



27 October 2022

Mr Philip O'Meara  
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**Ask for:** Brook Quinn  
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**Our Ref:** A3791477

Dear Mr O'Meara

### **Submission to the Disability Inclusion Bill 2022 – Exposure Draft**

Hobsons Bay City Council welcomes the opportunity to provide feedback on the exposure draft of the Disability Inclusion Bill 2022.

Council's efforts to build a more accessible and inclusive community are focussed through our integrated social policy *A Fair Hobsons Bay for All 2019-23*. People with a disability are one of the priority populations within the policy, which incorporates Council's Disability Action Plan as required under the *Disability Act 2006*.

Our work is also guided by Council's Universal Design Policy Statement 2017, which is now complemented by an operational Universal Design Building Manual that sets out a detailed set of considerations when Council is constructing (or significantly upgrading) its buildings and facilities.

Council recognises the need for new dedicated legislation to advance disability inclusion, as highlighted through consultation to inform the review of the *Disability Act 2006* and new State Disability Plan. We support the broad purpose of the exposure draft, as well as its proposed objectives and inclusion principles. We would also like to share our key areas of feedback, which include:

- establishing flexible and practical requirements for the development of Disability Impact Assessments, recognising that Councils deliver a wide range of policies, programs and services
- providing ongoing support to Councils (and other defined entities) to implement any future legislative reform through clear guidance material and increased local resourcing

- ensuring that defined entities (such as Councils) retain flexibility in how they prepare and implement their Disability Action Plans.

Further detail on Council's feedback is provided in the attached submission. We look forward to the further development of the exposure draft and its progression into legislation. We also hope to work collaboratively with the Department to address the implementation challenges identified above, and that future legislative reform leads to improved access and inclusion outcomes for people with a disability in Hobsons Bay and across Victoria.

For further information, please contact Brook Quinn (Team Leader Social Planning) on 9932 1623 or at [bquinn@hobsonsbay.vic.gov.au](mailto:bquinn@hobsonsbay.vic.gov.au)

Yours sincerely

A handwritten signature in dark ink, appearing to be 'Penelope Winslade', written in a cursive style.

Penelope Winslade  
**Director Sustainable Communities**

# Disability Inclusion Bill 2022: Exposure Draft

## Hobsons Bay City Council submission

In preparing this submission, Council officers have focussed on the exposure draft of the Disability Inclusion Bill 2022 and related materials, prepared by Department of Families, Fairness and Housing. The submission has been shaped by the Council Plan 2021-25 and A Fairer Hobsons Bay for All 2019-23, which outlines Council's commitment to building more inclusive, resilient, and healthy communities.

This submission contains four key recommendations as outlined below and provides additional background and rationale through responses to a selection of the discussion questions provided.

### **Key Recommendations**

- 1. That the Bill provides additional flexibility regarding the threshold for undertaking Disability Impact Assessments and consideration of different requirements depending on the size and scope of projects, policies and services.*
- 2. That the Victorian Government develop and publish clear and concise guidelines explaining how Disability Impact Assessments are to be implemented, drawing on recent experience from the implementation of Gender Impact Assessments.*
- 3. That the Victorian Government support the implementation of the Disability Inclusion Bill by providing increased and ongoing resources, including subsidised consultant and training support, as well as consideration of a dedicated and funded Disability and Inclusion Officer based in local governments across Victoria.*
- 4. That the Bill allows for flexibility in the way that defined entities meet their requirements to develop Disability Action Plans, including within integrated social policy models such as A Fair Hobsons Bay for All 2019-23.*

### **Response to selected discussion questions**

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

##### ***Q7. What do you think of the proposed duty for government and defined entities to promote disability inclusion?***

The intention to create a new duty for defined entities to promote disability inclusion is supported. Guided by A Fair Hobsons Bay for All 2019-23 (which incorporates its Disability Action Plan), Council seeks to provide and support disability inclusion across the various services and facilities it provides for local communities. Council is also committed to Universal Design through the Universal Design Policy Statement 2017, and has recently commissioned a Universal Design Building Manual, which sets out detailed considerations when Council builds or upgrades its buildings and facilities.

More specifically, we support (and are already committed to) using accessible formats when engaging with our community. For example, Council uses accessible communications tools (such as [ReadSpeaker](#)) on its Engagement Platform, [Participate Hobsons Bay](#) to maximise access to people with a disability. Council's Communication and Engagement Policy 2021 also establishes 'inclusion and accessibility' as a key principle.

***Q8. Are there any implementation issues that need to be considered to help defined entities promote disability inclusion?***

The proposed duty to promote disability inclusion is both welcome and essential. In Hobsons Bay, there has been continuing and increased growth in the number of people who reported needing help in their day to day lives due to disability (5,812 people in 2021, up from 4,956 in 2016).<sup>1</sup>

However, it is challenging to do this work effectively (including fostering relationships with local people with disability) without adequate resourcing. Indeed, there is a direct relationship between Councils' capacity to deliver inclusion and access initiatives and locally based resources, which have been diminished since funding for the Metro Access program ended in recent years. These concerns are addressed further below in the context of Disability Impact Assessments and Disability Action Plan.

### **Part 3: Disability Impact Assessments**

***Q9. What do you think about what defined entities need to do when conducting disability impact assessments?***

The Exposure Draft of the Disability Inclusion Bill 2022 provides a comprehensive list of requirements for Disability Impact Assessments. Additionally, there is a potential for Councils to embed these practices into our everyday work through business plans and individual work plans. However, clear support (and preferably direct resourcing) from the Victorian Government is required to educate and assist Council staff to acclimatise to this practice. Additionally, guidance is required to determine the interrelationship with existing requirements for Gender Impact Assessments, which follow a similar process.

***Q10. Are there any implementation issues that should be considered around defined entities conducting disability impact assessments?***

We have some concerns about the threshold proposed for the requirement to conduct Disability Impact Assessments. Council develops or reviews dozens of policies, programs or services in any given year, and most will have a direct and significant impact on local communities. The requirement to undertake Disability Impact Assessments on each of these will significantly strain resources. The potential to 'over consult' people with a disability in our community is a related issue, particularly if this is a requirement for each Disability Impact Assessment.

As such, clear guidance is required from the Department for how Disability Impact Assessments are to be applied and implemented. We note that the proposal to establish Disability Impact Assessments is modelled closely on Gender Impact Assessments established through the *Gender Equality Act 2020*. We strongly urge the Department to consider lessons from the ongoing implementation of Gender Impact Assessments. These insights are invaluable and should be instrumental in informing the guidelines for Disability Impact Assessments to ensure disability inclusion is considered from the beginning.

At Hobsons Bay, we have experienced some challenges in the implementation of Gender Impact Assessments, particularly in terms of:

- Resourcing – responsibility for implementation has been absorbed by a small number of staff, which has increased workloads and reduced capacity for other tasks.

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<sup>1</sup> Australian Bureau of Statistics, Census of Population and Housing 2016 and 2021, compiled by [profile.id](#)

- Buy-in – it has been challenging to articulate the need for (and requirements of) Gender Impact Assessments at all levels of Council.
- Guidance materials – materials produced by the Commission have been detailed and complex, requiring many organisations to develop their own guidance materials; this has delayed implementation and hampered broader understanding of Council staff.
- Reporting – there has been limited clarity in terms of reporting requirements, which has made it difficult to plan and provide staff with clear instructions.

More broadly, there is a need to build the capacity of Council staff to undertake Disability Impact Assessments. It is encouraging that the Victorian Government has offered training and developed a list of consultants to assist in the development of Gender Impact Assessments. Similar initiatives should be provided in the context of Disability Impact Assessments.

## **Part 4: Disability Action Plans**

### ***Q13a. What do you think of the proposed focus and requirements for disability action plans?***

The intention to strengthen accountability and reporting requirements for Disability Action Plans is supported, as well the requirement to consult with people with a disability and Council employees. We also support the various ways identified for how Disability Action Plans can support access and inclusion, while recognising that Councils may not play a direct role in some of these such as removing barriers to employment and accessing goods and services.

### ***Q13b. Are there any practical implementation issues that should be considered for Disability Action Plans?***

The success of the Disability Inclusion Bill 2022 relies on sufficient resources being allocated to the development and implementation of Disability Impact Assessments, Disability Action Plans and related initiatives. The Victorian Government has a key role to play in this regard by providing ongoing support to councils and other defined entities. Therefore, we believe that strong consideration should be given to the introduction of dedicated and funded Disability and Inclusion Officers based in local governments across Victoria.

This approach would respond to a significant challenge in the current environment, specifically the loss of the Metro Access program in the past few years. Previously, Councils worked closely with the Victorian Government to deliver this very successful program. The focus of this role was capacity building and has been a missing link since it ceased. If reinstated, this role would ensure that strengthened Disability Action Plans, new Disability Impact Assessments and the duty to promote disability inclusion were the priority and focus in local communities. In the absence of this (or similar) program, the degree to which the implementation can be achieved will be limited.

More broadly, the proposed scope for the development, implementation and evaluation of Disability Action Plans will be adversely affected without additional resources. For example, the intention to include employees and their representatives places additional pressure on Human Resources departments, who are already impacted by requirements established through the *Gender Equality Act 2020*, e.g. Gender Impact Assessments, Gender Equity Action Plans. With limited resources, Councils can only do so much.

Finally, it is a priority for Council to ensure people with disability are embraced, consulted and included in everything we do. People with disability are a priority population group within

Council's integrated social policy, A Fair Hobsons Bay for All 2019-23, which incorporates the Disability Action Plan. People with disability were consulted in the development of the policy and a series of actions were developed and subsequently implemented. Key actions include the delivery of Council's Accessible Beaches program and the introduction of a 'navigator role' to support people with a disability and carers to understand what services are available and how to access government-funded support systems.

Work has commenced to update A Fair Hobsons Bay for All 2019-23 with the intention that it will again incorporate Council's Disability Action Plan. This approach acknowledges that people with a disability may identify with multiple communities and therefore experience layers of inequality, discrimination, and disadvantage. Therefore, it is recommended that the Bill retain flexibility in the way that defined entities meet their requirements to develop Disability Action Plans.