

~~I am pleased to bring this bill to the House today, because the adoption of these provisions will help protect the rights of Queensland tenants. This government is committed to making sure all Queenslanders get a fair go and have the opportunity to get ahead. A secure place to live is the foundation block for opportunity.~~

~~To this end, this bill also seeks to amend the Residential Tenancies and Rooming Accommodation Act 2008 to ensure more Queenslanders can grasp the opportunity to sustain a private market tenancy when they are in a position to do so. My department's RentConnect product has helped thousands of Queensland families to access the private rental market. Tenancy guarantees are part of this offering. A tenancy guarantee is an undertaking to pay up to a stated amount to cover loss or expense to lessors caused by a breach from a tenant where the tenant's rental bond is insufficient to cover the amount owing.~~

~~The proposed amendment will allow the department to approve housing providers to also provide tenancy guarantees. This will ensure that tenants in properties transferred to community housing providers will continue to have access to the same opportunity when they are able to participate in the private rental market.~~

~~Under the Sustainable Planning Act 2009, the construction of public housing and associated developments is exempt from development approvals, with building work self-assessable by the department against applicable codes. Subsequently, these properties do not have the local authority development or building approvals normally expected in the private sector.~~

~~This bill further seeks to introduce a deeming provision to the Housing Act 2003 to allay potential concerns and to provide security and certainty for future owners and financiers in relation to public housing that may be transferred. The proposed deeming provision will provide that, when and if properties approved or used as public housing are transferred to another entity, all development and building work has been done lawfully and in accordance with the relevant laws at the time.~~

~~This bill is about providing security, certainty and fairness for Queenslanders. It is about protecting tenants' rights, respecting the voice of the plumbing industry and increasing opportunity and certainty for investors and tenants. The benefits of this bill are clearly demonstrated and contribute to our vision for Queensland as a state where everyone has a chance to get ahead and everyone can get a fair go. I commend the bill to the House.>~~

First Reading

~~**Hon. LM ENOCH** (Algester—ALP) (Minister for Housing and Public Works and Minister for Science and Innovation) (2.49 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 Utilities, Science and Innovation Committee

~~**Madam DEPUTY SPEAKER** (Ms Grace): In accordance with standing order 131, the bill is now referred to the Utilities, Science and Innovation Committee.~~

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<DISABILITY SERVICES AND OTHER LEGISLATION AMENDMENT BILL

Introduction

 **Hon. CJ O'ROURKE** (Mundingburra—ALP) (Minister for Disability Services, Minister for Seniors and Minister Assisting the Premier on North Queensland) (3.00 pm): <I present a bill for an act to >amend the Coroners Act 2003, the Disability Services Act 2006, the Guardianship and Administration Act 2000, the Powers of Attorney Act 1998, the Public Guardian Regulation 2014 and the Working with Children (Risk Management and Screening) Act 2000 for particular purposes. I table the bill and the explanatory notes. I nominate the Communities, Disability Services and Domestic and Family Violence Prevention Committee to consider the bill.

Tabled paper: Disability Services and Other Legislation Amendment Bill 2015.

Tabled paper: Disability Services and Other Legislation Amendment Bill 2015, explanatory notes.

The National Disability Insurance Scheme is a new way of providing supports to people with disability. It is a game changer—a once-in-a-generation reform that will benefit the lives of people with disability, their families, carers and the community as a whole. As Queenslanders transition to the NDIS, people with disability will receive funding directly from the National Disability Insurance Agency to purchase their supports.

As I announced in September with the Premier, the Palaszczuk government is proud to be bringing the NDIS to Queensland earlier than anticipated through an early launch in North Queensland. From January 2016 planning will commence with children and young people under the age of 18 in Townsville and Charters Towers and all eligible people with disability on Palm Island so that they can become the first Queenslanders to access the NDIS. I am very excited that things are progressing well with the transition and that these participants will start receiving supports through the NDIS from April 2016. I recently announced the appointment of 10 local area coordinators to oversee the transition, and information sessions are underway for participants and service providers.

In making sure that we are ready for the early launch of the NDIS, our government has led a review of all legislation to identify the amendments required to support Queensland's transition to NDIS. The Disability Services and Other Legislation Amendment Bill 2015 is the culmination of this process. The majority of the amendments relate to the operation of Queensland's Disability Services and quality and safeguards system. A functioning quality and safeguards system is absolutely vital to ensure vulnerable people have the necessary protections and receive supports that are of a high quality.

Queensland already has some of the most robust quality and safeguards frameworks in place to ensure the safety of people with disability. The federal government is designing a national quality and safeguards framework for the NDIS in partnership with the states and territories. However, this framework is unlikely to be implemented during transition. As a result, Queensland will continue to operate its existing quality and safeguards system during the transition to full scheme. This means Queensland's existing robust quality and safeguards system will be extended to all NDIS participants and providers who will deliver disability services under the NDIS in Queensland during the period to June 2019.

Three legislative safeguards are provided for in the Disability Services Act 2006. These include complaints management processes, criminal history screening and a restrictive practices framework. To date, these safeguards have applied only to Queensland government funded and direct delivered disability services. Without these amendments being introduced today, funding contracts between the Queensland government and disability service providers would be gradually phased out as Queensland transitions to the NDIS, meaning the authority of the Queensland government would diminish and many of the existing safeguards would be lost.

It is critical that all Queenslanders receiving disability supports under the NDIS have the same level of safeguards as Queenslanders in receipt of disability supports funded by Queensland. Safeguards are important to ensure consistent and transparent processes are in place to support people with disability. This is the key objective of the bill. Amendments are required to redefine the scope of the Disability Services Act 2006 so that it extends to providers who deliver disability services not funded by Queensland.

Through some important definitional changes, the act will be extended to organisations that provide disability services prescribed by regulation to an NDIS participant under that participant's plan. The scope of these definitional changes will be limited to non-government providers delivering specific types of disability services. The services will be prescribed by regulation and the development of this regulation is currently in progress. These changes will not impact on government providers of NDIS supports. For example, the amendments will not capture Queensland Health's Hospital and Health Services, as they are already subject to their own significant and comprehensive quality and safeguards framework.

Through transition, the Queensland government will continue its investigative role to ensure providers comply with Queensland's quality and safeguards standards. As a result, the bill introduces a new part 6A into the Disability Services Act to provide the necessary powers to monitor the compliance of NDIS non-government service providers with safeguards. The bill includes provisions which provide authorised officers with the power to require relevant information and documents from NDIS non-government service providers, and enter places if the entry is authorised by a warrant. These powers will only be triggered on certain grounds—for example, to protect an NDIS participant from risk of harm because of abuse, neglect or exploitation or to check whether an NDIS non-government service provider complies with the Disability Services Act.

Queensland will have a complaints and investigative role in relation to disability support services funded through an NDIS participant's plan. However, all enforcement action against providers, including deregistration, will be the responsibility of the NDIA. The amendments will not replace the NDIA's responsibilities for managing reviews and appeals related to NDIA decisions about the administration of the scheme and any other decisions taken under the NDIS Act 2013. Queensland will not have a role in these processes.

To round off the quality and safeguards component, the bill also amends the definition of 'visitable site' under the Public Guardian Regulation 2014. This will extend the application of the adult community visitor program so that community visitors will be able to visit NDIS participants. Amendments to this regulation are considered appropriate for inclusion in the bill given the importance of the community visitor program to the quality and safeguarding system.

These frameworks are in place to ensure the safety of people with disability in our communities. However, it is necessary that minor amendments are also included which will change the definition of 'death in care' in the Coroners Act 2003. This will allow the coroner's office to investigate the deaths of an NDIS participant living in accommodation provided to persons with disability or living in a residential service and receiving services paid for in accordance with the participant's plan.

On a separate matter, the bill makes provision for the chief executive of the Department of Communities, Child Safety and Disability Services to request identifiable client information from other agencies for the purpose of monitoring and reconciliation against NDIA invoices. Client information includes the person's full name; the person's unique client identifier; date of birth; gender; residential address; and the name of any carer or appointed guardian, if applicable. This power will only be necessary through the transition period. This will ensure Queensland meets the reconciliation time frames and Queensland Audit Office requirements. This information is also critical to Queensland's phasing of the NDIS to differentiate between existing and other clients, and directly impacts on Queensland's financial contributions towards the scheme. Under these arrangements, the chief executive will also be authorised to disclose to departments the relevant personal information of their former clients who have now transitioned to the NDIS.

On a final note, I draw the attention of the House to the inclusion of a sunset and a review provision. First, the bill includes a sunset clause which will bring about the expiration of part 6A of the Disability Services Act on 30 June 2019. Second, the Minister for Disability Services will be required to conduct a full review of the act in light of the amendments made by this bill. This review must be completed by 30 June 2019. The timing of this review is so that Queensland can consider the status of the national NDIS quality and safeguards framework.

Keeping Queenslanders with disability safe and ensuring they can uphold their rights are matters of critical importance to this government. We are committed to improving the lives of people with disability and maximising the opportunities that the NDIS will offer to thousands of Queenslanders. This bill will ensure the robust safeguards provided under Queensland legislation will continue to operate throughout the NDIS transition period. I commend the bill to the House.>

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First Reading

Hon. CJ O'ROURKE (Mundingburra—ALP) (Minister for Disability Services, Minister for Seniors and Minister Assisting the Premier on North Queensland) (2.59 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 Communities, Disability Services and Domestic and Family Violence Prevention Committee

Madam DEPUTY SPEAKER (Ms Grace): Order! In accordance with standing order 131, the bill is now referred to the Communities, Disability Services and Domestic and Family Violence Prevention Committee.

Debate, on motion of Mrs O'Rourke, adjourned.

~~<CONSTITUTION (FIXED TERM PARLIAMENT) AMENDMENT BILL~~