

Submission on the Disability Services and Inclusion Bill 2023 Exposure Draft

National Disability Services welcomes this opportunity to lodge a submission on the Exposure Draft of the Disability Services and Inclusion Bill 2023. The new Bill will replace the Disability Services Act 1986 (Cth).

NDS previously lodged a submission during the initial public consultation round on the new Bill that ended in February 2023. We note that the observations and recommendations made in that submission have been largely incorporated into the draft of the new Bill.

However, we are concerned that the current consultation is being conducted at a time when there is some uncertainty in the operating environment. We refer to the fact that the Disability Royal Commission is yet to deliver its final report and further that the Government's response to the Royal Commission's recommendations may have a significant impact on the final version of the Bill.

NDS makes the following observations and recommendations on the draft Bill.

Part 1:

[Preliminary aspects of the Bill](#)

Definitions – NDS notes that the draft Bill deliberately omits a definition of disability. NDS agrees with this omission in principle, provided that grant agreements include definitions of disability if the funded services are being aimed at particular target groups. The DES program for example, contains eligibility definitions that reflect the disability cohorts that are supported by the two funding streams, ESS and DMS.

Part 2:

[Arrangement and Grants](#)

NDS notes that the draft Bill broadens the funding options to include other financial arrangements. To reflect these new arrangements, NDS recommends that the Government ensures that both streams of DES are funded through appropriations from consolidated revenue, from the commencement of new DES contract in mid-2025.

[Statutory funding conditions](#)

NDS notes the Statutory funding conditions and agrees with them.

Part 3:

Code of Conduct and Certification

NDS would recommend that additional clarity be provided in the Bill about the relationship between the proposed provider Code of Conduct and the certificate of compliance where required to deliver a particular support or service.

There remains a risk that supports or services that only require meeting the Code of Conduct may be more likely to result in lower level of service provision (or abuse of people with disability) than those where a certificate of compliance is required. However, we note the reasoning provided by DSS during the recent information sessions about why these differing arrangements might apply, given the level of risk identified in delivery of various activities funded under the Bill.

Recognition of other standards

NDS agrees with the proposed provisions in the Bill that allow for recognition of compliance with other standards (e.g. the NSDS) to fulfil certification requirements for delivery of particular funded activities.

Final observations

NDS recognises that the Bill is high level enabling legislation and that more granular detail will emerge when activities are funded. It is important that the details of these funded activities are informed by effective consultation with relevant parties, particularly people with disability and disability service providers.

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Contact: Laurie Leigh
CEO
National Disability Services
laurie.leigh@nds.org.au

About National Disability Services

National Disability Services (NDS) is Australia's peak body for non-government disability service organisations, representing more than 1100 non-government service providers. Collectively, NDS members operate several thousand services for Australians with all types of disability. NDS provides information and networking opportunities to its members and policy advice to State, Territory and Commonwealth governments. We have a diverse and vibrant membership, comprised of small, medium and larger service providers, supporting thousands of people with disability. Our members collectively provide a full range of disability services, from supported independent living and specialist disability accommodation, respite and therapy, to community access and employment. NDS is committed to improving the disability service system to ensure it better supports people with disability, their families and carers, and contributes to building a more inclusive community.