



Heidi LaPaglia Reid Submission

Attn: Maryanne Lewis

Project Manager – Disability Inclusion Legislation Project
Community and Disability Services
Community Partnerships and Priorities Division
Department of Premier and Cabinet

Sent by email: disabilityinclusionbill@dpac.tas.gov.au

To the Department of Premier and Cabinet, Community and Disability Services division.

My name is Heidi La Paglia Reid and I am writing to provide written feedback on the [Draft Disability Inclusion Bill 2023](#)¹ (referred to as *The Bill*). While I welcome the purpose of *The Bill*, I believe there are multiple areas where the language could be strengthened to realise the rights of people with disability. Additionally, I hold some grave concerns about the inclusion of restrictive practice regulation, rather than prohibition, in *The Bill*, given the significant evidence that prohibition of restrictive practices is the only effective means to safeguard people with disability from harmful impacts.

For context, I am an individual, Autistic lived experienced advocate and policy consultant in all areas related to gender equality and disability rights. I have over six years' experience working in systemic disability advocacy both locally and nationally, as well as personal lived experience of managing disability and chronic illness, as well as through navigating the NDIS and care systems.

While I do not have the time or capacity to provide an in-depth submission in response to the Disability Inclusion Bill, I have provided some summarised feedback under headings below; which I am very happy to verbally expand upon.

Consultation vs Co – Design.

In multiple parts, *The Bill* refers to the importance of 'consultation' with people with disability, their carers and representative organisations. While the premise of this is important, we know from past experience that 'consultation' is rarely meaningful or accessible, and does not guarantee any real inclusion of the perspectives or expertise of people with disability. Instead of referencing 'consultation,' I would urge that any redraft to incorporate reference to 'co-design' and 'co-development' and provide or link to best practice principles or guides for working in co-design with disabled people.²

¹ Department of Premier and Cabinet (2023) '[Disability Inclusion Bill - Have Your Say](#),' Tasmanian Government.

² E.g. see: JFA Purple Orange (2021) '[Guide to Co-Design with people living with disability](#).'





Disability Inclusion Planning

While the proposal that government bodies and other relevant entities be required to implement mandatory disability inclusion plans is welcomed, it is paramount that this proposal come with specific requirements for these plans to include people with disability, in all of our 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, we know from evidence that to be inclusive, disability inclusion plans must consider the needs of people with disability who face intersectional disadvantage based on factors such as gender, age, race, LGBTIQ+ status etc.³

Disability Inclusion Advisory Council

In order to ensure the effectiveness of The Bill, I welcome the introduction of an independent Disability Inclusion Advisory Council. However, there are a number of alterations that should be considered to strengthen this recommendation. For example:

- People with disability should make up the entirety of the Council, not just the majority. This is particularly important when considering that the views of people with disability are often discredited, diminished or drowned out by non-disabled people, families, carers and ‘professionals.’
- The Council must be remunerated for their time. Too often, people with disability are expected to engage in government processes, provide advice and offer information about our lived-experience, without remuneration. People with disability are already much more likely to be unemployed and much more likely to experience economic disadvantage or be living in poverty.⁴
- The Council should be appointed through a democratic, accessible and transparent process. Currently, the Bill provides no information or rules for how the Council is appointed. This is essential.
- The Council terms of reference should include provisions that ensure there is a diversity of disabilities represented, including neurodivergence. Like disability inclusion plans, disability advisory bodies, committees and councils are often dominated by people with physical or visible disabilities, while those with invisible disabilities or complex needs are excluded.

Tasmanian Disability Inclusion Commissioner

The proposed introduction of a Tasmanian Disability Inclusion Commissioner is a fantastic initiative, especially given the evidence that the majority of discrimination complaints relate to disability. It is great

³ E.g. see: Idle, J, et al. (2022) [Changing community attitudes to improve inclusion of people with disability](#), Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

⁴ E.g. see: Australian Human Rights Commission (2022) [‘Face the Facts: Disability Rights.’](#)





that the commissioner can cover issues with services outside of those that are NDIS registered. However, it must be made clear to the public what the powers of this Commissioner are and how they differ from other roles and bodies such as Equal Opportunity Tasmania (EOT) and the Australian Human Rights Commission (AHRC). This information must be provided in various accessible formats (such as Easy Read, plain English, Auslan, audio-visual formats and languages other than English) and infiltrate across the hard-to-reach areas of the community, including in closed and segregated settings.

Regulation of 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 (CRPD). 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. Multiple papers published by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability provide comprehensive research on this issue.⁵

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;⁶ 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

Thank you for the opportunity to provide this feedback. I look forward to seeing how the Bill is amended in response to the consultation.

Yours sincerely

Heidi La Paglia Reid

Heidi La Paglia Reid Consulting

E: Heidilapaglia@gmail.com

M: 0429 123 462

W: <http://lapagliareidconsulting.com.au/>

⁵ E.g. see: Spivakovsky, C., Steele, L. & Wadiwel, D (2023) [Restrictive practices: A pathway to elimination](#), prepared for the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

⁶ E.g. see: Ibid.

