

The government leading change

Disability Act 2006

Introduction

The *Disability Act 2006* ('the Act') was passed by Parliament on 4 May 2006 and will become fully operational from 1 July 2007.

The Act provides the framework for a whole-of-government and whole-of-community approach to enable people with a disability to actively participate in the life of the community. The Act is guided by the principles of human rights and citizenship and provides substantial reform to the law for people with a disability in Victoria. The Act also provides the framework for delivery of more flexible provision of supports based on maximum choice and a person's individual requirements. The Act will ensure that services are of high quality and accountable to people with a disability using those services.

What is the Victorian Disability Advisory Council?

The Victorian Disability Advisory Council was established in 2001 to provide advice to the Minister for Community Services. The council provides direct means of raising with the Minister the issues that matter to people with a disability on whole-of-government policy issues.

Sections 11-13 of the Act prescribe the establishment of the council, its functions and membership. The inclusion of these provisions in the Act strengthens the rights of people with a disability to participate in decision making on whole-of-government policy issues.

Who can be a member of the Victorian Disability Advisory Council?

The Act provides that council members will be appointed by the Minister from people who:

- reflect the diversity of people with a disability
- reflect the cultural and Indigenous backgrounds of people with a disability
- have appropriate knowledge and experience in matters relevant to people with a disability, including children with a disability.

How many people can be members on the Victorian Disability Advisory Council?

There must be no less than eight and no more than 14 members on the Disability Advisory Council. The Minister must ensure that the majority of council members are people with a disability.

Does the new Act make provision for a State Disability Plan?

The new legislation requires government to develop a State Disability Plan. While this is not new, per se, the unique feature under this Act is that the plan must be inclusive of all people with a disability. For the first time, the Act provides the platform to ensure holistic social policy planning for people with a disability. Simply put, the plan provides the framework to promote the citizenship of people with a disability, in that they should enjoy the same rights, opportunities and responsibilities to fully and equally participate in community life.

When does the current State Disability Plan expire and when does a new plan have to be developed?

The current plan expires in 2012. The Act makes provisions for a new State Disability Plan to be developed from 1 January 2013, with a new plan to be developed every four years thereafter.

What are Disability Action Plans?

Disability Action Plans will focus on reducing the barriers for people with a disability in their roles as employees, as members of the community, and as people accessing the broad range of services and infrastructure available to Victorians.

Who must develop Disability Action Plans?

The Act specifies that public sector bodies (defined as government departments, prescribed statutory authorities and prescribed statutory corporations) must develop Disability Action Plans.

A public sector body must report on the implementation of its Disability Action Plan in its annual report.

Does the development of Disability Action Plans apply to local government?

The Act recognises both the complexity of state planning requirements for local governments and the importance of access to local services for people with a disability. The Act does this by specifying that if a local council does not develop a Disability Action Plan, the components required for a Disability Action Plan must be addressed in the council plan provided under the Local Government Act 1989.

The Municipal Association of Victoria (MAV) will provide support, advice and information to local governments in relation to the development of Disability Action Plans under Section 38 of the Act.

What is the time frame for the implementation of the Disability Action Plans?

The Office for Disability is currently developing a program of support for public sector bodies for the development of their action plans. This includes developing regulations to specify which statutory authorities and statutory corporations will be required to develop Disability Action Plans under section 38 of the Act. It is expected that Disability Action Plans will be finalised within 12 months following the regulations coming into effect.

For more information about the Office for Disability:

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Support to local government in the development of Disability Action Plans – Municipal Association of Victoria. Telephone: 9667 5555