

LEGISLATIVE COUNCIL

Disability Inclusion Bill 2014

First print

Proposed amendments

- No. 1 Page 2, clause 3, line 20. Omit “support, to the extent reasonably practicable,”. Insert instead “uphold”.
- No. 2 Page 3, clause 4, lines 7 and 8. Omit all words on those lines. Insert instead “for their disability and cultural background (including information provided by individuals or organisations providing independent advocacy services for people with disability) and enables them to make informed choices and supports them in making those choices.”.
- No. 3 Page 4, clause 6, lines 17–21. Omit all words on those lines. Insert instead:

6 Minister to ensure regard is had to disability principles

It is the duty of the Minister to ensure that persons exercising functions under this Act, or providing supports or services to persons with disability in connection with the provision of financial assistance under Part 5, have regard to the disability principles in the exercise of those functions or the provision of those supports or services.

- No. 4 Page 4, clause 7. Insert after line 31:
advocacy organisation—see section 20.
- No. 5 Page 5, clause 7. Insert after line 10:
Minister means the Minister for Disability Inclusion.
- No. 6 Page 5, clause 7, line 20. Omit “and 32”. Insert instead “, 32 and 33”.
- No. 7 Page 6, clause 10. Insert after line 23:
(2) The Minister is responsible for implementation of the State Disability Inclusion Plan.
- No. 8 Page 6, clause 10 (2), line 25. Insert “and their advocacy organisations” after “disability”.
- No. 9 Page 6, clause 10. Insert after line 25:
(3) The State Disability Inclusion Plan must specify how the Minister proposes to have regard to the disability principles in dealing with matters relating to people with disability.

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- No. 10 Page 7, clause 12 (2) (a), line 9. Insert “and their advocacy organisations” after “disability”.
- No. 11 Page 7, clause 12. Insert after line 10:
- (b) must undertake a period of public consultation about the proposed plan, and
- No. 12 Page 7, clause 12, lines 16–21. Omit all words on those lines. Insert instead:
- (b) include strategies to support the participation of people with disability, including strategies about the following:
 - (i) providing access to buildings, events and facilities,
 - (ii) providing access to information,
 - (iii) reducing barriers that prevent people with disability from accessing facilities, goods and services,
 - (iv) reducing barriers that prevent people with disability from obtaining and maintaining employment,
- No. 13 Page 7, clause 12 (3) (c), line 26. Insert “and their advocacy organisations” after “disability”.
- No. 14 Page 7, clause 12. Insert after line 36:
- (6) The Minister is responsible for ensuring that disability inclusion action plans are consistent with the State Disability Inclusion Plan.
- No. 15 Page 9, clause 17. Insert after line 29:
- (b) to advise the public about the government’s disability policies,
- No. 16 Page 9, clause 17. Insert after line 42:
- (2) Also, the Disability Council may, by written notice given to a public authority, require the public authority:
 - (a) to amend its disability inclusion action plan in the way specified in the notice, or
 - (b) to implement its disability inclusion action plan.
 - (3) A public authority must comply with a notice given under subsection (2).
- No. 17 Page 10, clause 19. Insert after line 13:
- (4) The Disability Council must ensure the report is available to the public.
- No. 18 Page 10. Insert after line 13:

Part 4 Advocacy organisations

20 Advocacy organisations

In this Act:

advocacy organisation means:

- (a) a representative organisation, or
- (b) a disability advocacy organisation.

disability advocacy organisation means an organisation providing (on a not-for profit basis) independent advocacy, advice and information services for, or with respect to, people with disability to the government, public, persons with disability and others for the purpose of enabling people with disability to access opportunities for inclusion, resolve issues early, identify barriers and find independent assistance when needed.

representative organisation means an organisation representing people with disability governed by a majority of people with disability and may include a disability advocacy organisation.

21 Functions

For the purposes of this Act, advocacy organisations may exercise the following functions:

- (a) monitor the implementation of government policy in relation to people with disability and their families,
- (b) advise the public about the government's disability policies,
- (c) advise the Minister on emerging issues relating to people with disability,
- (d) advise public authorities about the content and implementation of disability inclusion action plans,
- (e) advise the Minister about the content and implementation of the State Disability Inclusion Plan and disability inclusion action plans,
- (f) promote the inclusion of people with disability in the community,
- (g) promote community awareness of matters concerning the interests of people with disability and their families,
- (h) consult with people with disability and undertake research about matters relating to people with disability,
- (i) any other functions prescribed by the regulations.

22 Reporting requirements

- (1) An advocacy organisation must, if required by the Minister, give the Minister a report about the exercise of its functions under this Act when receiving financial assistance under this Act.
- (2) The report must include information about the matters directed by the Minister.
- (3) The report may contain other information or advice the advocacy organisation considers appropriate.

No. 19 Page 11, clause 22, lines 27–29. Omit all words on those lines. Insert instead:

- (b) in-home support is provided, in relation to the shared living arrangement, by a disability service provider or an organisation that is responsible for supporting people with disability.

No. 20 Page 11, clause 22, lines 30 and 31. Omit all words on those lines. Insert instead:

- (2) Supported group accommodation includes an assisted boarding house within the meaning of the *Boarding Houses Act 2012* and premises, or a type of premises, prescribed by the regulations to be supported group accommodation.

No. 21 Page 11, clause 22, lines 32–41. Omit all words on those lines. Insert instead:

- (3) However, supported group accommodation does not include premises, or a type of premises, prescribed by the regulations not to be supported group accommodation.

No. 22 Page 14, clause 27, line 9. Omit “individual.”. Insert instead:

individual specifying:

- (a) the reason for the decision, and
- (b) that the person may apply for a review of the decision and how to apply for the review.

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- No. 23 Page 16, clause 32. Insert after line 12:
- (b) the eligible entity conducts an assessment of the person's suitability to be involved in the provision of supports and services (having regard to any policies or procedures published by the Minister) and considers any relevant information about the person included on the record of investigations kept by the Ombudsman under section 25W of the *Ombudsman Act 1974*, and
- No. 24 Page 16, clause 32, line 17. Omit "4 years". Insert instead "3 years".
- No. 25 Page 17, clause 33, line 39. Omit "reasonably believes". Insert instead "has evidence to show that".
- No. 26 Page 17. Insert after line 34:
- 33 Conditions about registration of service providers**
- It is a condition of the provision of financial assistance to an eligible entity that the eligible entity must not:
- (a) engage a person as a relevant worker to provide support and services in his or her capacity as a health service provider (within the meaning of the *Health Practitioner Regulation National Law (NSW)*) unless the person is a registered health practitioner (within the meaning of that Law), or
 - (b) continue to engage such a person after such registration is cancelled because the person is disqualified under that Law or the law of a co-regulatory jurisdiction from being registered in that health profession.
- No. 27 Page 18, clause 34, line 18. Omit "reasonably believes". Insert instead "has evidence to show that".
- No. 28 Page 19, clause 35, line 6. Omit "section 26". Insert instead "section 26 not to provide financial assistance to or on behalf of an individual who is a person in the target group or".
- No. 29 Page 19, clause 36. Insert after line 21:
- (b) the Secretary conducts an assessment of the person's suitability to be involved in the provision of supports and services (having regard to any policies or procedures published by the Minister) and considers any relevant information about the person included on the record of investigations kept by the Ombudsman under section 25W of the *Ombudsman Act 1974*, and
- No. 30 Page 20, clause 37, line 18. Omit "another entity". Insert instead "another entity (including an advocacy organisation)".
- No. 31 Page 22, clause 47, lines 31–37. Omit all words on those lines.