

South Australia

Disability Inclusion Regulations 2019

under the *Disability Inclusion Act 2018*

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Legislative history

1—Short title

These regulations may be cited as the *Disability Inclusion Regulations 2019*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Disability Inclusion Act 2018*.

4—State authorities

- (1) For the purposes of paragraph (b) of the definition of *State authority* in section 3(1) of the Act, an agency or instrumentality of the Crown, or agency or instrumentality of the Crown of a class, specified by the Minister by notice in the Gazette is prescribed.
- (2) For the purposes of paragraph (d) of the definition of *State authority* in section 3(1) of the Act, a person or body, or person or body of a class, specified by the Minister by notice in the Gazette is prescribed.
- (3) For the purposes of the definition of *State authority* in section 3(1) of the Act, a person or body is excluded from the ambit of that definition for the purposes of the Act if the person or body is declared by the Minister, by notice in the Gazette, to be so excluded.

5—Required provisions—State Disability Inclusion Plan

For the purposes of section 13(3)(c) of the Act, the State Disability Inclusion Plan is required to contain the following provisions:

- (a) provisions setting out whole-of-government policies and strategies for giving effect to the principles and purposes of the *United Nations Convention on the Rights of Persons with Disabilities*, as well as any other relevant international human rights instruments affecting people with disability, as in force from time to time;
- (b) provisions setting out strategies to ensure that the needs of persons referred to in section 9(2), (3), (4) and (5) of the Act are properly addressed by the Plan;
- (c) provisions specifying priority areas for improvement in relation to inclusion;
- (d) provisions specifying measurable outcomes for each priority area identified in the Plan.

6—Requirements relating to preparation of State Disability Inclusion Plan

- (1) For the purposes of section 13(4)(a) of the Act, the Minister must consult with people with disability, their families and carers, and persons or bodies representing the interests of people with disability, in accordance with the following provisions:
 - (a) the Minister must prepare such documentation as may, in the opinion of the Minister, be necessary to support consultation in relation to the proposed State Disability Inclusion Plan;
 - (b) the Minister must publish the consultation documents on a website determined by the Minister and cause public notice of that fact to be circulated in a form that is accessible to people with disability;
 - (c) the Minister must, in a manner determined by the Minister, undertake such consultation as is necessary, in the opinion of the Minister, to enable the Minister to prepare a Plan that achieves the objects of the Act;
 - (d) the Minister must have regard to any submissions made in the course of such consultation and within the period specified by the Minister.
- (2) For the purposes of section 13(4)(b) of the Act, the Minister must (whether in the course of acting under subregulation (1) or otherwise) call for public submissions in relation to the proposed State Disability Inclusion Plan to be made in a manner and form determined, and within the period specified, by the Minister.
- (3) The Minister may, at the end of the specified period under subregulation (2), cause the State Disability Inclusion Plan to be published in the Gazette as required under section 13(6) of the Act.
- (4) For the purposes of section 13(4)(c) of the Act, the documents referred to in subregulation (1) must be prepared and published in a form that is accessible to people with disability.

7—Variation of State Disability Inclusion Plan

- (1) For the purposes of section 13(5) of the Act, a variation of the State Disability Inclusion Plan must, subject to this regulation, comply with the provisions set out in regulation 6 as if the variation were the Plan.

- (2) However, subregulation (1) will be taken not to apply in relation to a variation of the State Disability Inclusion Plan that is being made—
 - (a) to ensure that the Plan is consistent with an Act or law of the State or the Commonwealth; or
 - (b) to remove or replace information in the Plan that is no longer correct; or
 - (c) to make a change of form to the Plan (being a change that does not alter the substantive effect of the Plan); or
 - (d) to correct an error,(and in such a case the Minister may vary the Plan by notice in the Gazette).
- (3) The Minister must ensure that public notice of any variation of the State Disability Inclusion Plan (other than a variation referred to in subregulation (2)) is circulated in a form that is accessible to people with disability within a reasonable time after the variation has effect.

8—Required provisions—disability access and inclusion plans

For the purposes of section 16(3)(e) of the Act, a disability access and inclusion plan is required to contain provisions setting out strategies to ensure that the needs of persons referred to in section 9(2), (3), (4) and (5) of the Act are properly addressed by the plan.

9—Requirements relating to preparation of disability access and inclusion plans

- (1) For the purposes of section 16(4)(b) of the Act, a State authority must consult with people with disability, their families and carers, and persons or bodies representing the interests of people with disability, in accordance with the following provisions:
 - (a) the State authority must prepare a draft disability access and inclusion plan;
 - (b) the State authority must publish the draft disability access and inclusion plan on a website determined by the State authority and cause public notice of that fact to be circulated in a form that is accessible to people with disability;
 - (c) the State authority must, in accordance with any guidelines published under section 12(1)(a) of the Act, undertake public consultation in relation to the draft plan;
 - (d) the State authority must have regard to any submissions made in the course of such consultation and within the period specified by the State authority.
- (2) For the purposes of section 16(4)(c) of the Act, a State authority must (whether in the course of acting under subregulation (1) or otherwise) call for public submissions in relation to its draft disability access and inclusion plan to be made in a manner and form determined, and within the period specified, by the State authority.
- (3) A State authority must, in accordance with any guidelines published under section 12(1)(a) of the Act, publish its disability access and inclusion plan in the Gazette (and the plan will be taken to have effect from the day on which it is so published).

- (4) A State authority must, on publishing its disability access and inclusion plan, prepare and provide to the Chief Executive a report setting out such information as may be required by the Chief Executive in relation to the preparation of the plan (including information relating to the number of submissions made, and any recommendations that were adopted by the State authority, in the course of preparing the plan).
- (5) For the purposes of section 16(4)(d) of the Act, a draft disability access and inclusion plan must be prepared and published in a form that is accessible to people with disability.

10—Local councils may prepare single disability access and inclusion plan

For the purposes of section 16(5) of the Act, if a local council is to prepare a single disability access and inclusion plan that is to be the plan for more than 1 local council, the local council must take reasonable steps to ensure that the residents in each affected council area are kept informed in respect of the preparation of the plan.

11—Variation of disability access and inclusion plans

- (1) For the purposes of section 16(6) of the Act, a variation of a disability access and inclusion plan must, subject to this regulation, comply with the provisions set out in regulation 9 as if the variation were the plan.
- (2) However, subregulation (1) will be taken not to apply in relation to a variation of disability access and inclusion plan that is being made—
 - (a) to ensure that the plan is consistent with an Act or law of the State or the Commonwealth; or
 - (b) to ensure that the plan remains consistent with the State Disability Inclusion Plan; or
 - (c) to remove or replace information in the plan that is no longer correct; or
 - (d) to make a change of form to the plan (being a change that does not alter the substantive effect of the plan); or
 - (e) to correct an error,

(and in such a case the relevant State authority may vary the plan by notice in the Gazette).

- (3) A State authority must ensure that public notice of any variation of its disability access and inclusion plan (other than a variation referred to in subregulation (2)) is circulated in a form that is accessible to people with disability within a reasonable time after the variation has effect.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Principal regulations

Year	No	Reference	Commencement
2019	10	<i>Gazette 7.2.2019 p416</i>	7.2.2019: r 2