

Submission ID: 314606

Part 1: Preliminary

1. Do the objects, principles and definitions in the Act better reflect human rights and inclusion?

Yes. However, the Act refers to the importance of 'consultation' in multiple sections. Reference to 'consultation' with people with disability should talk about co-design and co-development, not just consultation. This would strengthen inclusion of people with disability in actual decision-making.

Part 2: Disability Inclusion Planning

2. Will the Disability Inclusion Planning requirements contribute to the advancement of human rights and inclusion?

The bill should provide more specific requirements for the state and entity disability inclusion plans, including requirements for these plans to cover disability in all of its diversity. Too often, disability inclusion plans only cover inclusion in relation to physical or obvious disability, while ignoring the needs (for example, sensory needs) of those with invisible disabilities or those who are neurodivergent. Additionally, the plans must consider the needs of people with disability who face intersectional disadvantage based on factors such as gender, age, race, LGBTIQ+ status etc.

Part 3: Disability Inclusion Advisory Council

3. Are there any changes you would make to the proposed functions or the structure of the Disability Inclusion Advisory Council?

This council should be entirely people with disability, not just majority. The council must be remunerated for time. ^[SEP] The council should be appointed through a democratic, accessible and transparent process. ^[SEP] The council terms of reference should include provisions that ensure there is a diversity of disabilities represented, including neurodivergence.

Part 4: Tasmanian Disability Inclusion Commissioner

4. Are the proposed functions and powers of the Disability Inclusion Commissioner sufficient to promote inclusion and improve quality and safeguarding protections?

This is a fantastic initiative, especially given the evidence that the majority of discrimination complaints relate to disability. It is great that the commissioner can cover issues with services outside of those that are NDIS registered.

Part 5: Disability Services Standards

5. Is it important to retain a requirement for all providers to follow the National Standards for Disability Services and is it clear who these standards apply to?

Yes. Very important.

[Part 6: Senior Practitioner](#), [Part 7: Regulation of Restrictive Practices](#), [Part 8: Appointed Program Officers](#) and [Part 9: Independent Persons](#)

6. Will the authorisation of restrictive practices process, and roles and functions of the Senior Practitioner, Appointed Program Officers and independent persons provide better quality, protections and safeguards for people with disability?

Restrictive Practices The legal sanctioning of restrictive practices, in any form, breaches Australia's obligations under international human rights instruments such as the Convention on the Rights of Persons with Disabilities. Lessons from both within Australia and internationally tell us that the regulation of restrictive practices does not work. Eliminating or reducing restrictive practices significantly requires legal prohibition. See Disability Royal Commission research papers on restrictive practices for reference. **Behaviour Support Plans** The bill discusses the Implementation of behaviour support plans in multiple contexts. Research tells us that behaviour support plans are not effective at supporting the safety and rights of persons with disabilities; and almost always exclude people with disabilities from decision-making about their care and living situations. Behaviour support plans should not be recommended in this bill.

[Part 10: Funding](#)

7. Are the conditions for the Minister to fund activities in relation to the objects of this Act clear?

Yes.

[Part 11: Authorised Officers](#)

8. Do you think the role, functions and provisions made for Authorised Officers are clear?

No response provided

[Part 12: Appeals](#), [Part 13: Offences](#) and [Part 14: Miscellaneous](#)

9. Are there any provisions made in Parts 12-14 that require further clarification?

No response provided

10. If you have any other comments, suggestions, or concerns about the Bill please let us know.

No response provided
