



**A voice for equality and inclusion**



D23/2282240

28/9/23

Community Affairs Legislative Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Email: [community.affairs.sen@aph.gov.au](mailto:community.affairs.sen@aph.gov.au)

Dear Committee

Re: **Inquiry into the Disability Services and Inclusion Bill 2023 [Provisions] and Disability Services and Inclusion (Consequential Amendments and Transitional Provisions) Bill 2023**

Thank you for the opportunity to provide feedback on these Bills.

The Disability Council NSW (the 'Council') is a statutory body that provides independent advice to the Minister for Disability Services on matters that affect people with disability in NSW, as well as their families and carers.

The Council has reviewed the Bills and has the following feedback.

### **Relationship between Disability Services and Inclusion Bill 2023 ("Bill ") and Commonwealth Standards**

The Council commends the inclusive person-centred language used in the Bill, underpinned by the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). This language should serve as a model for all Commonwealth disability related instruments.

The Council recommends that when Disability Standards (such as the Disability Standards for Education) are next reviewed, the language is updated to align with the language in this Bill.

Council further recommends that a provision be inserted in the Bill clarifying its relationship to Disability Standards.

### **Bill should not duplicate regulation of community inclusion services and supports**

The Council notes that the definition of community inclusion services and supports in the Bill is very broad, and in some cases would cover already regulated industries.

In the Council's view, the Bill should not impose additional regulation on an eligible service if this would replicate existing requirements regarding accessibility from another funding source. For example, wheelchair accessible taxis in NSW are subject to requirements of the NSW Point To Point Commission regarding driver training. A duplication of these requirements could act as a disincentive for operators to enter the market.

### **Funded services should be required to comply with universal design standards for information and procurement**

The Council notes that there is no requirement under the Bill for Commonwealth funded services to comply with accessibility frameworks.

Funding conditions are an important mechanism with which to embed the principles of universal design, ensuring the services are broadly accessible to all people with disability.

The Council submits that at a minimum, funded services should be required to comply with:

- up-to-date WCAG standards for website accessibility;
- AS EN 301 549:2020 – Accessibility requirements for ICT products and services.

### **Missed opportunity to embed disability inclusion planning**

The *Disability Inclusion Act 2014 (NSW)* requires all public authorities to make and implement a Disability Inclusion Action Plan (DIAP), committing to actions in relation to disability inclusion under four key focus areas:

- Community attitudes and behaviours
- Liveable communities
- Meaningful employment
- Accessible systems and processes.

The Council considers that it would be beneficial for Commonwealth agencies to be required to make a similar plan, which could act as a vehicle to embed disability inclusion in the agency. Future iterations of the Act could consider such a reform.

Thank you again for the opportunity to provide feedback.

Yours sincerely,

Associate Professor Jill Duncan  
A/Chair, Disability Council NSW

