



PO Box 356  
ASHBURTON VIC 3147

[hello@icannetwork.com.au](mailto:hello@icannetwork.com.au) | [www.icannetwork.online](http://www.icannetwork.online)

18<sup>th</sup> October 2022

Disability Act Review Team  
Department of Families, Fairness and Housing, Victorian Government

**RE: I CAN Network's submission to the exposure draft of the Disability Inclusion Bill 2022 (Vic)**

Dear Disability Act Review Team

My name is James Ong, the Evaluation and Policy Manager of I CAN Network. On behalf of I CAN Network, I would like to thank the Disability Act Review Team for giving us the opportunity to provide feedback on the exposure draft of the Disability Inclusion Bill 2022 (Vic) ('the Bill').

I CAN Network agrees with the idea of creating a new principal Act on disability inclusion in Victoria. The Bill, if passed, will position disability inclusion as an important goal to achieve towards realising equality for people with disability. The Bill will ensure that people with disability are consulted and engaged so that they can be better catered in government services and more involved in important initiatives across Victoria. Our submission splits our feedback into different parts of the Bill, each describing how aspects of the Bill can be improved.

## **Part 1: Preliminary**

### **Purpose of the legislation**

I CAN Network agrees that the Bill should focus on building disability inclusion in all Victorian Government departments and organisations as 'defined entities'. This ensures that the same standards on disability inclusion can be set and maintained across all parts of government. However, the definition of 'defined entities' should also be extended to other companies or organisations with 50 or more employees who are contracted by the Victorian Government to deliver services to people with disability. These organisations should be held to the same standards as other Victorian Government departments and organisations in promoting and improving disability inclusion, both within their own organisation and in delivering their services to people with disability.

Additionally, there needs to be a section under Part 1 that talks about how the Bill complements and differentiates itself from the Disability Act 2006. Currently, the links between both legislation documents are not clear. The Bill also does not describe whether the Disability Act 2006 will continue to be relevant in delivering services to people with disability.

### **Definitions of important terms**

I CAN Network suggests some wording changes in the definitions of certain terms. Under the term 'disability inclusion', it should be explicitly stated in the 'addressing barriers' dot point that barriers should either be removed or modified so that they do not hinder the full and equal participation of people with disability. Additionally, the definition for the term 'barrier' should refer to 'people with disability' instead of 'people with impairment' as the former term is already defined as having impairments or functional limitations that, '...in interaction with a barrier, hinders a person's full and equal participation in society'.

### **Objectives of the Bill**

I CAN Network agrees with the objectives of the Bill. Nevertheless, I CAN Network suggests adding a new objective for defined entities to deliver services that are catered to the needs of people with disability. This makes the Bill more concrete, and ensures that the government is committed to creating and modifying programs that support the needs and ambitions of people with disability.

### **Inclusion principles**

I CAN Network also agrees with the inclusion principles of the Bill. However, the inclusion principle 'All people, regardless of disability, should be free to pursue work, careers and vocations' should be clarified. That principle should further state

that all people, regardless of disability, should be free to pursue their desired post-school pathways and careers. Although people with disability can fill in any job, it is hard for them to secure a job that builds the skills and experiences they need to pursue the career they want. The additional wording on that principle would direct defined entities to consider the needs and ambitions of people with disability when designing programs and services so that people with disability can go into jobs that are meaningful to them and that will build their capability to pursue the career they want and positively contribute to society.

## **Part 2: Duty to promote disability inclusion**

I CAN Network agrees that the government and other defined entities should have a duty to promote disability inclusion. Under this duty, it should be added that defined entities must tailor their services to the needs and wishes of people with disability. This will ensure that people with disability can use government services that are catered to them.

## **Part 3: Disability impact assessments**

I CAN Network agrees with the idea that defined entities should conduct disability impact assessments to ensure that people with disability are considered when developing or reviewing policies, programs and services. One implementation issue that might need to be considered is in ensuring that defined entities are conducting and using disability impact assessments when modifying policies, programs or services for people with disability. This ensures that defined entities conduct disability impact assessments with the intent of using them to influence their work, instead of them being a one-and-done exercise. In addition, a summary of disability impact assessments and how they are used in the organisation should also be described in the disability action plan progress report itself.

## **Part 4: State disability plan and disability action plans**

I CAN Network agrees with the proposed focus and requirements for preparing, consulting and reporting on state disability plans. I CAN Network also agrees with the concept of disability action plans for defined entities, but the development and reporting of them need to be more streamlined.

As it currently stands in the Bill, too much time will be spent consulting stakeholders, including people with disability, in preparing, implementing, evaluating, monitoring and changing a disability action plan. More guidance needs to be written on when these stakeholders need to be consulted in changing a disability action plan, and when they can be informed on something regarding the disability action plan such as monitoring of compliance.

Secondly, the requirement for defined entities to prepare a disability action plan progress report every year is unfair, given that the Minister for Disability, Ageing and Carers ('the Minister') only needs to submit a progress report on the state disability plan every two years. It does not take into account the massive amount of work that needs to be undertaken in preparing a progress report which might not be read by many people. To ease the burden of defined entities in preparing disability action plan progress reports, I CAN Network suggests that defined entities submit their progress reports every two years, similar to the Minister for their state disability plan progress reports.

## **Part 5: Monitoring and compliance**

Currently, the provisions under this part of the Bill are too punitive. They deviate too much from the positive aims of disability inclusion and do not take into account potential barriers that may impede 'reasonable and material progress in implementing a disability action plan'. I CAN Network thinks that the Commissioner for Disability Inclusion ('the Commissioner') should only intervene when a defined entity does not prepare a disability action plan or does something that actively harms disability inclusion. In all other cases, the Commissioner should find ways to help defined entities that are experiencing genuine difficulty in promoting disability inclusion in their department or organisation.

Furthermore, monitoring and compliance should be split into different parts of the Bill. The monitoring part should focus on how defined entities will be held to account in promoting and actioning disability inclusion while the compliance part should describe the consequences of defined entities not creating or following their disability action plans or doing something that harms disability inclusion.

## **Part 6: Commissioner for Disability Inclusion**

I CAN Network commends the Disability Act Review Team for considering the creation of a Commissioner for Disability Inclusion. A Commissioner for Disability Inclusion would be invaluable in underlining the commitment of the Victorian government in promoting disability inclusion in the state. However, the Commissioner could be given more powers to promote and safeguard disability inclusion. Similar to complaints-based bodies such as the Victorian Equal Opportunity and Human Rights Commission, the Commissioner should be given the power to intervene to stop harmful actions against disability inclusion by defined entities. Furthermore, the Commissioner should be supported by other roles that would work with the Commissioner to track and promote disability inclusion across Victoria.

## Part 7: Victorian Disability Advisory Council (VDAC)

I CAN Network agrees with the terms of VDAC as described in the Bill. In particular, we commend the Disability Act Review Team for proposing to have people with disability make up three-quarters of the VDAC. I CAN Network suggests two additions to the part. First, VDAC should be involved in monitoring implementation of disability inclusion plans, particularly if provisions in a disability inclusion plan would harm or breach disability inclusion. Second, VDAC should include members with different disabilities, including those with neurodivergent conditions such as Autism and ADHD. That way, no disability group can be unfairly excluded from initiatives that would improve the lives of people with disability. This is particularly true for people with neurodivergent conditions whose disabilities are often underappreciated, hidden from public view and not considered in policymaking.

## Part 8: General and miscellaneous

I CAN Network feels that four years is the right time to review the Bill. However, to avoid a conflict of interest from the Minister, the review should be conducted independently, with at least half the review committee being taken up by people with disability. This will avoid the situation where the Minister claims that progress is being made towards the objectives of the Bill when the public does not see any actual progress. Additionally, when making guidelines for defined entities to understand and meet their obligations of the Bill, the Minister should also consult with the Commissioner to ensure their views are considered when making the guidelines.

## Conclusion

Once again, I CAN Network would like to thank the Disability Act Review Team for giving us the chance to review and provide our feedback on the Bill. The Bill will go a long way in embedding disability inclusion as an essential part of improving equality towards people with disability. Should you have any questions on the submission, please do not hesitate to contact me at [james@icannetwork.com.au](mailto:james@icannetwork.com.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'James', with a long horizontal flourish extending to the right.

Dr. James Ong  
Evaluation and Policy Manager  
On behalf of I CAN Network