



Suzanne Orr MLA
Member for Yerrabi

Michael Pettersson
Chair
Standing Committee on Education and Community Inclusion

By email: LACommitteeECI@parliament.act.gov.au

17 May 2024

Dear Mr Pettersson, *Michael,*

Thank you again for the opportunity to make a submission on your inquiry into the *Disability Inclusion Bill 2024*.

Please see attached my comments on the Committee's recommendations.

Yours sincerely,

A handwritten signature in black ink, appearing to be "SO", written in a cursive style.

Suzanne Orr MLA
Member for Yerrabi
Government Whip



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Member for Yerrabi

Recommendation 1

The committee recommends that the Member introduce amendments to the Disability Inclusion Bill 2024 to include universal design within the Principles for Disability Inclusion in the ACT Community.

Noted

The inclusion of universal design is inherent in the Bill through the link to the United Nations Convention on the Rights of People with Disability. For the avoidance of doubt consideration will be given to a new clause being added to Schedule 1 Disability Inclusion Principles.

Recommendation 2

The committee recommends that the Member consider amendments that explicitly extend inclusion rights and processes to people with disability, without requiring diagnosis or disclosure wherever possible.

Noted

The Bill does not exclude anyone from the benefits of the change that will be driven by the adoption of a social model of disability in the ACT or the strategies and plans that will drive this change.

Clause 19(5) requires half of the ordinary members of the Ministerial Advisory Council to be people who identify as having a disability. As stated in the Explanatory Statement, the inclusion of this requirement is to ensure that people with disabilities are represented on the Ministerial Advisory Council. The requirement for at least half and not all members on the Ministerial Advisory Council was to balance the policy objective of ensuring representation of people with a disability as well as with wanting to respect the right to privacy of people who may not wish to disclose their disability. Therefore, a person can apply to be a part of the Ministerial Advisory Council without having to verify diagnosis or disclose a disability.

Recommendation 3

Should the Disability Inclusion Bill 2024 pass the Assembly, the committee recommends that the ACT Government explore the compatibility of supported decision-making with the Disability Inclusion Bill 2024, and existing laws.

Noted

This is a matter for the ACT Government.



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Recommendation 4

The committee recommends that the Member introduce amendments to the Disability Inclusion Bill 2024 to enable existing inclusion strategies of the ACT government, which have been developed after a thorough consultation process, to be notified as 'disability inclusion strategies' for respective priority inclusion areas.

Agreed

The Bill as drafted is intended to allow for existing strategies to continue and be rolled into the processes of the Bill. Amendments will be considered that will make this explicitly clear.

Recommendation 5

The committee recommends that the Member introduce amendments to the Disability Inclusion Bill 2024 to enable existing inclusion plans of public sector entities in the ACT, which have been developed after a thorough consultation process, to be notified as 'disability inclusion plans' for the respective public sector entities.

Noted

It is unclear what the Committee means by 'notified'. While there is a requirement for plans to be published on a government website to allow easy access to the document, Disability Inclusion Plans do not need to be notified within the Legislative Assembly.

Where an existing plan meets the requirements of the Bill then there is no reason why it would need to be discontinued and a new one made. Amendments to the Bill or revisions to the Explanatory Statement can be considered that will make this explicitly clear.

Feedback throughout the development of the Bill indicated a want to ensure these plans do not become tick and flick exercises. This is echoed in the comments by the Minister for Disability during hearings. For this reason, I would be hesitant to make any changes to the Bill that allows for existing plans with a broader scope to be considered to meet the requirements of the Bill.

Recommendation 6

The committee recommends that the bill be reviewed and amended by the Member, if required, to ensure accurate use of the words 'strategy' and 'plan' with particular reference to subclause 14(4).



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Agreed

This appears to be a typographical error and will be amended.

Recommendation 7

The committee recommends that the Member consider amendments to the Disability Inclusion Bill 2024 to streamline the review cycles of disability inclusion plans and strategies.

Noted

Feedback throughout the development of the Bill indicated a want to ensure that strategies and plans stay current and do not become tick and flick exercises. I take on board feedback from some witnesses to the inquiry and will consider ways of achieving a better balance between accountability and timely review processes.

Recommendation 8

Should the Disability Inclusion Bill 2024 pass the Assembly, the committee recommends that the ACT Government review the bill alongside existing laws (such as the Discrimination Act, Disability Services Act, Human Rights Act, Carers Recognition Act) to streamline multiple reporting requirements across ACT Government and avoid duplication.

Noted

This is a matter for the ACT Government.

Recommendation 9

The committee recommends that the Member introduce amendments to Schedule 1 of the Disability Inclusion Bill 2024 to provide guiding principles for consultation, which ask the ACT Government to:

- enable maximum opportunity and participation through deliberate best efforts;
- facilitate the Disability Advisory to play a scrutiny role while consulting on matters of disability inclusion policy; and
- ensure coordination in consultation topics and schedules to reduce consultation fatigue among stakeholders.



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Noted

Consultation is covered throughout the Bill including at Sections 10 and 14 which require deliberate best efforts to be undertaken for consultation on plans and strategies. Adding in amendments to Schedule 1 could introduce confusion between the various parts. Consideration will however be given to the consultation requirements and expectations covered in the Bill.

Recommendation 10

Should the Disability Inclusion Bill 2024 pass the Assembly, the committee recommends that the ACT Government clearly establish the relationship and transition arrangements between existing disability reference groups across the ACT Government and the proposed Disability Advisory Council.

Noted

This is a matter for the ACT Government.

Recommendation 11

The committee recommends that the Member amend the Disability Inclusion Bill 2024 to remove 'Part 7, Consequential Amendment'.

Not Agreed

Part 7 refers to the need for the Ministerial Advisory Council to provide an annual report. This is a standard requirement for Ministerial Advisory Councils. The Committee report references the Annual Report provisions in Section 11 which require an annual progress report is made for each strategy. The information covered by the Ministerial Advisory Council report and the Strategy Annual report are two distinct pieces of work and are therefore not duplicative.

Recommendation 12

The committee recommends that the Assembly support the Disability Inclusion Bill 2024.

Noted

This is a matter for the Legislative Assembly.

