

# Disability Inclusion Bill 2023

Public Consultation – to 18 September 2023

No	Response to consultation questions regarding...	Overview Paper Page Reference
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	<b>Part 1: Preliminary</b>	
1	<p><b>Do the objects, principles and definitions in the Act better reflect human rights and inclusion?</b> CBS Agree with the proposed objects of the Act. The principles are right; however, we take exception with dot point 3 under the heading ‘Inclusion Principles’ which states.... ‘a wider set of personal characteristics in recognition of the multiple disadvantage and discrimination which is created because of the intersection of disability with other personal characteristics including: cultural or linguistic diversity, Aboriginality, age, gender, sexuality and/or religious beliefs’. CBS recommend that ‘multiple disadvantage and discrimination’ be excluded as this is a leading and subjective statement.</p>	9
	<b>Part 2: Disability Inclusion Planning</b>	
2	<p><b>Will the Disability Inclusion Planning requirements contribute to the advancement of human rights and inclusion?</b> CBS agree with the provisions and requirements however question whether providers, peak bodies and participants were consulted.</p>	12
	<b>Part 3: Disability Inclusion Advisory Council</b>	
3	<p><b>Are there any changes you would make to the proposed functions or the structure of the Disability Inclusion Advisory Council?</b> CBS enquire how will the Advisory Council seek feedback from providers (and vice versa?). These elements are not clear and need to be included. What is the membership of the Advisory Council? Who will the members be?</p>	13
	<b>Part 4: Tasmanian Disability Inclusion Commissioner</b>	
4	<p><b>Are the proposed functions and powers of the Disability Inclusion Commissioner sufficient to promote inclusion and improve quality and safeguarding protections?</b> CBS agree with the functions and powers of the Disability Inclusion Commission. However, CBS questions the intersection with service providers.</p>	15

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	<b>Part 5: Disability Services Standards</b>	
5	<p><b>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?</b></p> <p>We need a clear set of standards whether national or state based. There should only be one set of standards to comply with for consistency and clarity.</p>	16
	<p><b>Part 6: Senior Practitioner</b>  <b>Part 7: Regulation and Restrictive Practices</b>  <b>Part 8: Appointed Program Officers</b>  <b>Part 9: Independent Persons</b></p>	
6	<p><b>Will the authorisation of restrictive practices process, and roles and functions of the Senior Practitioner, Appointed Program Officers and independent persons provider better quality, protections, and safeguards for people with disability?</b></p> <p>In response to the questions as presented in the Overview Paper Full Version:-</p> <p><b>Part 6: Senior Practitioner</b></p> <p>Q12. Do you think the functions and powers provided in the Bill for Senior Practitioner improve safeguards for people with disability? Yes.</p> <p>Q13. Is there anything else the Act needs to include in relation to the Senior Practitioner role? There needs to be clarity around reporting by the Senior Practitioner vs. reporting by providers to the Commission. It needs to be clarified who reports to the State and Commonwealth.</p>	18

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	<p><b>Part 7: Regulation of Restrictive Practices</b></p> <p>Q14. Will the authorisation of restrictive practices process provided for in the Bill contribute to improved safeguarding for people with disability? If not, please expand on your answer. Safeguarding will be improved assuming it will streamline process, remove duplication, improve wait time and opportunity for faster response, but this needs to be appropriately resourced.</p> <p>Q15. Does aligning the definitions of restrictive practices with the NDIS Quality and Safeguards Commission Behaviour Support and Restrictive Practice Rules 2018 provide better protections and safeguards for people with disability? It is important to be consistent where possible.</p>	20
	<p><b>Part 8: Appointed Program Officers</b></p> <p>Q16. Do you agree that the creation of the Appointed Program Officer will provide greater quality and safeguarding in the implementation of restrictive practices by providers? No. CBS do this already. Perhaps for others without a consistent approach to reporting processes, the creation of the Appointed Program Officer will provide greater quality and safeguarding in the implementation of restrictive practices.</p>	21
	<p><b>Part 9: Independent Persons</b></p> <p>Q17. The Independent Person is intended to enhance the will and preference of people with disability. Do you think the way the role is described will achieve this intent? Yes, CBS does think the way the role is described will achieve the intention to enhance the will and preference of people with disability.</p>	22
	<p>Q18. Will the establishment of this role improve safeguarding for people with disability? Yes. CBS believe the establishment of the role will improve the safeguarding of people with disability.</p>	21

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	<b>Part 10: Funding</b>	
7	<b>Are the conditions for the Minister to fund activities in relation to the objects of this Act clear?</b> Yes. Nothing more is required in relation to funding.	23
	<b>Part 11: Authorised Officers</b>	
8	<b>Do you think the role, functions and provisions made for Authorised Officers are clear?</b> From a home care provider perspective, it is not clear how this relates to clients in care in their own homes and the functions of the Authorised Officer in relation to a provider. The functions of the Authorised Officers read as though they are only applicable to residential service provision.	24
	<b>Part 12: Appeals</b> <b>Part 13: Offences</b> <b>Part 14: Miscellaneous</b>	
9	<b>Are there any provisions made in Parts 12-14 that require further clarification?</b> Under 'Protection from Liability', governing members of service providers (e.g Board Directors), are not mentioned. Are they exercising power under the Act as individuals?	25
10	<b>If you have any other comments suggestions, or concerns about the Bill please let us know.</b> Will the Bill be provided in a format that is easy to read and in an audio format?	

Please return your answers via: Email: [disabilityinclusionbill@dpac.tas.gov.au](mailto:disabilityinclusionbill@dpac.tas.gov.au)