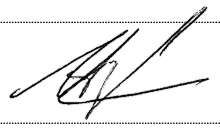
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South Australia

Disability Inclusion (Review Recommendations) Amendment Bill 2023

A BILL FOR

An Act to amend the *Disability Inclusion Act 2018*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Disability Inclusion (Review Recommendations) Amendment Act 2023*.

2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

Part 2—Amendment of *Disability Inclusion Act 2018*

3—Amendment of section 3—Interpretation

Section 3(1)—before the definition of ***central assessment unit*** insert:

barrier includes something that is—

(a) physical, architectural, technological or attitudinal; or

(b) based on information or communications; or

(c) the result of a policy or practice;

4—Insertion of section 7A

After section 7 insert:

7A—Minister to seek views of people with disability

(1) Without limiting any other provision of this Act, the Minister must, in accordance with any requirements set out in the regulations, seek the views of people with disability regarding—

(a) the operation, administration and enforcement of this Act; and

(b) furthering the objects of this Act (including by increasing the inclusion of South Australians with disability in all areas of life in this State).

(2) Without limiting subsection (1), the Minister may establish a committee to advise and assist the Minister in relation to the operation of this section.

(3) The membership of a committee established by the Minister under this section will be determined by the Minister but should, as far as is reasonably practical, include a diverse range of people with lived experience of disability.

(4) The procedures of a committee established by the Minister under this section will be—

(a) as determined by the Minister; or

(b) insofar as a procedure is not determined under paragraph (a)—as determined by the committee.

5—Amendment of section 8—Objects

(1) Section 8—after "people with disability" wherever occurring insert:

, regardless of age,

(2) Section 8—after paragraph (e) insert:

; and

(f) making significant gains towards achieving an inclusive community where the principles outlined in the *United Nations Convention on the Rights of Persons with Disabilities* underpin the development and delivery of services, especially by removing barriers so that people with disability, regardless of age, are able to access services and to participate in the community in the same way as other members of the community.

6—Amendment of section 9—Principles

(1) Section 9(1)—after paragraph (j) insert:

(ja) people with disability have the right to be safe, and to feel safe, through the provision of appropriate safeguards, information, services and support, and through appropriate and accessible reporting mechanisms in cases of neglect, abuse or exploitation;

(2) Section 9(1)—after paragraph (o) insert:

(p) people with disability, and their families and representatives as appropriate, have a right to participate in the design and delivery of inclusive policies and programs;

(q) insofar as people with disability may not be able to find out about their rights, or may not be able to understand their rights, because of their disability, State and local government should take reasonable steps to assist them to learn about their rights and to develop ways in which they can, or their families or representatives can, report violations of those rights.

(3) Section 9—after subsection 5 insert:

(5a) In addition to the principles set out in any other provision of this section, the following principles are to be acknowledged and addressed in the operation, administration and enforcement of this Act as it relates to people with significant intellectual disability or who have high levels of vulnerability due to disability:

(a) people with significant intellectual disability or who have high levels of vulnerability due to disability have a right to feel safe, to enjoy dignity in their lives, and to participate in the community in meaningful way;

(b) people with significant intellectual disability or who have high levels of vulnerability due to disability may face major barriers which they may not be able to understand and so need support from others to advocate on their behalf when seeking to remove, or deal with, those barriers.

7—Amendment of section 10—Functions of Chief Executive

Section 10(1)—after paragraph (g) insert:

(ga) advising the Minister on systemic or emerging accessibility and inclusion issues; and

8—Amendment of section 13—State Disability Inclusion Plan

(1) Section 13(3)—after paragraph (b) insert:

(ba) must contain provisions—

(i) setting out whole of Government policies and strategies for giving effect to the principles and purposes of the *United Nations Convention on the Rights of Persons with Disabilities*, as well as any other relevant international human rights instruments affecting people with disability, as in force from time to time; and

(ii) setting out strategies to ensure that the needs of persons referred to in section 9(2), (3), (4), (5) and (5a) are properly addressed by the State Disability Inclusion Plan; and

(iii) specifying priority areas for improvement in relation to inclusion; and

(iv) specifying measurable outcomes for each priority area identified in the State Disability Inclusion Plan; and

(2) Section 13(4)—after paragraph (b) insert:

(ba) must ensure that any documents prepared for the purposes of paragraph (a) are in a form that is accessible to people with disability; and

9—Amendment of section 14—Annual report on operation of State Disability Inclusion Plan

(1) Section 14(1)—delete "31 December" and substitute:

30 June

(2) Section 14(1)—delete "financial" and substitute:

calendar

10—Amendment of section 15—Review of State Disability Inclusion Plan

Section 15—after subsection (2) insert:

(3) A report submitted to the Minister for the purposes of subsection (1) must include, or be accompanied by, information about any changes recommended to be made to the State Disability Inclusion Plan as a result of the review.

11—Amendment of section 16—Disability access and inclusion plans

(1) Section 16(3)—after paragraph (d) insert:

(da) must include strategies to ensure that the needs of persons referred to in section 9(2), (3), (4), (5) and (5a) are properly addressed by the disability access and inclusion plan; and

(2) Section 16(4)—after paragraph (c) insert:

(ca) must ensure that any documents prepared for the purposes of paragraph (b) are in a form that is accessible to people with disability.

12—Amendment of section 17—Annual report on operation of disability access and inclusion plan

(1) Section 17(1)—delete "31 October" and substitute:

30 April

(2) Section 17(1)—delete "financial" and substitute:

calendar

(3) Section 17(2)—delete "31 December" and substitute:

30 June

(4) Section 17(2)—delete "financial" and substitute:

calendar

(5) Section 17—after subsection (1) insert:

(1a) A report under subsection (1) must include details of how the State authority is addressing the risks and principles relating to the persons referred to in section 9(2), (3), (4), (5) and (5a), by reference to the provisions in the State Disability Inclusion Plan and the State authority's disability access and inclusion plan relating to those persons.

13—Amendment of section 18—Review of disability access and inclusion plans

Section 18—after subsection (2) insert:

(3) If the State Disability Inclusion Plan is varied, a State authority must, within 6 months of the publication of the plan as varied in the Gazette—

(a) review the State authority's disability access and inclusion plan to ensure it is consistent with the State Disability Inclusion Plan; and

(b) if the State authority's disability access and inclusion plan is not consistent with the State Disability Inclusion Plan—

(i) vary the State authority's disability access and inclusion plan to such extent as is necessary to ensure consistency with the State Disability Inclusion Plan; and

(ii) publish the varied disability access and inclusion plan as required by section 16(7).

Schedule 1—Transitional and saving etc provisions

1—Annual report on operation of State Disability Inclusion Plan during transitional period

(1) Despite section 14(1) of the *Disability Inclusion Act 2018* as enacted by this Act, the annual report on the operation of the State Disability Inclusion Plan for the financial year ending on 30 June 2023 must be provided to the Minister in accordance with section 14(1) of the *Disability Inclusion Act 2018* as in force immediately prior to the commencement of section 9 of this Act.

(2) Despite section 14(1) of the *Disability Inclusion Act 2018*, the Chief Executive must provide the Minister with an interim report on the operation of the State Disability Inclusion Plan for the period of 1 July 2023 to 31 December 2023.

(3) A report under subclause (2)—

(a) must be provided on or before 30 June 2024; and

(b) need only contain such information as may be required by the Minister.

(4) To avoid doubt, section 14(2) of the *Disability Inclusion Act 2018* applies to a report under this clause.

2—Annual report on operation of disability access and inclusion plan during transitional period

(1) Despite section 17(1) of the *Disability Inclusion Act 2018* as enacted by this Act, the annual report of each State authority on the operation of its disability access and inclusion plan for the financial year ending on 30 June 2023 must be provided to the Chief Executive in accordance with section 17(1) of the *Disability Inclusion Act 2018* as in force immediately prior to the commencement of section 12 of this Act.

(2) Despite section 17(1) of the *Disability Inclusion Act 2018*, each State authority must provide the Chief Executive with an interim report on the operation of its disability access and inclusion plan for the period of 1 July 2023 to 31 December 2023.

(3) A report under subclause (2)—

(a) must be provided on or before 30 April 2024; and

(b) need only contain such information as may be required by the Minister.

(4) Despite section 17(2) of the *Disability Inclusion Act 2018* as enacted by this Act, the Chief Executive must, on or before 31 December 2023, provide to the Minister a report summarising the reports received under subclause (1).

(5) Despite section 17(2) of the *Disability Inclusion Act 2018* the Chief Executive must, on or before 30 June 2024, provide the Minister with a report summarising the reports received under subclause (2).

(6) To avoid doubt, section 17(4) of the *Disability Inclusion Act 2018* applies to a report under this clause.