

Disability Inclusion Act 2014 – overview of the Act

The *Disability Inclusion Act 2014* (the Act) and the *Disability Inclusion Regulation 2014* (the Regulation) commenced on 3 December 2014.

The Act replaced the *Disability Services Act 1993*. The Act has two main roles:

1. Committing the NSW Government to making communities more inclusive and accessible for people with disability now and into the future. These commitments will continue even when the National Disability Insurance Scheme (NDIS) is operating across NSW. Parts 1 to 3 of the Act contain the 'legacy' or continuing commitments.
2. Regulating specialist disability supports and services to people with disability in NSW and introducing better safeguards for these services until the change over to the NDIS. Parts 4 and 5 and Schedule 5 of the Act cover the 'transitional' or change over arrangements.

Part 1 – Objects, principles and definitions

Part 1 sets out what the Act aims to achieve for people with disability – its objects. Among them are: acknowledging human rights; promoting the independence and social and economic inclusion of people with disability; enabling choice and control; setting up safeguards; and, where practical, supporting the *United Nations Convention on the Rights of Persons with Disabilities* (the UN Convention).

The Act contains general principles which align with the UN Convention and acknowledge the human rights of all people with disability. It also includes principles recognising the needs of particular groups, such as Aboriginal and Torres Strait Islander people with disability, people with disability from culturally and linguistically diverse backgrounds, women with disability and children with disability.

The Act uses a similar definition of disability as used in the UN Convention. The definition recognises that disability results from barriers in society that prevent or limit inclusion.

Part 2 – Disability planning

Under the Act the NSW Government must develop a four-year State Disability Inclusion Plan to guide how the whole government works towards the inclusion in the community of people with disability and how it improves access to mainstream services and community facilities.

The Act also requires NSW government departments, local councils and some other public authorities to develop and implement a Disability Inclusion Action Plan. The plans must be consistent with the State Disability Inclusion Plan and include strategies to increase access and participation. In developing and reviewing their plans, public authorities must consult with people with disability. See *DIA fact sheet 2 – disability planning* for more information.

Part 3 – Disability Council NSW

The Disability Council NSW has an expanded role, which includes advising the NSW Government on disability planning.

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This is fact sheet 1 of 5 on the *Disability Inclusion Act 2014*.

Visit www.facs.nsw.gov.au/dia to access all fact sheets on the Act.

Part 4 – Standards

All Family and Community Services (FACS) run and FACS funded disability service providers must comply with the NSW Disability Service Standards.

Part 5 – Supports and services

The Act enables funding directly to, or for, people with disability who are eligible to receive FACS supports and services. Funding arrangements can be adapted to suit individual circumstances. See *DIA fact sheet 3 – supports, services and funding* for more information.

The Act also allows FACS to continue operating direct services to eligible people and funding service providers to deliver services and supports to eligible people.

Safeguards to limit the risk of harm to people with disability include tightened employment screening for staff and volunteers and, for non-government organisations, board members, who work directly with people with disability. See *DIA fact sheet 4 – employment screening* for more information.

The Act streamlines the transfer of funding to disability service providers and individual people with disability when the Australian Government takes on full funding responsibility under the NDIS.

Schedule 5 – amendment to the *Ombudsman Act 1974*

A new Part 3C for the *Ombudsman Act 1974* requires that reports be made to the NSW Ombudsman about serious incidents involving abuse and neglect of people with disability in supported group accommodation and respite services operated or funded by FACS. See *DIA fact sheet 5 – reporting abuse and neglect* for more information.

This fact sheet is available in a range of other languages and in an Easy Read format. To access these resources and find out more about the *Disability Inclusion Act 2014* visit www.facs.nsw.gov.au/dia, email disabilityinclusionact@facs.nsw.gov.au, or call 1800 446 470. If you would like to speak to us through an interpreter, call TIS on 131 450.