

**Q114**

## **DISABILITY and INCLUSION ACTION PLAN**

### **Introduction**

The Disability and Inclusion Action Plan (DIAP) strategy demonstrates the Australian Government's commitment to improving the participation of people with disability across a range of areas so that they can enjoy the rights and opportunities provided to all citizens to reach their full potential.

Enhanced Lifestyles (EL) and Lifestyle Assistance and Accommodation Service (LAAS) DIAP provides a systematic approach to identify and address barriers to access and inclusion and develop strategies that meet the participation and service needs of people with disability. The plan is an active document that recognise community and cultural diversity and acknowledges the valuable contribution of everyone to the social and economic fabric of our society.

### **Definitions and Legislation**

Under Federal legislation (the *Disability Discrimination Act 1992*) and SA legislation (*Equal Opportunity Act 1984*) it is against the law to discriminate against someone based on their disability. Disability discrimination happens when people with a disability are treated less fairly than people without a disability and the discriminator fails to make reasonable adjustments to rectify the situation. It also occurs when people are treated less fairly because they are relatives, friends, carers, co-workers or associates of a person with a disability.

### **Disability Discrimination Act 1992**

The *Disability Discrimination Act 1992* defines "disability" as meaning:

- total or partial loss of the person's bodily or mental functions; or
- total or partial loss of a part of the body; or
- the presence in the body of organisms causing disease or illness; or
- the presence in the body of organisms capable of causing disease or illness; or
- the malfunction, malformation or disfigurement of a part of the person's body; or
- a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or
- a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that results in disturbed behaviour;

**Q114**

**DISABILITY and INCLUSION ACTION PLAN**

- and includes a disability that:
- presently exists; or
- previously existed but no longer exists; or
- may exist in the future (including because of a genetic predisposition to that disability); or
- is imputed to a person.

This document complies with NDIS 2018, standard 1.5 Freedom from Violence, Abuse and Neglect, Exploitation or Discrimination, and ACIS 2013, section 1.3 Abuse and Neglect. This document is readily available to all Customers/Clients and employees of Enhanced Lifestyles and Lifestyle Assistance and Accommodation Service including The Boards.

**Context**

*United Nations Convention on the Rights of Persons with Disabilities*

The development of DAIPs aligns with the UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (UNCRPD) ratified by Australia in 2008, and the Optional Protocol signed by Australia in 2009. The convention acknowledges the value of existing and potential contributions made by people with disabilities to the overall wellbeing of their communities. It is underpinned by eight guiding principles based on respect, equality and non-discrimination.

*National Disability Strategy 2010-2020*

Inherent in Australia's commitment to the UNCRPD is an obligation to continually improve the lived experience of people with disability. For government, that not only means improving outcomes through the specialist disability service system but also ensuring that mainstream services, programs and infrastructure are responsive to their needs.

On 13 February 2011, the Council of Australian Governments (COAG) endorsed the *National Disability Strategy 2010–2020* (NDS). The NDS provides a shared agenda to help achieve the vision of an inclusive Australian society that enables people with disability to achieve their full potential as equal citizens.

The NDS outlines a 10-year national policy framework for all governments to address the barriers faced by Australians with disability and will ensure that services and programs including healthcare, housing, transport and education, address their needs.

The NDS will help ensure that the principles underpinning the UNCRPD are incorporated into policies and programs to improve access and outcomes for people with disability,

**Q114**

**DISABILITY and INCLUSION ACTION PLAN**

their families and carers. The NDS was developed in partnership with the Commonwealth, State and Territory Governments under the auspice of COAG. The Australian Local Government Association also assisted in the development of the NDS.

*Strong Voices: A Blueprint to Enhance Life and Claim the Rights of People with Disability in South Australia (2012-2020)*

In March 2012, the SA Government endorsed the introduction of DAIPs across government in accordance with recommendation six of the report STRONG VOICES: A BLUEPRINT TO ENHANCE LIFE AND CLAIM THE RIGHTS OF PEOPLE WITH DISABILITY IN SOUTH AUSTRALIA (2012-2020).

The introduction of DAIPs replaces the previous access strategy, *Promoting Independence: Disability Action Plans for South Australia*. Although the DAIP strategy has a specific focus on upholding the rights of people with disability, it fits into the broader social inclusion framework of the SA Government.

*Disability Services Act 1993 and Disability Services (Rights, Protection and Inclusion) Amendment Act 2013*

The *Strong Voices* report recommended that new rights-based legislation, aligned with the UNCRPD, be enacted to replace the *Disability Services Act 1993*. In view of the continuing relevance of this Act and the significant reforms implemented subsequently by both Commonwealth and State Governments (including the establishment of the National Disability Insurance Scheme), it was decided that alternative approaches should be considered.

Consultation and engagement with the community sector and people with disability culminated in the identification of priorities for action and ways to address these through complementary legislation or policy and program implementation.

The Department for Communities and Social Inclusion, through Disability SA, supported these consultations and the drafting of the *Disability Services (Rights, Protection and Inclusion) Amendment Act 2013* which was proclaimed on 5 December 2013.

The amendments strengthen protections available to South Australians living with disability by referencing the UNCRPD and including provisions such as enshrining the right to exercise choice and control in decision-making, ensuring accessible complaints and grievance processes and protection for those who raise a complaint. State and national discrimination legislation is also referenced, and safeguarding policies mandated for all disability service providers.