

Disability Services (Restrictive Practices) and Other Legislation Amendment Bill 2024

Submission No: 2
Submitted by: Australian College of Nurse Practitioners
Publication:
Attachments:
Submitter Comments:



Australian College of Nurse Practitioners response to:

Queensland Parliament- Community Support and Services Committee

Disability Services (Restrictive Practices) and Other Legislation Amendment Bill 2024

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3 July 2024

Hon. Charis Mullen MP

Minister for Child Safety
Minister for Seniors and Disability Services
Minister for Multicultural Affairs

Community Support and Services Committee

Email: CSSC@parliament.qld.gov.au

Dear Hon. Charis Mullen,

Thank you for the opportunity to respond to the Queensland - Disability Services (Restrictive Practices) and Other Legislation Amendment Bill 2024.

The Australian College of Nurse Practitioners (ACNP) is the national peak organisation for Nurse Practitioners, advancing nursing practice and consumer access to health care. Nurse Practitioners play a critical role across all facets of disability care in Australia, working in diverse healthcare settings, including general practice, primary care clinics, urgent care clinics, acute and emergency services and community health centres.^{1,2}

Our response to the consultation is as follows:

The Australian College of Nurse Practitioners supports the four key policy objectives set out in the Disability Services (Restrictive Practices) and Other Legislation Amendment Bill 2024, to better safeguard all those in Queensland living with a disability, inclusive of those on the National Disability Insurance Scheme (NDIS).

Policy Objectives Supported

1. Promoting the reduction and elimination of the use of restrictive practices in relation to people with disability receiving National Disability Insurance Scheme (NDIS) support or services or state disability services under the Disability Services Act 2006 (DS Act)
2. Improving national consistency authorization on processes based on the principles for nationally consistent restrictive practices authorisation processes

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3. Aligning Queensland's restrictive practices authorisation framework with the national NDIS (Restrictive Practices and Behaviour Support) Rules 2018
4. Expanding the reportable deaths in care framework to reinstate coverage for persons who receive disability supports under the Commonwealth Government's Disability Support for Older Australians (DSOA) program.

The ACNP fully acknowledges that restrictive interventions or practices such as physical, chemical or environmental restraint and/or seclusion restrict the basic human rights and freedoms of those living with a disability, as reflected in the United Nations Convention on the Rights of Persons with Disability (CRPD) and further reflected in the recommendations set out in Disability Royal Commission.³

In the context of managing challenging behaviours and the role of the Senior Practitioner in the consultation phase, the ACNP welcomes the plan to include the client in decision-making processes (where feasible) about their own behavioural support plans and preferences alongside members of their support network, inclusive of Nurse Practitioners as Senior Health Practitioners in the disability/health sector.

Also, as mentioned in the record of proceedings, the overarching goal of the Bill is to reduce and eliminate restrictive practices through improved regulatory frameworks. This enables the client to have a voice alongside their support team and health providers to create a positive behaviour support plan.⁵

Gaining a better understanding of known antecedents (triggers) leading to behaviours of concern, such as an inability to fully communicate needs, allows for early intervention strategies to be consistently applied.⁴

To achieve the policy objectives, ACNP also supports the following amendments as mentioned in the inquiry overview:

1. Implementing a reformed authorization framework for the use of regulated restrictive practices in relation to people with disability when receiving NDIS supports or services or state disability services, including establishing the office and functions of the senior practitioner and vesting QCAT with merits review jurisdiction over all authorisation decisions by the senior practitioner
2. Amending the *Guardianship and Administration Act 2000*, *Public Guardian Act 2014*, *Coroners Act 2003*, and the *Queensland Civil and Administrative Tribunal Act 2009* to remove the current approval processes for restrictive practice matters and make other consequential amendments

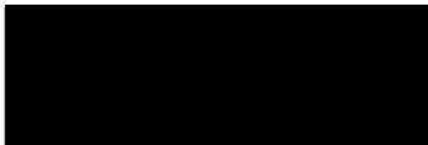
3. Expanding the reportable deaths framework under the *Coroners Act 2003* to reinstate coverage for deaths in care for people in Queensland who receive disability support under the DSOA program
4. Updating the *Forensic Disability Act 2011* to reflect terminology under the reformed authorisation framework.

Importance of including Nurse Practitioners

The ACNP would like to highlight the importance of the nurse practitioner workforce in upholding the dignity and human rights of those living with a disability in Australia. Our inclusion in the consultation and decision-making processes ensures that healthcare provided is comprehensive and meets the highest standards of care. Nurse practitioners bring a unique and valuable perspective, particularly in the implementation of positive behaviour support plans and early intervention strategies

We thank the Queensland Community Support and Services Committee for including us and our responses in the consultation process. We are happy to be contacted to participate further or provide clarification.

Yours sincerely,



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