



New South Wales

# Disability Inclusion Amendment Bill 2022

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to amend the *Disability Inclusion Act 2014* (the *principal Act*) to give effect to the recommendations for amendments arising from the statutory review of the principal Act tabled in Parliament on 20 November 2020. This is achieved as follows—

- (a) by requiring State Disability Inclusion Plans and disability inclusion action plans to be remade every 4 years (*recommendation 1*),
- (b) by requiring plans to be made available in one or more formats accessible to people with disability (*recommendation 2*),
- (c) by repealing provisions in the principal Act no longer required due to the commencement of Commonwealth legislation relating to the National Disability Insurance Scheme (*recommendations 3 and 5*),
- (d) by inserting savings and transitional provisions (*recommendation 6*),
- (e) by making other minor and consequential amendments (*recommendation 3*).

## Outline of provisions

**Clause 1** sets out the name, also called the short title, of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent to the proposed Act.

## **Schedule 1      Amendment of Disability Inclusion Act 2014 No 41**

**Schedule 1[7] and [13]** give effect to recommendation 1 of the review. The proposed amendments require State Disability Inclusion Plans and disability inclusion action plans to be reviewed every 4 years and be remade, with or without variation, within 12 months of the review. **Schedule 1[1], [3], [5], [6], [8], [9], [11], [12] and [15]** make consequential amendments.

**Schedule 1[4] and [10]** give effect to recommendation 2 of the review. The proposed amendments require State Disability Inclusion Plans and disability inclusion action plans to be made available in one or more formats accessible to people with disability.

**Schedule 1[14] and [17]** give effect to recommendation 3 of the review by repealing provisions in Parts 4 and 5 and Schedule 2 of the principal Act. **Schedule 1[14]** reinserts and renumbers certain provisions relating to disability service standards and the provision of financial assistance by the Secretary. **Schedule 1[2]** makes a consequential amendment to remove redundant definitions and updates the definition of *Department*.

**Schedule 1[16] and [17]** give effect to recommendation 5 of the review. The proposed amendments repeal provisions dealing with particular accounts and funds of residents of government residential centres. Government residential centres are no longer in operation.

**Schedule 1[18]** gives effect to recommendation 6 of the review by inserting savings and transitional provisions.

## **Schedule 2      Amendment of other legislation**

**Schedule 2** gives effect to recommendation 3 of the review.

**Schedule 2.1** amends the *Community Services (Complaints, Reviews and Monitoring) Act 1993* to remove the Ombudsman's function to review deaths of persons with disability.

**Schedule 2.2** amends the *Community Welfare Act 1987* to update references to provisions in the principal Act proposed to be repealed by the proposed Act.

**Schedule 2.3[1], [3] and [4]** amend the *Coroners Act 2009* to remove references to provisions of the principal Act proposed to be repealed and move definitions from the principal Act to the *Coroners Act 2009*. **Schedule 2.4** amends the *Coroners Regulation 2021* to make a consequential amendment. **Schedule 2.3[2]** enables the Coroners Court to hold inquests into the deaths of persons with disability.

**Schedule 2.5** amends the *Disability Inclusion Regulation 2014* to repeal provisions consequent on the proposed repeal of provisions in the principal Act.

**Schedule 2.6** amends the *Land Tax Management Act 1956* to update a reference to a defined term proposed to be moved from the principal Act to the *Coroners Act 2009*.

**Schedule 2.7** amends the *Ombudsman Act 1974* to repeal provisions relating to reportable incidents in supported group accommodation. Providers of supported group accommodation are now funded by the National Disability Insurance Scheme and the jurisdiction to oversee reportable incidents lies with the NDIS Quality and Safeguards Commission.