

Tuesday, 19 September

**Attention Maryanne Lewis**

Project Manager – Disability Inclusion Legislation Project  
Community and Disability Services  
Community Partnerships and Priorities Division  
Department of Premier and Cabinet  
GPO Box 123  
Hobart TAS Australia 7001

**MENTAL HEALTH  
LIVED EXPERIENCE  
TASMANIA**

ABN 61 703 771 105

UNIT ONE 33 MELVILLE STREET  
HOBART TASMANIA 7000

PO BOX 109 SANDY BAY POST OFFICE  
SANDY BAY TASMANIA 7006

T+61 (0) 3 6223 1952

[WWW.MHLET.ORG.AU](http://WWW.MHLET.ORG.AU)

## **SUBMISSION TO THE DISABILITY INCLUSION BILL 2023**

Flourish Tas is the independent Peak Body in Tasmania for individuals with a lived or living experience of mental illness and/or concerns. Our organisation comprises of individual members with direct lived experiences of mental illness/ concerns and those who engage with mental health services as consumers. Our guiding principles and operational procedures are founded on the recognition of lived experience as expertise, leveraging collective knowledge to drive systemic change.

The proposed reforms outlined in the Disability Inclusion Bill 2023, specifically concerning the advancement of human rights, represent a necessary strengthening of the adoption of a rights-based approach across the human services sector. This approach aligns with the agenda of lived experience movements; rooted in self-determination, active participation, and the amplification of voices in the pursuit of rights and recognition. The Bill underscores this principle. Flourish is especially supportive of the proposed functions of the Disability Inclusion Advisory Council and the autonomous oversight and delegation of the Tasmanian Disability Inclusion Commissioner.

### **INCLUSION PRINCIPLES**

Flourish is broadly supportive of the inclusion principles as the grounding and basis for the Bill. Further expansion of the principles should encompass intersectionality, recognising the compounded connections between multiple sources of disadvantage. Furthermore, the principles can be expanded to acknowledge that some disabilities can be treated, culturally and systemically, as ‘invisible’. For example, psychosocial disabilities and mental illness. This can influence the way barriers are addressed for individuals, increasing the necessity to disclose their disability and advocate for themselves. In the broader context, inclusion principles should consider the historical injustices and mistreatment experienced by people with disabilities and acknowledge the efforts of advocacy towards legal reform, cultural progress, and redress to date.

Additionally, while factors such as cultural or linguistic diversity, age, gender, sexual orientation, and religious beliefs are considered through the inclusion principles when addressing the needs of individuals with disabilities, this perspective should be extended to include language stipulating ‘respect for’ as well as ‘account for’ and encompass the intersectional and systemic obstacles relating to multiple identities. These principles should also be reflected in the regulation of Disability Services, mandating cultural awareness and the provision of LGBTQIA+ safety and inclusion as a standard of practice.

### **REGULATION FOR RESTRICTIVE PRACTICES**

While the Bill acknowledges that restrictive practices should only be employed under limited and specific circumstances as a last resort and for the briefest duration possible, this should be explicitly extended to ensure the protection of the rights and safety of individuals with disabilities and others.

Regarding restrictive practices for individuals with psychosocial disabilities, Flourish advocates for alignment with reforms to the Mental Health Act (2013), specifically concerning seclusion and restraint events (restrictive practices). While the context of setting, circumstance and practice differs across the scope of legislation, there is a need to ensure the consistency of language and definitions. This alignment is essential to guarantee that individuals with psychosocial disabilities have access to the same understanding, reporting standards, and consistent definitions of what constitutes restrictive practice. Furthermore, we recommend that the Bill explicitly defines and refines a set of specific practices within the purview of Senior Practitioners to ensure a comprehensive understanding of their rights, potential risks, and appropriateness.

#### DISABILITY INCLUSION ADVISORY COUNCIL

We generally endorse the structure and function of the Disability Inclusion Advisory Council. However, we acknowledge the value of ensuring the broadest possible spectrum of experiences is represented within the Council's purview. This will foster inclusivity by incorporating diverse voices and experiences into the delegation and scope of the Council and ensure representation on the part of individuals with lived or living experiences of psychosocial disability.

Yours sincerely

Tash Smythe  
CEO