



Australian Government
Department of Social Services

Public Seminars

Disability Services and Inclusion Bill 2023

July and August 2023





Slide 1: Exposure draft of the Disability Services and Inclusion Bill 2023

- July and August 2023

Slide 2: Acknowledgement of Country

- The Department of Social Services acknowledges the traditional owners of country throughout Australia, and their continuing connection to land, water and community. We pay our respects to them and their cultures, and to Elders both past and present.

Slide 3: Questions

- If you have any questions about the Bill during this session, please go to www.menti.com and enter the following code: (not available: new code created each session).
- You can also use the Q&A option in Teams if you would prefer.
- We will answer questions at the end of this session, including questions which have already been asked, and any questions which come through today.
- The menti code and details will be included again at the end of the seminar.

Slide 4: Background

- The Australian Government is preparing to replace the *Disability Services Act 1986* (the current Act).
- Public consultation (Round 1): November 2022 - February 2023.
- Feedback from Round 1 was used to draft the Disability Services and Inclusion Bill 2023 (the Bill).
- The Bill is draft legislation aiming to replace the current Act.
- Public consultation (Round 2): currently being conducted specifically on the exposure draft of the Bill.

Slide 5: Scope of the Bill

- The Bill aims to promote national consistency around the supports and services provided by the Australian Government for people with disability, their families and carers outside the National Disability Insurance Scheme (NDIS).
- It provides authority for the Australian Government to fund services and supports.
 - This enables continued funding of things like advocacy and Disability Employment Services for example.

- It allows for a broader range of supports to be delivered but does not change, reform or create new programs. These are separate decisions for the Government.
- The Bill reinforces a person-centred approach and establishes quality and safeguarding arrangements to help keep people with disability safe when receiving supports and services.

Slide 6: How the Bill will work with others

- The Bill exists alongside other Australian legislation and will work in conjunction with these to give effect to national and international obligations, like the United Nations Convention on the Rights of
- Persons with Disabilities (CRPD).
- The Bill complements other national legislation, including the:
 - *Disability Discrimination Act 1992*
 - *Social Security Act 1991*
 - NDIS Act.
- The Bill will work alongside these Acts within its scope and objects and takes account of other legislation when being used to design new supports and services.
- The Bill is intended to be flexible to enable the Government to respond to changing needs and circumstances over time.

Slide 7: Overview of the Bill

- The Bill includes 5 parts:
 - Part 1 – Preliminary (Objects, Principles, Definitions, types of supports and services)
 - Part 2 – Funding arrangements
 - Part 3 – Code of conduct and certificates of compliance
 - Part 4 - Information management
 - Part 5 - Miscellaneous

Slide 8: Part 1 – Objects and Principles

- Drafted based on feedback from the first consultation, including:
 - using modern language which considers human rights and person-centred approaches to supports and services
 - focusing the aims of supports and services on capacity, experience, empowerment, potential and goals for people with disability
 - mentioning Australia's obligations under international law, including the CRPD
 - making objects and principles consistent with other laws like the NDIS Act and the *Disability Services (Principles and Objectives) Instrument 2018*.

Slide 9: Part 1 – Objects and Principles

Objects

- The objects make it an aim of the legislation, in conjunction with other laws, to give effect to Australia's international obligations.
- When designing supports and services, the Australian Government must think about how to follow international human rights treaties and conventions.
- The objects also describe what should be considered when designing and delivering supports and services for people with disability.

Principles

- The principles make sure that the legislation is framed in terms of the rights of people with disability.
- These principles frame the expectation that people with disability have the same rights as other members of society regardless of origin, nature, type and degree of disability.
- Some of these rights include: living a life free from violence, neglect, abuse and exploitation, realising individual capacities, exercising choice and control in decisions that affect people with disability and more

Slide 10: Part 1 – Definitions

- Feedback from the first consultation suggested a number of definitions for 'disability', and many people did not want a definition at all.
- So the Bill does not define 'disability' or limit supports and services to a specific target group.
- Categories of supports and services are defined in broad and general terms.

Slide 11: Part 1 – Types of supports and services

- The support and service categories in the Bill include:
 - Accessibility
 - Accommodation
 - Advocacy
 - Capacity building
 - Education
 - Employment
 - Independent living
 - Information
 - Recreation
 - Research and evaluation
 - Respite care.
- These categories provide broad authority to allow programs and activities to be funded.

Slide 12: Part 2 – Arrangements and grants

- The current Act only allows for funding through grant agreements.
- The Bill broadens the funding options to include other financial arrangements, such as a procurement or contract.
- A more inclusive list of service categories and funding options will mean greater flexibility to create future supports and services that are responsive to emerging needs and changing circumstances.

Slide 13: Part 2 – Statutory funding conditions

- The Bill contains statutory funding conditions.
- Conditions include:
 - complying with the code of conduct
 - holding a certificate of compliance or being covered by a determination if the arrangement or grant is a regulated activity
 - implementing and maintaining a complaints management and resolution system appropriate for size and operations
 - implementing and maintaining an incident management system appropriate for size and operations
 - not being subject to an NDIS banning order.

Slide 14: Part 2 – Statutory funding conditions

- Having these funding conditions in the Bill, rather than just in grant agreements, make it transparent and clear to providers what people with disability expect, and therefore make it easier to identify when providers are failing to meet requirements.
- Requirements for complaints and incident reporting are broadly consistent with the NDIS.
- Excluding banned NDIS providers from being able to deliver non-NDIS disability services contributes to consistent standards across the sector and increases the safety of people with disability.

Slide 15: Part 3 – Code of Conduct

- The Bill introduces the power to implement a mandatory Code of Conduct for all service providers, key personnel and workers.
- The aim is to ensure that people with disability can expect the same standards of behaviour regardless of the source of funding.
- The Code of Conduct will apply to all service providers funded through this Act.
- Failing to uphold the Code of Conduct is a breach of a statutory funding condition. Depending on the severity of the breach, funding arrangements can be varied or terminated.

Slide 16: Part 3 – Code of conduct

- The Code of Conduct will be modelled on the NDIS Code of conduct, which requires workers and providers who deliver NDIS supports to:
 - act with respect for individual rights to freedom of expression, self-determination, and decision-making in accordance with relevant laws and conventions
 - respect the privacy of people with disability
 - provide supports and services in a safe and competent manner with care and skill
 - act with integrity, honesty, and transparency
 - promptly take steps to raise and act on concerns about matters that might have an impact on the quality and safety of supports provided to people with disability
 - take all reasonable steps to prevent and respond to all forms of violence, exploitation, neglect, and abuse of people with disability
 - take all reasonable steps to prevent and respond to sexual misconduct.

Slide 17: Part 3 – Certifications

- In the current Act, certain providers must be audited against the National Standards for Disability Services (NSDS). This requirement will be maintained.
- The Bill provides greater flexibility by providing power for the Secretary to determine that a certificate of compliance is required to deliver a particular support or service.
- This will be based on the level of risk involved in delivery, and ensures future programs can be subject to appropriate regulatory oversight without requiring amendments to the legislation.

Slide 18: Part 3 – Recognition of other standards

- A number of providers currently undergo certification against multiple standards. For example, the NSDS, the NDIS Practice Standards, and Aged Care Quality Standards.
- The Bill includes a power for the Secretary to recognise compliance with an alternate standard to fulfil the certification requirements of the Bill.
- For example, the Secretary could determine that for a particular activity, certification against the NDIS Practice Standards fulfils the requirement.
- The intent is to reduce regulatory duplication while ensuring the quality and safety of funded activities.

Slide 19: Summary

- Clear authority for current and future programs
 - The Bill provides authority for a range of supports and services for all people with disability, including those not eligible for the NDIS.

- Alt text for image to left of text: Three hands all coming together to unite and support one another.
- Person-centred supports and services
 - Supports and services will need to be person-centred and focus on capacity, experience, empowerment, potential and goals.
 - Alt text for image to left of text: One individual person of no clear gender being the centre of the image and focus.
- Broader service categories and funding options
 - Broader service categories will provide flexibility to respond to needs and changing circumstances.
 - Alt text for image to left of text: Arrows pointing in different directions indicating a broader reach.
- Quality and safe supports and services
 - Supports and services will continue to be subject to quality and safeguard checks to make sure they are appropriately delivered.
 - Alt text for image to left of text: A non-descript certificate with a circular bow on it symbolising certification and quality.

Slide 20: How to provide feedback

- Round 2 public consultation is via DSS Engage: <https://engage.dss.gov.au/disability-services-and-inclusion-bill-2023/>
- Feedback can be provided through a guided questionnaire or by making / uploading a submission.
- Consultation opened on 3 July 2023 and closes on 13 August 2023.
- After this consultation, the Government will consider all feedback received and decide on next steps.

Slide 21: Questions

- If you have any questions about the Bill, please go to www.menti.com and enter the following code: (not available: new code created each session).

Slide 22: Thankyou

- Please address any additional questions to Sector.Engagement@dss.gov.au