

Disability Inclusion Regulation 2025

Subordinate law SL2025–8

made under the

Disability Inclusion Act 2024, s 28 (Regulation-making power).

EXPLANATORY STATEMENT

This explanatory statement relates to the *Disability Inclusion Regulation 2025* as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the Regulation and to help inform debate on it. It does not form part of the bill and has not been endorsed by the Assembly.

The Statement must be read in conjunction with the Regulation. It is not, and is not meant to be, a comprehensive description of the Regulation. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

BACKGROUND

The *Disability Inclusion Act 2024* (the Act) introduced the social model of disability and guiding Disability Inclusion Principles into ACT law.

To support these concepts The Act requires the ACT Government to develop and implement Disability Inclusion Strategies and Disability Inclusion Plans to identify barriers, embed the principles in the daily work of government entities and to improve inclusion for people with disability across the ACT. The Act also requires effective consultation and includes minimum requirements to achieve this and the establishment of a Disability Advisory Council.

OVERVIEW OF THE REGULATION

The regulation provides guidance on the matters to be included in the Disability Inclusion Plans, establishing the minimum standards to be included in all plans across

the ACT government. The regulation also requires entities to outline the consultation that has occurred in accordance with the Act, to inform the development and review of the Disability Inclusion Plans. This regulation will promote good practice and ensure accountability and transparency from public sector entities, in line with the social model of disability. The regulations will also improve the user experience of the Disability Inclusion Plans

CONSISTANCY WITH HUMAN RIGHTS

During the development of this Instrument, due regard was given to its effect in relation to compatibility with human rights as set out in the Human Rights Act 2004. The regulations are administrative in nature in that they provide guidance on the requirements of a plan developed by a public sector entity.

Rights Promoted

The regulations will increase the accountability and accessibility of publicly available documents detailing how the authoring entity is addressing barriers and increasing inclusion of people with a disability. As such, the following human rights are promoted by the regulations:

- Everyone has the right to enjoy their human rights without distinction or discrimination of any kind (section 8 (2)) – The Regulations ensure the Disability Inclusion Plans are directly linked to the broader Disability Inclusion Strategies. A core purpose of this cascading framework is to address discrimination faced by people with disability in the ACT.
- Freedom of expression (section 16)– By including a statement of consultation that occurred in the development and implementation of the Disability Inclusion Plans, the regulation supports the rights of people across Canberra to hold and express their opinions.
- Freedom of Movement (section 13) – The regulation ensures the Disability Inclusion Plans are specific to the needs of the entity to promote inclusion on a local level, to enhance access and inclusion for all, including people with disability.

Rights Limited

The regulation does not include any requirements or barriers that limit an individual's human rights.

REGULATORY IMPACT STATEMENT

A regulatory impact statement is not required as the regulation does not impose any appreciable costs on the community, or part of a community under section 34 (1) of the *Legislation Act 2001*.

CLAUSE NOTES

Clause 1 Name of regulation

Clause 1 names the Regulation as *Disability Inclusion Regulation 2025*.

Clause 2 Commencement

Clause 2 provides for the commencement of the Regulation on the day after its notification day.

Clause 3

This clause appears as Section 3 and outlines the matters prescribed within a Disability Inclusion Plan, in accordance with section 15 (2) (d) of the Act.

Section 3 subsection 1 a

This clause specifies that the matters are prescribed for each action.

Section 3 subsection 1, a, i

This clause prescribes that the Disability Inclusion Plan state which Disability Inclusion Strategy the action relates to.

Section 3 subsection 1, a, ii

This clause prescribes that the action being developed and implemented is outlined in the Disability Inclusion Plan.

Section 3 subsection 1, a, iii

This clause requires the Disability Inclusion Plan include when an action was, or will be, completed.

Section 3 subsection 1, a, iv

This clause prescribes that the Disability Inclusion Plan includes the position title of the person responsible for the action.

Section 3 subsection 1, b

This clause prescribes that the Disability Inclusion Plan include information to inform the ACT community about how they can remain updated on the progress of the action.

Section 3 subsection 1, c

This clause prescribes that the Disability Inclusion Plan include a statement describing the consultation that was undertaken by the public sector entity in the most recent development or review of the Disability Inclusion Plan, in line with section 16 of the Act.

Section 3 subsection 2

This section defines that the word ***action*** in this section means ***action*** as included in a Disability Inclusion Plan in accordance with section 15 (2) (c) of the Act.