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Suzanne Orr  
Via email: ORR@act.gov.au

Re: Disability Inclusion Bill

Dear Suzanne,

Thank you for the opportunity to consult on the Disability Inclusion Bill- both in the early draft stages of the bill and now in the public consultation phase. We're excited to see a bill of this nature proposed to the Assembly, and are grateful for your commitment to co-design with the disability community to ensure it is the most effective it can be. Thanks also for taking the time to meet with WWDACT and ACTDSA this week to clarify some of our questions.

WWDACT has discussed the draft bill with our Policy Advisory Committee (PAC), made up of 5 women\* with lived experience of disability. We wanted to take the opportunity to pass on some more detailed feedback based on that discussion.

Our first impression of the bill was very positive – we think this will be really significant legislation for the disability community. It demonstrates the ACT Government's commitment to upholding the rights of people with disability and embeds this formally in the law. We are hopeful it will provide additional legislative levers to hold people and institutions to account, and ensure the rights of people with disabilities are upheld.

## **Disability inclusion principles**

WWDACT are excited to see inclusion principles outlined in legislation, and particularly that the *Convention on the Rights of Persons with Disability* (CRPD) is codified in this bill. The CRPD is the best basis for any disability inclusion principles.



Thank you for clarifying that section 1.2 in Schedule 1 (Principles for disability inclusion in the ACT community) will extend these CRPD rights rather than replace them. Our initial confusion stemmed from the fact that some principles listed in section 1.2 are already reflected in the CRPD and we didn't know if principles explicitly listed were given more legal power than others. We now understand that the purpose of outlining some principles explicitly is to draw attention to them.

If you are planning to alter the wording of this section in response to other feedback, we would strongly recommend that the CRPD continues to be listed in section 1.1(a) and it is made clear that the CRPD rights are disability principles under this legislation.

To further strengthen the schedule of principles, we would also suggest more specific wording on intersectional groups, including Aboriginal and Torres Strait Islander people, CALD, women, children and LGBTQIA+ people. Some existing disability strategies do not take an explicitly intersectional approach, and fail to outline how their implementation will affect different groups in different ways. Spelling out some of these groups in legislation will compel future strategies and plans to consider each intersectional group and, if needed, develop actions specific to that group to ensure their inclusion. It would also bring us in line with other states - NSW and SA disability inclusion legislation both have specific clauses for each of these intersectional groups.

## **Consultation with people with disabilities**

Consultation is an important element in this legislation, with consultation requirements outlined for both disability inclusion strategies and disability inclusion plans. We're glad to see the importance of consultations recognised in the bill - mandating consultations will safeguard the strategy development process and ensure it continues to engage with the disability community.

Noting its significance in the legislation, we had some questions and suggestions relating to consultation requirements.

### Engagement with disability advocacy organisations

At our meeting on 18<sup>th</sup> September we suggested that the legislation specifically mentions disability advocacy organisations in clause 10.1(a) to mandate that government consults with representative organisations for disability inclusion strategies. This would close a possible loophole where consultation could occur with service providers or non-representative organisations instead of with key peaks in the ACT.

We'd also like to suggest an opportunity for the bill to better recognise the value of systemic advocacy and representative organisations, in particular disabled people's organisations (DPOs). It would be valuable to specifically mention the importance of DPOs and systemic advocacy in legislation as it will further safeguard these organisations in the ACT. For example, in Victoria's draft bill, systemic advocacy is included as one of the disability inclusion principles.

### Best consultation practices

Given that consultations are a key element of strategy and plan development mandated in this bill, we wanted to affirm the importance of accessible consultation processes. We think there should be conversations happening alongside this bill of how we can ensure that consultations don't end up being a 'tick the box exercise' but a meaningful process of co-design for organisations.

Our PAC suggested some elements of best-practice consultations:

- Consultation processes should be driven by people with lived experience
- Processes should be explained beforehand in an accessible way
- People should be given time to understand the process and whether or not they would like to be involved
- Accessibility barriers should be removed, including easy read documentation, closed captioning, Auslan interpretation, or other adjustments
- Confidential and safe spaces should be provided



- Organisations should make contribution possible for people who have not declared their disability and who would prefer to contribute confidentially
- Organisations should follow up with participants after gathering information and keep people informed about whether their information is going

Although outside of the scope of the legislation, it is important to note the importance of having best practice guidelines for running the consultations outlined in legislation. These could be prepared and discussed alongside the legislation, so organisations are informed when they begin their inclusion plan processes.

WWDACT also notes that some ACT Government consultations to date have not followed these best practice guidelines. All participants in consultations, including disability advocacy organisations, require processes to be explained, materials to be provided in advance, and an understanding of how information will be used and where it will go.

Without many current models of good consultation processes, we are concerned that inaccessible consultation on strategies and plans may cause unintended harms as the legislation comes into force.

## **Disability advisory council**

We are pleased to see the Disability Reference Group elevated to a ministerial council body under this bill. We would suggest it could also be a great opportunity to strengthen the group- for example mandating a diversity of experiences, a higher proportion of lived experience of disability, detailing how they report to community, and ensuring they include peak DPOs like WWDACT and AFI. The proposed Victorian legislation could be used as an example.



## Reporting and monitoring

WWDACT sees this bill as an opportunity for more discussion about the realities of reporting requirements, particularly for disability inclusion plans, and how best to hold organisations to account for the inclusion of people with disability.

We know historically that disability inclusion plans have often been ineffective for organisations – they are written up to meet requirements but are not reviewed or maintained. We can imagine the outcome of this bill resulting in organisations engaging external consultants to write their inclusion plans to meet legislative requirements, and then doing little to no work to enact these plans.

It is important to ensure that disability inclusion plans are living documents, evaluated and reviewed regularly, and are used throughout organisations.

The current reporting requirements outlined in the legislation are limited to annual reports needing a statement concerning the development of inclusion plans. Though important, this approach risks disability inclusion plans becoming ‘just another admin task’ – and it is likely that the only component of plans that is actively checked and audited is the statement in the annual report, rather than the plan itself and its implementation.

We would like to see more detail in the legislation about monitoring and compliance to ensure that the vast amounts of work in consulting with people with disability and generating a strategy do not go to waste, and that organisations are actively practicing disability inclusion outside of simply producing a written plan to do so.

## Other opportunities for the legislation

This bill would legislate the Minister for Disability’s involvement and oversight over strategies, inclusion plans and councils. To extend its scope, the bill could provide an opportunity to mandate that the Minister



and Assistant Minister for Disability undertake training and engagement with the disability community, ensuring that the communication between the disability portfolio and the ACT disability community is strong. Our members feel that some disability ministers across different governments and contexts (not necessarily in the current ACT government) have not demonstrated appropriate engagement with the community, and did not have the passion or connection to drive change and improve outcomes for people with disability. The bill could be an opportunity to mandate this engagement in ways outlined and desired by the disability community.

Thank you again for the opportunity to provide feedback on this bill. We are hopeful that it will introduce significant safeguards and accountability for disability rights and inclusion the ACT. We welcome the chance to discuss any of this feedback further, in the final stage of this consultation process.

Kind regards,

A handwritten signature in black ink, appearing to be "Kat Reed", with a long horizontal flourish extending to the right.

Kat Reed

CEO