

The 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 more 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.

Why change the legislation?

The Intellectually Disabled Person's Services Act 1986 and Disability Services Act 1991, no longer reflect the direction of support provision in Victoria. The Disability Act 2006 reflects the goals of the Victorian State Disability Plan 2002-2012 by focusing on a whole-of-government, whole-of-community response to disability. Strengthened provisions around community inclusion and participation as well as streamlined access to services and increased accountability of disability service providers, better reflect the Victorian communities current direction in disability service provision.

What are the principles of the Act?

The Act outlines two sets of principles that, wherever possible, should be given effect to, in administering the Act and providing disability services. These principles relate to people with a disability and disability services.

Principles for people with a disability

People with a disability should have the same rights and responsibilities as other members of the community, including the right to:

- respect for their human worth and dignity as individuals
- live free from abuse, neglect or exploitation
- realise their individual capacity for physical, social, emotional and intellectual development
- exercise control over their own lives
- participate actively in the decisions that affect their lives and have information and be supported where necessary, to enable this to occur
- access information and communication in a manner appropriate to their communication and cultural needs
- services that support their quality of life.

Principles for disability services

Disability services are provided by either the Department of Human Services, or an agency funded and registered by the department to provide services for people with a disability.

The principles for disability services include that they should:

- assist people with a disability to be included and take part in activities in the community
- maximise choice and independence for people with a disability
- recognise that people with different types of disability may need different sorts of support
- consider and respect the role of families and other people who are important to a person with a disability
- where possible strengthen and build the capacity of families who are supporting people with a disability
- be aware of the needs of children with a disability
- be aware of any extra disadvantage a person may have because of their culture, language or where they live
- ensure that people with a disability have support, if they need it, to make decisions
- be of high quality and protect the rights of people using the service
- choose the least restrictive option possible, if a person's rights or opportunities need to be restricted.

Principles for people with an intellectual disability

The Act contains some provisions that are specific to people with an intellectual disability. Section 6 of the Act outlines principles and assessment criteria and references other areas of the Act that apply only to people with an intellectual disability.

The following principles apply specifically in respect of people with an intellectual disability.

- People with an intellectual disability have a capacity for physical, social, emotional and intellectual development.
- People with an intellectual disability have the right to opportunities to develop and maintain skills and to participate in activities that enable them to achieve valued roles in the community.
- Services for people with an intellectual disability should be designed and provided in a manner which maximises opportunities for people living in residential institutions to live in community based accommodation.
- People with an intellectual disability living in a residential institution have the right to a high quality of care and development opportunities whilst they continue to reside in the institution.
- Services for people with an intellectual disability should be designed and provided in a manner that ensures the developmental opportunities exist to enable the realisation of their individual capacities.
- Services for people with an intellectual disability should be designed and provided in a manner that ensures that a particular disability service provider cannot exercise control over all or most aspects of the life of a person with an intellectual disability.

For more information about the *Disability Act 2006*

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