Planning for and acting on inclusion: what do I need to know?

This document explains Disability Inclusion Action Plans, including their purpose, expectations, and regulation by the Disability Commissioner under the *Disability Rights, Inclusion and Safeguarding Act 2024* (the Act).

What the Act says

The Act requires each defined entity to have a Disability Inclusion Action Plan (section 12). Each plan must cover a four-year period and commence within 6 months of the release of the Tasmanian Disability Inclusion Plan (section 12(1)).

Under section 6 of the Act, an entity is a defined entity if they are:

(a) an Agency, within the meaning of the State Service Act 2000; or
(b) an agent or instrumentality of the Crown, if that agent or instrumentality administers funding or services to the disability sector; or
(c) a Government Business Enterprise, within the meaning of the Government Business Enterprises Act 1995; or
(d) any other person or body, or class of persons or bodies, prescribed as a defined entity.

Disability Inclusion Action Plans are the primary mechanism for giving effect to the Tasmanian Disability Inclusion Plan at an organisational level (section 12(2)). Plans must clearly describe the actions an organisation will take to advance disability inclusion, and the outcomes those actions are intended to deliver (section 12(3)).

In developing a Disability Inclusion Action Plan, defined entities are required to consider the objects and principles of both the Act and the Tasmanian Disability Inclusion Plan (section 12(4)).

The Act also requires defined entities to consult people with disability when preparing a Disability Inclusion Action Plan. This could be through consultation with individual members of the disability community, organisational advisory groups, the Disability Inclusion Advisory Council, or disability advocacy and representative organisations (section 12(5)).

Disability Inclusion Action Plans and any amendments must be published in accessible formats and provided to the Disability Commissioner (section 12(6)). Defined entities must also prepare and publish annual progress reports and submit those reports to the Commissioner (section 14).

The Commissioner will maintain a publicly available register of all Disability Inclusion Action Plans and progress reports submitted by defined entities (section 15).

The Commissioner provides information about defined entities' Disability Inclusion Action Plans to parliament by submitting an annual Disability Action Evaluation Report to the Minister for Disability Services (section 16(1)). This report is also published on the Commissioner's website (section 16(2)).

If defined entities do not comply with the requirements under the Act, the Commissioner may use regulatory tools including compliance notices and undertakings (sections 18-22). The Commissioner may also publish the details of non-compliance on their website or recommend the minister take action to ensure a defined entity's compliance (section 21).

The foundations of a Disability Inclusion Action Plan's content are:

1. Rights-based: Disability Inclusion Action Plans are grounded in the rights of people with disability, consistent with the Act, the Charter of Rights for Disability Inclusion (the Charter) and Australia's obligations under the United Nations Convention on the Rights of Persons with Disabilities.
2. Organisational responsibility: The responsibility for disability inclusion is vested in organisations not individuals and should be reflected in whole of organisation culture.
3. People with disability centred: Disability Inclusion Action Plans are informed by listening to the experiences of people with disability, through consultation, and by examining how organisational decisions affect people with disability.
4. Equity Enabling: Disability Inclusion Action Plans focus on identifying, removing and preventing barriers that impact people with disability.
5. Broader than service delivery: Disability inclusion is planned for and applies across all functions of an organisation, including internal and enabling functions such as workforce recruitment, development, retention and leadership.
6. Context-responsive: Actions reflect the organisation's role, functions and impact, and Tasmania's diverse communities.
7. Accountability oriented: Disability Inclusion Action Plans support learning, adaptation and accountability through ongoing implementation and reporting.

8. Transparency: Disability Inclusion Action Plans and progress reporting support public accountability for advancing disability inclusion.

Disability Commissioner Tasmania as a regulator

The Disability Commissioner is independent from government and defined entities, with regulatory functions under the Act. Disability Commissioner Tasmania will provide basic advice and oversight about the requirements of a plan and progress reports, but will not design, consult on or implement individual Disability Inclusion Action Plans.

The Charter of Rights for Disability Inclusion

Purpose of the Charter of Rights for Disability Inclusion

The Charter sets out the rights people with disability can expect to be upheld when they interact with defined entities. It gives practical expression to the principles of the Act and reflects Tasmania/Lutruwita's commitment to a rights-based approach to disability inclusion.

Disability Inclusion Action Plans should demonstrate how each right in the Charter is upheld in the organisation's context. The Disability Commissioner uses the Charter as a reference point when considering Disability Inclusion Action Plans.

Charter Champions

Organisations that have a strong commitment to disability inclusion can nominate to be a Charter Champion. Charter Champions will promote the Charter, participate in Communities of Practice and share knowledge with other organisations.

Expectations of Disability Inclusion Action Plans

Whole-of-organisation application

Each defined entity has full responsibility for outcomes of Disability Inclusion Action Plans. Plans apply across the organisation, including internal decision-making and external service delivery, not only in public-facing roles or services.

Engagement with people with disability

Disability Inclusion Action Plans should demonstrate how engagement with people with disability has informed the priorities, decisions or actions included in a plan, consistent with the Act.

Learning and adaptation

Plans are expected to support learning over time. Where actions do not achieve intended outcomes, organisations must reflect, adjust and include these learnings and adjustments in their progress reports.

Alignment with other frameworks

Disability Inclusion Action Plans should align with broader frameworks including the Convention on the Rights of Persons with Disabilities, Australian Disability Strategy, and the Tasmanian Disability Inclusion Plan. Alignment should be achieved through integration with existing organisational strategies, policies and frameworks to embed disability inclusion into core business.

Responsiveness to Tasmania/Lutruwita's diverse community

Plans should recognise Tasmania/Lutruwita's geographic, cultural and intersectional diversity and how barriers may be experienced differently across communities.

Regulation of Disability Inclusion Action Plans

Disability Inclusion Action Plans will be regulated against the following requirements:

- Evidence the Disability Inclusion Action Plan is consistent with and informed by:
  - the principles, objects and obligations of defined entities outlined in the Act;
  - the Charter;
  - the Tasmanian Disability Inclusion Plan;
  - Australia's obligations under the Convention on the Rights of Persons with Disabilities; and
  - the Australian Disability Strategy, allowing for regional nuance.
- Evidence consultation with disabled people has occured and informed any decisions, priorities or actions included in plans.
- Clear identification of the actions the organisation proposes to take to advance disability inclusion.

- Clear identification of the outcomes the organisation intends those actions to achieve, and the perceived benefit or impact of these outcomes.
- Evidence the organisation has considered how it will report progress against those actions and outcomes through their annual progress reporting or in other forms.

Progress reports

Under the Act, progress reports demonstrate a defined entity's reasonable and material progress in implementing their Disability Inclusion Action Plan. They are due 12 months from the publication date of the plan or the last progress report (section 14).

Progress reports should focus on any actions achieved or progressed and what has changed as a result of those actions.

Where outcomes have not yet been visibly achieved, reports should explain:

- why change is taking time; and
- what has been learned or adjusted as a result, if applicable.

Consultation may occur at multiple points across the life of a plan and its implementation. Where consultation has occurred after plan submission, the progress report should include:

- how the defined entity understood what it heard; and
- how that understanding informed its actions or decisions.

Progress reports are expected to show learning over time. Where actions have not worked as intended, reports should:

- identify this and what was learned;
- explain what has been changed or refined; and
- show how future actions will be strengthened.

Consultation

Defined entities must consult people with disability when preparing their Disability Inclusion Action Plan. Consultation must include:

- community members with disability including organisational advisory groups; or
- the Disability Inclusion Advisory Council; or
- disability advocacy organisations, disability peak bodies and disability representative organisations.

While the Act allows consultation with the Disability Inclusion Advisory Council, any consultation sought should be in the refinement of plans rather than in the early stages of development. The Council cannot function as an expert on the operations of each individual defined entity.

More information

Other resources related to Disability Inclusion Action Plans include:

- the Charter; and
- Planning for Inclusion: Example Extracts.

For more information about Disability Inclusion Action Plans, contact Disability Commissioner Tasmania on:

- 1800 179 249 or 03 6270 5500
- contact@disasbilitycommissioner.tas.gov.au