



Australian Capital Territory

# Disability Inclusion Act 2024

A2024-44

## Contents

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	Page
<b>Part 1</b>	<b>Preliminary</b>
1	Name of Act 2
2	Commencement 2
3	Dictionary 2
4	Notes 2
<b>Part 2</b>	<b>Object, important concepts and principles</b>
5	Object of Act 3
6	Important concepts 3
7	Disability inclusion principles 4

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	Page
<b>Part 3</b>	<b>Disability inclusion strategies</b>
8	Meaning of <i>disability inclusion strategy</i> 5
9	Meaning of <i>priority inclusion area</i> and <i>responsible Minister</i> 5
10	Disability inclusion strategies for the Territory 6
11	Disability inclusion strategies made in consultation with people with disability etc 7
12	Certain existing strategies may be adopted as first disability inclusion strategy 8
13	Disability inclusion strategies—annual progress report 10
<b>Part 4</b>	<b>Disability inclusion plans</b>
14	Definitions—pt 4 11
15	Disability inclusion plans 11
16	Disability inclusion plan—consultation 13
17	Relationship to other inclusion plans 14
18	Annual report requirements 14
<b>Part 5</b>	<b>Disability Advisory Council</b>
19	Establishment of council 16
20	Functions of council 16
21	Membership of council 16
22	Ending appointments 19
23	Operation of council 19
24	Arrangements for staff and facilities 19
25	Annual report by council 19
<b>Part 6</b>	<b>Miscellaneous</b>
26	Legal rights not affected 20
27	Inconsistency with other territory laws 20
28	Regulation-making power 20
29	Review of Act 20
<b>Part 7</b>	<b>Consequential amendment</b>
30	Annual Reports (Government Agencies) Act 2004 Section 7 (2), note, new dot point 21

Contents

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	Page
<b>Schedule 1</b>	
<b>Disability inclusion principles</b>	22
1.1    General principles for disability inclusion	22
1.2    Principles for disability inclusion in the ACT community	22
<b>Dictionary</b>	24





Australian Capital Territory

# Disability Inclusion Act 2024

**A2024-44**

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An Act to promote disability inclusion, and for other purposes

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Disability Inclusion Act 2024*.

### 2 Commencement

This Act commences on a day fixed by the Minister by written notice.

*Note 1* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

*Note 2* A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see [Legislation Act](#), s 77 (1)).

*Note 3* If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see [Legislation Act](#), s 79).

### 3 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain terms used in this Act and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition ‘*protected attribute*—see the [Discrimination Act 1991](#), section 7.’ means that the term ‘protected attribute’ is defined in that section and the definition applies to this Act.

*Note 2* A definition in the dictionary applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

### 4 Notes

A note included in this Act is explanatory and is not part of this Act.

## Part 2                      Object, important concepts and principles

### 5                      Object of Act

- (1) The main object of this Act is to foster a community in the ACT where—
  - (a) people with disability are recognised as an important and valuable part of the diverse community; and
  - (b) ableism is challenged and addressed; and
  - (c) barriers to accessibility and inclusion are identified and removed.
- (2) The object is to be achieved by requiring the development and review of—
  - (a) disability inclusion strategies for the Territory; and
  - (b) disability inclusion plans for the public sector.
- (3) In achieving the object, it is the Legislative Assembly’s intention that, to the extent reasonably practicable, the operation and administration of this Act is to support and further the principles of—
  - (a) the *Convention on the Rights of Persons with Disabilities*; and
  - (b) any other relevant international human rights instruments affecting people with disability, as in force from time to time.

### 6                      Important concepts

- (1) For this Act, ***disability inclusion*** is a process intended to achieve equity between people with disability and other members of the community by doing the following:
  - (a) ensuring equality of rights, opportunities, responsibilities and outcomes between people with disability and other members of the community;

- (b) redressing disadvantage or discrimination affecting people with disability;
  - (c) addressing stigma, stereotyping, prejudice, violence, abuse, neglect or exploitation affecting people with disability;
  - (d) accommodating difference by way of structural change;
  - (e) addressing barriers to accessibility, including barriers compounded by intersectionality.
- (2) For this Act, *ableism* is a belief that people with disability are, as a result of disability, less worthy of respect and consideration, less able to contribute to or participate in society or of less inherent value than people without disability.

## 7 Disability inclusion principles

The disability inclusion principles are set out in schedule 1.



## Part 3 Disability inclusion strategies

### 8 Meaning of *disability inclusion strategy*

In this Act:

*disability inclusion strategy*, for the Territory, means a strategy for—

- (a) disability inclusion in the ACT community; and
- (b) the implementation of the disability inclusion principles in the ACT.

### 9 Meaning of *priority inclusion area* and *responsible Minister*

(1) In this Act:

*priority inclusion area*—each of the following is a *priority inclusion area*:

- (a) an area mentioned in the national disability strategy as an area in which improvement must be made to achieve the strategy's objective;
- (b) an area declared by the Minister.

**Examples—par (a)**

- employment and financial security
- inclusive homes and communities
- safety, rights and justice
- personal and community support
- education and learning
- health and wellbeing
- community attitudes

*responsible Minister*, for a priority inclusion area, means the Minister declared by the Chief Minister as the responsible Minister for the priority inclusion area.

- (2) Each of the following is a notifiable instrument:
- (a) a declaration under subsection (1), definition of *priority inclusion area*, paragraph (b);
  - (b) a declaration under subsection (1), definition of *responsible Minister*.
- (3) In this section:

*national disability strategy* means the national disability policy framework developed by the Commonwealth, States, Territory and local governments, as in force from time to time.

*Note* The national disability strategy is available at [www.disabilitygateway.gov.au](http://www.disabilitygateway.gov.au).

## 10 Disability inclusion strategies for the Territory

- (1) The responsible Minister for a priority inclusion area must, in consultation with the Minister, make a disability inclusion strategy for the Territory in relation to the priority inclusion area.
- (2) The disability inclusion strategy must—
- (a) be consistent with the disability inclusion principles; and
  - (b) include strategies that do the following in relation to the priority inclusion area:
    - (i) promote disability inclusion;
    - (ii) reduce, remove and prevent barriers to accessibility;
    - (iii) address ableism; and
  - (c) include information about how the strategy relates to any other significant strategy (however named) that applies in the ACT in relation to the priority inclusion area; and
  - (d) include information for non-government entities about ways to support the disability inclusion strategy, including how to make a disability inclusion plan.

- (3) The disability inclusion strategy expires 10 years after the day it commences.
- (4) The responsible Minister for the priority inclusion area must, in consultation with the Minister, make a new disability inclusion strategy to replace the expiring disability inclusion strategy (an *expiring strategy*).
- (5) However, if the expiring strategy expires before a new disability inclusion strategy is made, the expiring strategy continues in force until the new strategy commences.
- (6) A disability inclusion strategy is a notifiable instrument.

## **11 Disability inclusion strategies made in consultation with people with disability etc**

- (1) In preparing a disability inclusion strategy for a priority inclusion area, the responsible Minister for the priority inclusion area—
  - (a) must consult—
    - (i) people with disability; and
    - (ii) families and carers of people with disability; and
    - (iii) the council; and
    - (iv) disabled peoples organisations and systemic advocacy groups; and
  - (b) may consult with any other significant entity that represents or supports people with disability, or has expertise in relation to disability inclusion.
- (2) The responsible Minister must take all practicable steps to ensure that people consulted under subsection (1) reflect the diversity of the ACT community, including by taking into account the diversity in the community of—
  - (a) disabilities and impairments; and

- (b) sexual and gender identities; and
  - (c) life experiences, including the experiences of veterans; and
  - (d) age groups; and
  - (e) cultural and linguistic identities, including Aboriginal or Torres Strait Islander identity; and
  - (f) socioeconomic backgrounds.
- (3) The responsible Minister must ensure that consultation is carried out in a way that—
- (a) supports a collaborative working arrangement with the people and entities consulted; and
  - (b) seeks to ensure each person and entity consulted understands—
    - (i) the consultation process; and
    - (ii) how to take part effectively in the consultation and have their views and wishes heard; and
  - (c) includes sufficient information, in a language and way each person and entity consulted understands, to allow the person or entity to take part effectively in the consultation and have their views and wishes understood.
- (4) Before making a disability inclusion strategy for a priority inclusion area, the responsible Minister must consider any comments received during consultation.

## **12 Certain existing strategies may be adopted as first disability inclusion strategy**

- (1) The responsible Minister for the priority inclusion area mentioned in an item in table 12, column 2 may adopt the strategy mentioned in the item, column 3 as the first disability inclusion strategy for that priority inclusion area.

- (2) If a responsible Minister adopts a strategy mentioned in an item in table 12, column 3 as a disability inclusion strategy—
- (a) the adopted strategy is taken to meet the requirements under section 10 (2); and
  - (b) the requirements under section 11 do not apply to the adopted strategy; and
  - (c) the disability inclusion strategy is taken to expire at the end of the year mentioned in the item, column 4.

**Table 12**

<b>column 1 item</b>	<b>column 2 priority inclusion area</b>	<b>column 3 strategy</b>	<b>column 4 expiry</b>
1	community attitudes	ACT Disability Strategy 2024-2033	2033
2	education and learning	ACT Government Inclusive Education: A Disability Inclusion Strategy for ACT Public Schools 2024-2034	2034
3	health and wellbeing	ACT Government Disability Health Strategy 2024-2033	2033
4	personal and community support	ACT Disability Strategy 2024-2033	2033
5	safety, rights and justice	ACT Government Disability Justice Strategy 2019-2029—A Strategy to Address Unequal Access to Justice in the ACT	2029

- (3) This section expires on 1 December 2035.

**13 Disability inclusion strategies—annual progress report**

- (1) The responsible Minister for a priority inclusion area must, for each financial year, prepare a report setting out achievements under the disability inclusion strategy for the financial year.
- (2) The report must not, without a person's consent, include information that—
  - (a) identifies the person; or
  - (b) would allow the person's identity to be worked out.
- (3) The report must include any information prescribed by regulation.
- (4) The report must, not later than 3 months after the end of the financial year—
  - (a) if the Minister preparing the report is not the Minister for this Act—be given to the Minister for this Act; and
  - (b) be published on an ACT government website.

## Part 4 Disability inclusion plans

### 14 Definitions—pt 4

In this part:

*public sector entity* means an administrative unit or a public sector body.

*responsible person*, for a public sector entity, means—

- (a) for an administrative unit—the director-general; and
- (b) for a public sector body—the head of the public sector body.

### 15 Disability inclusion plans

- (1) The responsible person for a public sector entity must make a plan for how the public sector entity will implement disability inclusion and address ableism within, and across the business of, the entity (a *disability inclusion plan*).
- (2) The disability inclusion plan must—
  - (a) be consistent with the disability inclusion principles and all disability inclusion strategies; and
  - (b) include information about how the public sector entity will implement the disability inclusion strategies that relate to the work of the public sector entity; and
  - (c) include actions taken, or being developed, by the public sector entity to do the following:
    - (i) promote disability inclusion;
    - (ii) reduce, remove and prevent barriers to accessibility;
    - (iii) address ableism; and
  - (d) include any other matter prescribed by regulation.

- (3) For subsection (1), the head of a public sector body may adopt the disability inclusion plan made by the administrative unit allocated responsibility for the Act under which the body is established.

*Note* An administrative unit may be allocated responsibility for an Act under the *Public Sector Management Act 1994*, s 14 (1) (b).

- (4) The disability inclusion plan must be made publicly available on an ACT government website.
- (5) The disability inclusion plan must be reviewed—
- (a) on the commencement of a new disability inclusion strategy that relates to the work of the public sector entity; and
  - (b) at least once every 5 years after the plan is made.
- (6) For this section, a disability inclusion strategy *relates* to the work of a public sector entity if the priority inclusion area for the disability inclusion strategy relates to—
- (a) for an entity that is an administrative unit—a matter the administrative unit is allocated responsibility for under the *Public Sector Management Act 1994*, section 14 (2); or
  - (b) for an entity that is a public sector body—the functions of the head of the public sector body.

**Example—par (a)**

The disability inclusion strategy for education relates to the work of an administrative unit if the administrative unit is allocated responsibility for school education.

**Example—par (b)**

The disability inclusion strategy for employment relates to the work of an office headed by a statutory office-holder if the office-holder has functions relating to work health and safety.



**16 Disability inclusion plan—consultation**

- (1) In developing or reviewing a disability inclusion plan, the responsible person for the public sector entity—
  - (a) must consult—
    - (i) people with disability; and
    - (ii) families and carers of people with disability; and
    - (iii) disabled peoples organisations and systemic advocacy groups; and
  - (b) may consult anyone else the responsible person considers appropriate, including any other significant entity that represents or supports people with disability, or has expertise in relation to disability inclusion.
- (2) The responsible person must take all practicable steps to ensure that people consulted under subsection (1) reflect the diversity of the ACT community, including by taking into account the diversity in the community of—
  - (a) disabilities and impairments; and
  - (b) sexual and gender identities; and
  - (c) life experiences, including the experiences of veterans; and
  - (d) age groups; and
  - (e) cultural and linguistic identities, including Aboriginal or Torres Strait Islander identity; and
  - (f) socioeconomic backgrounds.
- (3) The responsible person must ensure that consultation is carried out in a way that—
  - (a) supports a collaborative working arrangement with the people consulted; and

- (b) seeks to ensure each person consulted understands—
    - (i) the consultation process; and
    - (ii) how to take part effectively in the consultation and have their views and wishes heard; and
  - (c) includes sufficient information, in a language and way each person consulted understands, to allow the person to take part effectively in the consultation and have their views and wishes understood.
- (4) Before making the disability inclusion plan for the public sector entity, the responsible person must consider any comments received during consultation.

## **17 Relationship to other inclusion plans**

If a public sector entity is required under another territory law to prepare a plan about the inclusion of people with disability, the responsible person for the entity may prepare a single plan that complies with this Act and the other law.

## **18 Annual report requirements**

- (1) The director-general annual report for an administrative unit must include a statement describing measures taken by the administrative unit during the reporting year to do the following:
- (a) support the development and implementation of disability inclusion strategies;
  - (b) develop and implement a disability inclusion plan.
- (2) A public sector body annual report for a public sector body must include a statement describing measures taken by the body during the reporting year to do the following:
- (a) support the development and implementation of disability inclusion strategies;

- (b) for a public sector body headed by a public sector employer—develop and implement a disability inclusion plan.
- (3) An annual report must also include any information prescribed by regulation.
- (4) In this section:

*director-general annual report*—see the *Annual Reports (Government Agencies) Act 2004*, section 6 (1).

*public sector body annual report*—see the *Annual Reports (Government Agencies) Act 2004*, section 7 (2).

*public sector employer*—see the *Public Sector Management Act 1994*, section 152 (1) (a).

## Part 5 Disability Advisory Council

### 19 Establishment of council

The Disability Advisory Council is established.

### 20 Functions of council

- (1) The council has the following functions:
  - (a) to advise the Minister about issues affecting people with disability, including about the following:
    - (i) the National Disability Insurance Scheme;
    - (ii) the rights of people with disability, including under the *Convention on the Rights of Persons with Disability*;
    - (iii) building an inclusive community;
  - (b) to foster cooperative relationships between people with disability, their families, their carers, relevant organisations, government and the community;

**Example—relevant organisation**  
an organisation representing disabled people
  - (c) to exercise any other function given to the council under a territory law.
- (2) In this section:

*National Disability Insurance Scheme*—see the *National Disability Insurance Scheme Act 2013* (Cwlth), section 9.

### 21 Membership of council

- (1) The council is made up of—
  - (a) the chair; and
  - (b) the deputy chair; and

- (c) at least 5, but not more than 13, ordinary members; and
  - (d) a person appointed to an office prescribed by regulation; and
  - (e) a representative of a body prescribed by regulation.
- (2) The Minister must appoint the following council members:
- (a) the chair;
  - (b) the deputy chair;
  - (c) the ordinary members.
- Note* For laws about appointments, see the [Legislation Act](#), pt 19.3.
- (3) The Minister may appoint a person to the council only if the Minister is satisfied that the person—
- (a) is a person with disability; or
  - (b) is the carer of a person with disability; or
  - (c) is committed to promoting disability inclusion; or
  - (d) represents a disabled peoples organisation; or
  - (e) has expertise in relation to disability services and disability inclusion.
- (4) A person appointed as the chair must be a person with disability.
- (5) At least half the ordinary members must be people with disability.
- (6) At least 1 ordinary member must be, or have experience as, an unpaid carer of a person with disability.
- (7) The Minister must be satisfied that at least 1 council member is an Aboriginal or Torres Strait Islander person.

- (8) The Minister must take all practicable steps to ensure that the membership of the council reflects the diversity of the ACT community, including by taking into account the diversity in the community of—
- (a) disabilities and impairments; and
  - (b) sexual and gender identities; and
  - (c) life experiences, including the experiences of veterans; and
  - (d) age groups; and
  - (e) cultural and linguistic identities, including Aboriginal or Torres Strait Islander identity; and
  - (f) socioeconomic backgrounds.
- (9) An appointment must be for a term of not longer than 3 years.
- (10) A person must not be a council member for more than—
- (a) 2 consecutive terms; or
  - (b) 3 non-consecutive terms.
- (11) In this section:
- Aboriginal or Torres Strait Islander person*** means a person who—
- (a) is a descendant of an Aboriginal person or a Torres Strait Islander person; and
  - (b) identifies as an Aboriginal person or a Torres Strait Islander person; and
  - (c) is accepted as an Aboriginal person or a Torres Strait Islander person by an Aboriginal community or Torres Strait Islander community.

**22 Ending appointments**

The Minister may end the appointment of a council member—

- (a) for misconduct; or
- (b) if the Minister is satisfied that the member is, or is likely to be, unable to effectively exercise the member's functions; or
- (c) if the member is absent, other than on leave approved by the Minister, from 3 consecutive meetings of the council.

**23 Operation of council**

The council may conduct itself in the way it considers appropriate.

**24 Arrangements for staff and facilities**

The council may arrange with the head of service to use the services of a public servant or Territory facilities.

*Note* The head of service may delegate powers in relation to the management of public servants to a public servant or another person (see *Public Sector Management Act 1994*, s 18).

**25 Annual report by council**

The council must prepare an annual report under the *Annual Reports (Government Agencies) Act 2004*, section 7.

*Note* An annual report direction may include requirements about the council's annual report (see *Annual Reports (Government Agencies) Act 2004*, s 8).

## Part 6 Miscellaneous

### 26 Legal rights not affected

The Legislative Assembly does not intend by this Act to create in any person any legal right or give rise to any civil cause of action.

### 27 Inconsistency with other territory laws

If a provision of this Act is inconsistent with a provision in any other territory law, the provision in the other territory law prevails to the extent of the inconsistency.

### 28 Regulation-making power

The Executive may make regulations for this Act.

### 29 Review of Act

- (1) The Minister must as soon as practicable after the end of this Act's 5th year of operation—
  - (a) review the operation and effectiveness of the Act; and
  - (b) present a report of the review to the Legislative Assembly.

*Note* A reference to an Act includes a reference to any statutory instrument made or in force under the Act (see [Legislation Act](#), s 104).

- (2) This section expires 7 years after the day it commences.



## Part 7 Consequential amendment

### 30 Annual Reports (Government Agencies) Act 2004 Section 7 (2), note, new dot point

*after the 4th dot point, insert*

- the disability advisory council (see *Disability Inclusion Act 2024*, s 25)

## Schedule 1 Disability inclusion principles

(see s 7)

### 1.1 General principles for disability inclusion

- (1) The disability inclusion principles are made up of the following:
  - (a) the principles set out in the *Convention on the Rights of Persons with Disability*;
  - (b) in relation to people in a care relationship—the care relationship principles;
  - (c) the principles for disability inclusion in the ACT community mentioned in section 1.2.
- (2) If a principle mentioned in subsection (1) (b) or (c) is inconsistent with a principle mentioned in subsection (1) (a), the principle mentioned in subsection (1) (a) prevails.
- (3) In this section:

*care relationship*—see the *Carers Recognition Act 2021*, section 6 (1).

*care relationship principles*—see the *Carers Recognition Act 2021*, dictionary.

### 1.2 Principles for disability inclusion in the ACT community

- (1) People with disability are free to participate and engage in all aspects of life in the ACT.
- (2) The abilities, strengths, goals and needs of people with disability develop and change.
- (3) Barriers to accessibility may be compounded by intersectionality.
- (4) Universal design is the best practice method of designing environments without barriers to accessibility.

- (5) Decision-making about the participation and engagement of people with disability must be informed by the experience of the people about whom decisions are being made.
- (6) People with disability have rights under the *Human Rights Act 2004*, the *Disability Services Act 1991* and the *Discrimination Act 1991*, including rights specific to being a person with disability, that must be respected and protected.
- (7) Relationships between people with disability and their families, carers and other significant people are a crucial part of the lives of people with disability and should be preserved.
- (8) People with disability are free to associate with families, carers and other people in a way that they want.
- (9) People with disability should receive appropriate support to access information in a way that is appropriate for their disability to understand decisions to be made and to participate in decision-making that affects them.
- (10) Addressing any disadvantage or vulnerability a person with disability experiences in relation to other attributes, including protected attributes, may enhance their inclusion and participation in the community.
- (11) Advocacy on behalf of people with disability, including self-advocacy and systemic advocacy, should be recognised as essential to advance disability inclusion.

## Dictionary

(see s 3)

*Note* The [Legislation Act](#) contains definitions relevant to this Act. For example:

- administrative unit
- director-general (see s 163)
- entity
- public sector body.

***ableism***—see section 6 (2).

***accessibility*** means provision for access by a person with disability, on an equal basis with other people, to the following:

- (a) the physical environment;
- (b) transport;
- (c) information and communication (including information and communications systems and technologies);
- (d) facilities and services open or provided to the public.

***barrier***, to accessibility—

- (a) means anything that hinders the full and equal participation in society of people with disability; and
- (b) includes any physical, architectural, technological, policy, financial or attitudinal barrier to accessibility.

***carer***—see the [Carers Recognition Act 2021](#), section 6 (1).

***Convention on the Rights of Persons with Disabilities*** means the Convention on the Rights of Persons with Disabilities adopted by the General Assembly of the United Nations on 13 December 2006, as amended and in force for Australia from time to time.

*Note* The Convention on the Rights of Persons with Disabilities is accessible at [www.un.org/development/desa/disabilities](http://www.un.org/development/desa/disabilities).

**council** means the Disability Advisory Council established under section 19.

**disability**—

- (a) means any impairment or functional limitation that, in interaction with a barrier to accessibility, hinders the full and equal participation of a person with disability in society; and
- (b) includes an impairment or functional limitation—
  - (i) that is permanent, temporary or episodic in nature; and
  - (ii) whether or not it can be noticed by others.

**disability inclusion**—see section 6 (1).

**disability inclusion plan**—see section 15 (1).

**disability inclusion principles** means the principles established under section 7.

**disability inclusion strategy**—see section 8.

**disabled peoples organisation** means an organisation led by and made up of people with disability.

**discrimination**—see the [Discrimination Act 1991](#), section 8.

**impairment** includes physical, mental, intellectual, cognitive, learning, communication or sensory impairment.

**intersectionality** means the interconnected nature of attributes, including protected attributes, of a person that create overlapping and interdependent systems of disadvantage or discrimination.

**priority inclusion area**—see section 9 (1).

**protected attribute**—see the [Discrimination Act 1991](#), section 7.

**public sector entity**, for part 4 (Disability inclusion plans)—see section 14.

**responsible Minister**, for a priority inclusion area—see section 9 (1).

***responsible person***, for a public sector entity, for part 4 (Disability inclusion plans)—see section 14.

***systemic advocacy group*** means a group that advocates for long-term social change to ensure the government’s legislation, policies and practices support the rights and interests of people with disability.

***universal design*** means the design of an environment that can be accessed, understood and used to the greatest extent possible by all people regardless of the nature of their attributes, including their age, size, ability or disability.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 8 February 2024.

**2 Notification**

Notified under the [Legislation Act](#) on 17 September 2024.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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I certify that the above is a true copy of the Disability Inclusion Bill 2024, which was passed by the Legislative Assembly on 29 August 2024.

Clerk of the Legislative Assembly

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