would observe that plans which are heavily outsourced are then sometimes shelved and forgotten without buy in. We feel that building local capacity to support and engage with plans would be more effective and this should involve DPO's.
- The Bill requires agencies to engage with DPO's on plans – we support this but this would need to be resourced.
- The absence or presence of a plan should not be used a reason to delay action on critical areas of access and inclusion for people with disabilities. For instance it does not remove the need for urgent prioritised work on areas like transport, housing, climate change adaptations and this work - as well as full implementation of strategies already in train – should continue during the implementation period,
- As plans are finalised AFI believes that accountability will be important including central lodgement of the plans on the ACT Governments websites and registration with the Australian Human Rights Commission.

## Amendments

Issue: The Bill currently requires that the priority areas be based on priorities within the National Disability Strategy or as determined by the Minister. It is foreseeable that the National Disability Strategy might be discontinued by a future Government or other circumstances might require a different approach. Using the ACT Disability Advisory Council to help determine priority areas would seem to be a sensible use of the Council.

Solution: Section 18.1 should be amended to include a function of the Council to advise the Minister on priority inclusion areas

Issue: The Bill currently does not require the appointment of people nominated by peak Disabled Peoples Organisations to the ACT Disability Advisory Council (ACTDAC). Generally this has been the case and Advisory Councils have generally worked better when there is a person connected to DPO's on that body.

For instance a senior staff member of Advocacy for Inclusion is currently on the Disability Reference Group (as an individual) while a person from Women with Disabilities ACT is not.

While Governments still need to consult with DPO's outside of the Advisory body the formalised presence of people with connections to DPO's on the ACTDAC is a sensible way of ensuring advice that is trusted and founded in institutional knowledge, avoiding surprises, duplication of communication and fragmented knowledge in the sector.

Any potential role conflict could be managed in the same ways that they are managed when people are appointed to other advisory groups where they are nominated by a peak body but do not serve as a representative while sitting on that body.

Solution: 19.1 should be amended to require the appointment of at least one person nominated by each peak Disabled Peoples Organization.

Finally we note the work by Suzanne Orr MLA to engage productively with the community over several iterations of the Bill. While this is a private members Bill we would note that the engagement with the disability community on this Bill has actually been superior to the engagement on other Bills sponsored by the Government, such as legislation on Voluntary Assisted Dying.

We would be happy to discuss this submission further including appearing at a committee hearing if required

Regards

(Sent by email)

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22 March 2024