

~~its indecent rush to secure green preferences to do enough to facilitate the establishment of alternative business enterprises on the island. Opportunities to establish alternative industries were constrained by the proposed future footprints of national parks and Indigenous joint management areas on the island. So there would have been very limited areas available for future development.~~


~~The Bligh government did not even undertake any amendments to facilitate a future that included ecotourism in national parks. The Newman government has addressed this enormous oversight by amending the Nature Conservation Act to allow for the authorisation of commercial ecotourism facilities in national parks. The Newman government has also amended the Nature Conservation Act to broaden the object of the Nature Conservation Act to provide for recreation and commercial uses in protected areas while continuing to retain a focus on nature conservation.~~

~~Not only did the Bligh government in its indecent haste treat the North Stradbroke Island community with contempt; as I have already pointed out, it treated Sibelco like a doormat given the company was employing hundreds of Queenslanders. The regulatory restrictions placed on Sibelco, such as the denial of access to a resource, imposed closure dates and reduced mining lease areas, ignored, as I have mentioned before, all commercial considerations that drive mine management and investment decisions in the resources sector.~~

~~Debate, on motion of Mr Cripps, adjourned. >~~

~~MINISTERIAL STATEMENT~~

~~National Rental Affordability Scheme~~


 ~~Hon. TL MANDER (Everton—LNP) (Minister for Housing and Public Works) (6.29 pm): I wish to correct something that I said today in answer to a question from the member for Ipswich West that was incorrect. In my enthusiasm, I mentioned that we would deliver an additional 3½ thousand properties under NRAS before the end of this year, which is four weeks away. That is obviously incorrect. That should have been by the end of next year.~~

~~Sitting suspended from 6.30 pm to 7.30 pm.~~

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<DISABILITY SERVICES (RESTRICTIVE PRACTICES) AND OTHER LEGISLATION AMENDMENT BILL

Introduction

 **Hon. TE DAVIS** (Aspley—LNP) (Minister for Communities, Child Safety and Disability Services) (7.30 pm): <I present a bill for an act to amend the Disability Services Act 2006 and the >Guardianship and Administration Act 2000 for particular purposes. I table the bill and the explanatory notes. I nominate the Health and Community Services Committee to consider the bill.

Tabled paper: Disability Services (Restrictive Practices) and Other Legislation Amendment Bill 2013.

Tabled paper: Disability Services (Restrictive Practices) and Other Legislation Amendment Bill 2013, explanatory notes.

This bill proposes amendments to the legislative framework that regulates the use of restrictive practices by funded disability service providers. To understand the bill, it is important to understand what restrictive practices are and why they are regulated. Restrictive practices are practices that are used by disability service providers on adults with a cognitive or intellectual disability to respond to behaviour that may cause physical harm or serious injury to the adult or others. This type of behaviour is known as challenging behaviour.

Legislation to regulate the use of restrictive practices was first introduced in 2008 in response to a report by the Hon. William Carter. This report identified an overreliance on the use of restrictive practices by service providers. It also identified that restrictive practices may infringe on the rights of the person subject to them. Legislation was subsequently put in place to regulate restrictive practices so that these practices are only used when absolutely necessary. The key objectives of the bill are to reduce the use of restrictive practices and safeguard adults subject to these practices. However, since the legislation was introduced in 2008, issues have continuously been raised by a broad range of stakeholders regarding the complexity of the legislative framework, with some questioning whether the framework actually achieves its objectives.

The Queensland government is committed to providing a contemporary and quality disability service system that responds to the needs of Queenslanders with disability, their families and carers.

Therefore, earlier this year the Queensland government publically released a discussion paper to seek feedback on the restrictive practices framework. Submissions were received from service providers, families and carers of adults subject to restrictive practices, clinicians, disability support workers, consumer and advocate organisations, and statutory advocates. The submissions identified a number of areas where the legislation was not achieving its objectives. However, submissions were clear that regulation of restrictive practices by legislation is still necessary to ensure that disability service providers provide safe places for vulnerable adults. Submissions showed strong support for both reducing red tape for service providers to allow them to focus on providing quality front-line services and improving safeguards for adults subject to restrictive practices. I would like to thank everyone who took the time to make a submission.

In response to the feedback, and following further consultation with statutory advocates and service providers, the Queensland government is proposing a number of amendments to the legislative framework to address the issues raised. These amendments, which are laid out in the bill I have tabled today, are aimed at fixing the deficiencies of the legislative framework that was introduced by the former Labor government. The amendments in the bill focus on three key areas: reducing red tape for funded disability service providers, enhancing safeguards for adults subject to restrictive practices and the workers who support them; and improving the care and quality of life for adults with an intellectual or cognitive disability who exhibit challenging behaviours. These three key areas work together to create a more practical and effective framework for the use of restrictive practices without infringing on the rights of adults with disability.

The bill reduces red tape through a number of amendments. The first change which will create a significant reduction in red tape is to amend the definitions of restrictive practices that are in the current legislation. This amendment is about reducing the confusion that service providers have identified around understanding when a restrictive practice is classed as a restrictive practice and, therefore, requires authorisation. The lack of clear definitions has resulted in some service providers applying for unnecessary approvals which is time consuming and takes resources away from front-line client services. The amendments will make it easier for service providers to determine the practices that require approval, thus saving time and resources which can instead be channelled into direct service provision. Amending the definitions will, therefore, have benefits for both service providers and their clients.

Another key amendment in the bill which will reduce red tape and streamline processes is the reduction in the prescriptive requirements for positive behaviour support plans. The aim of positive behaviour support plans is to provide a set of strategies and supports that an adult with challenging behaviour requires to help address their needs and decrease the frequency and severity of their behaviour. This improves their safety and quality of life as well as the safety of disability support workers. Unfortunately, the current legislation has been drafted in such a way that positive behaviour support plans are more of a paper based, time- and resource-intensive written exercise, rather than the practical tool that they should be. The bill makes amendments to the requirements to reduce the time taken to draft the plan and turns the focus back to where it should be: on the client. Plans will become practical and useful tools that can be used by all disability support workers who are working with clients with challenging behaviours.

The bill additionally makes amendments to emphasise the need for a positive behaviour support approach to all adults with challenging behaviour, not just those adults who are subject to restrictive practices. The amendments in the bill to reduce red tape and administrative burdens for service providers will enable service providers to focus their time and resources on front-line client care. This, in turn, will have a significant positive impact on the care and quality of life for adults who are subject to restrictive practices in funded disability services. These amendments will enhance client safeguards and support.

Another amendment to reduce red tape in the bill focuses on providing flexibility for the Queensland Civil and Administrative Tribunal to approve the appointment of a restrictive practice guardian for up to two years. Currently, guardians can only be appointed for one year, which means that every year service providers must go through the application process, thus channelling resources away from service provision. Submissions noted that a longer appointment time would be more practical as long as safeguards were in place to support this. The bill makes the change to the appointment time of restrictive practice guardians while maintaining important safeguards—safeguards which allow QCAT to set a suitable timeframe for the appointment of a guardian. An appointment can also be revoked if this is necessary.

The bill also contains amendments that will make it easier for an adult who is subject to a restrictive practice authorisation to transition to a new service provider. This will be invaluable under the National Disability Insurance Scheme as an adult with a disability or their family or guardian will be able to choose to move to another service provider. Further red-tape amendments in the bill include: clarifying that the use of medication such as a sedative to facilitate the provision of a single instance of health care is not a chemical restraint, and providing time limited immunity from criminal and civil liability where a service provider has sought a short-term approval or the consent of the Adult Guardian as the guardian for restrictive practice matters and there is a delay in the approval or consent being decided. This amendment addresses feedback from service providers that delays in obtaining authorisations in the use of restrictive practices have meant that there are periods where a service provider and their workers will not have immunity from prosecution in the use of restrictive practices, making it difficult for providers to ensure the safe operation of their services.

It is clear that the amendments contained in this bill to reduce red tape and streamline administrative processes will have a resultant positive impact on service provision and enhance the lives of adults with challenging behaviours. The bill also proposes specific amendments to strengthen protections and safeguards for clients, thus ensuring their human rights continue to be upheld. The bill enhances safeguards for adults subject to the framework through a number of amendments to the current legislation.

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First and foremost, the bill will be clear that restrictive practices should not be used for punitive reasons. Given this was one of the key objectives for introducing the legislation in the first place, it is astonishing that it was not specifically outlined in the legislation. That is a substantial oversight from the former Labor government!

Another significant blunder by the former Labor government in drafting this legislation was the omission of any requirement for service providers to report on their use of restrictive practices. This lack of reporting provisions means that there is no way of knowing when and how often restrictive practices are being used and whether the implementation of positive behaviour support plans are improving the quality of life and reducing the challenging behaviours of adults subject to restrictive practices in Queensland. Given that these are key objectives of the legislation, it does defy belief that reporting was not covered in the original legislation.

The lack of reporting is a real concern, especially given the potential risks and deprivations associated with the use of restrictive practices. Service providers themselves have noted that a lack of formal reporting is an issue and are supportive of amendments to introduce reporting on their use of restrictive practices. In order to rectify this significant oversight by the former Labor government, the bill will require funded service providers to report on their use of restrictive practices. Amending the current legislation to include reporting on the use of restrictive practices will significantly enhance safeguards for adults subject to restrictive practices.

This amendment will also support Queensland's smooth transition to the National Disability Insurance Scheme, as early indications are that reporting on restrictive practices is likely to be a requirement for providers under the national scheme. Some other jurisdictions already have successful reporting requirements in place. In Victoria, for example, reporting is done online without placing time-consuming administrative burdens on service providers. This is what we want for Queensland. The bill also proposes amendments to ensure that families of adults subject to restrictive practices are included and informed about the framework under which their loved one is being supported. This provides additional safeguards for adults subject to restrictive practices by ensuring that the adult and their family members are actively involved in their care.

The bill achieves this through the introduction of a requirement for service providers to provide a statement about the use of restrictive practices to family members. This statement will require the service provider to explain why the provider is considering that a restrictive practice might be necessary; how family members can be involved and express their views on the practices; and avenues for complaints, reviews and redress. This is an important area that was disappointingly overlooked in the drafting of the original legislation by the former government.

Alongside the legislative changes that are contained in the bill I have tabled today, the Queensland government will also be making a number changes to policy, practice, education and training. These additional changes will enhance and support the legislative changes to create a holistic approach to this complex area. Such changes will include: developing guidelines about what types of actions require approval; providing service providers with an exemplar positive behaviour support plan; expanding training to service providers and family members; and providing a central

point of contact for service providers, family members and others, for advice and monitoring of the use of restrictive practices.

Madam Speaker, the Queensland government has listened to the feedback we received on the restrictive practices framework. We have reviewed the framework. We have considered the fact that the regulation of restrictive practices is currently under consideration at a national level with the transition to the National Disability Insurance Scheme. Taking all of this into account, the Queensland government believes that this is the right set of reforms for right now.

Some may consider that more dramatic structural changes to the framework should have been made; however, it would not be prudent of this government to make big changes now that may not align with decisions made at a national level when the National Disability Insurance Scheme is fully rolled out from July 2019. We have focussed on making more immediate and practical amendments to the current framework; changes that will improve the workability of the framework and ensure that we are continuing to improve outcomes for people with disability, their families and carers. We are also honouring our commitment to Queenslanders to reduce red tape and focus on front-line services and client care.

This has been a very important piece of reform, and I would like to thank everybody who has provided their input and expertise. This includes everyone who took the time to make a submission, members of the restrictive practices working group, my department, the Attorney-General and Minister for Justice and his department. Madam Speaker, I commend the bill to the House.>

First Reading

Hon. TE DAVIS (Aspley—LNP) (Minister for Communities, Child Safety and Disability Services) (7.44 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to the Health and Community Services Committee

Madam SPEAKER: In accordance with standing order 131, the bill is now referred to the Health and Community Services Committee.

Portfolio Committee, Reporting Date

Hon. TE DAVIS (Aspley—LNP) (Minister for Communities, Child Safety and Disability Services) (7.44 pm), by leave, without notice: I move—


That under the provisions of standing order 136, the Health and Community Services Committee report to the House on the Disability Services (Restrictive Practices) and Other Legislation Amendment Bill by 3 February 2014.

Question put—That the motion be agreed to.

Motion agreed to.

~~<PROPERTY OCCUPATIONS BILL~~

~~Introduction~~

 **Hon. JP BLEIJIE** (Kawana—LNP) (Attorney-General and Minister for Justice) (7.45 pm): I ~~present a bill for an act to provide for the regulation of the activities, licensing and conduct of~~ ~~property agents, resident letting agents and their employees and to protect consumers against~~ ~~particular undesirable practices, to amend the Body Corporate and Community Management Act 1997 for particular purposes, and to make minor and consequential amendments to the acts stated in~~ ~~schedule 2 for particular purposes. I table the bill and the explanatory notes, and I nominate the Legal~~ ~~Affairs and Community Safety Committee to consider the bill.~~

~~Tabled paper:~~ Property Occupations Bill 2013.

~~Tabled paper:~~ Property Occupations Bill 2013, explanatory notes.