



Disability Inclusion Regulation
Law and Justice
Department of Family and Community Services
Locked Bag 4028
Ashfield NSW 2131

Cc:
Hon John Ajaka MLC
Minister for Disability Services
Level 34
Governor Macquarie Tower
1 Farrer Place
Sydney NSW 2000

20 October 2014

Dear Disability Inclusion Regulation Team,

We appreciate the opportunity to provide feedback on the *Disability Inclusion Draft Regulation 2014*. We have to date also provided comment on the Review of the *Disability Services Act 1993* (correspondence dated 15/2/2013) and the *Disability Inclusion Bill 2014* (correspondence dated 17/1/2014). We again applaud the NSW Department of Family and Community Services, Ageing, Disability & Home Care (ADHC) in its efforts thus far in reviewing and redrafting the legislation and regulations.

Our work at the Department of Developmental Disability Neuropsychiatry (3DN) is in advocating and developing better clinical, workforce, and policy responses to the current inequities facing people with an intellectual disability when accessing mental health services. The rights of people with an intellectual disability need to be championed at a legislative level and the Disability Inclusion Act and Regulation 2014 goes some way to achieving this.

We find it admirable that the Act and Regulation will commence on 3rd December 2014, the International Day of People with a Disability, a great time to raise awareness of the rights to access and fair treatment in people with a disability.

With regard to the Regulation themselves, we find the review process to be very thorough and transparent. One comment we would make however would be in relation to the omission of the Proposed Restrictive Practices from the Act itself, and subsequently also the Regulations. While we sympathise with the Department's decision to omit Restrictive Practices in relation to an Act that sought to promote the inclusion of people with a disability, we do feel it necessary to emphasise the need for tough legislative deterrents around restrictive practices and stipulations on the membership of panels that have the responsibility of reviewing such practice. It is important, as we stated in our previous submission, that where restrictive practices involve the use of complex behavioural strategies, that a psychologist with appropriate expertise should be a mandatory participant in the restrictive practice panel and that this is explicitly stated in any legislation that is drafted. We look forward to a review of the Guardianship Act 1987 that will include these stipulations. We also strongly encourage the Department of Family & Community Services to continue its investigation into how best to progress the National Framework for Reducing or Eliminating the Use of Restrictive Practices in the Disability Services Sector and work towards a system that protects people with disability and reduces all use of restrictive practices.

3DN would be happy to make ourselves available for consultation in the development of the required Disability Inclusion Plans, now legislated by the Act. We see the development and legislation of these Plans as a very positive step to ensuring that there is interagency support for people with an intellectual disability in NSW.

Should you require further input into the development of the Disability Inclusion Regulation 2014 please do not hesitate to contact me on (02) 9385 2578 or s.howlett@unsw.edu.au.

Yours sincerely



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And,



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