

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

Submission No: 6
Submitted by: Queensland Family & Child Commission
Publication:
Attachments:
Submitter Comments:

Telephone: 07 3900 6000
Reference: TF24/573 – D24/7549

Committee Secretary
Community Support and Services Committee

Via email: cssc@parliament.qld.gov.au

Dear Committee Secretary

Thank you for the opportunity to provide input to the *Disability Services (Restrictive Practices) and Other Legislation Amendment Bill 2024* (the Bill) on behalf of the Queensland Family and Child Commission (QFCC). I acknowledge the intent of the Bill to improve regulation in the disability services system to protect children, young people and members of the community from harmful impacts of restrictive practices.

The QFCC has a responsibility to provide oversight to the child protection system to ensure Queensland's children and young people are loved, respected and have their rights upheld. The QFCC recognises the importance of ensuring these values particularly for children and young people with specific needs, including those living with a disability. Whilst the QFCC has not routinely engaged in policy reform for the disability sector, I recognise the importance of upholding standards of care and practice across all service systems working with children, young people, and members of the community and feel it important to highlight the need for standardisation in the regulation of certain behavioural practices including restricted practices.

For children and young people in our community living with disability, their right to high standards of care must be central in the discussion around regulation of restrictive practices. The QFCC had the privilege of hosting the Youth Summit 2024¹ in April of this year which provided a platform for Queensland young people, including those living with a disability to share their stories and experiences. I was inspired by their testimonies and recognise the opportunity for the QFCC to engage genuinely in discussions regarding the needs of young people living with disability. It is worth highlighting the speech delivered by Miles, aged 16 years, who spoke about listening to the voices of young people as a first step to gaining the resources to properly safeguard the welfare of people with disabilities.

The QFCC supports the proposed expansion of the scope of people with disability to whom the authorisation framework applies, to include all people with disability, including children while they receive National Disability Insurance Scheme (NDIS) supports or services or disability

¹ Queensland Family and Child Commission (2024), *Youth Summit 2024*, [QFCC Youth Summit | Queensland Family and Child Commission](https://www.qfcc.qld.gov.au/youth-summit-2024)

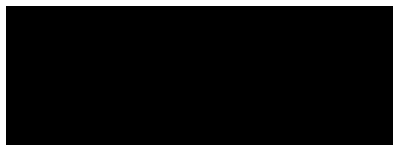
services from a relevant service provider. This amendment will provide safeguarding for practices involving children to be subject to the same authorisation and review framework as practices for adults living with disability, aligned with the *Positive Behaviour Support and Restrictive Practices Review* recommendation. We form this position, in part, on the basis that restrictive practices are occurring on children and young people across a range of systems without any legal framework. It is our preference that these practices be regulated by law, rather than the law being silent.

The QFCC emphasises that any restrictive practice requires strong regulation and oversight to ensure the safety and wellbeing of those living with disability. We recognise that whilst the use of restrictive practices may sometimes be considered necessary to ensure the safety and wellbeing of persons with disability, they must only be used for the shortest time and with the least restrictive means possible. The use of restrictive practices must consider the individual circumstances of each case, be informed by clinical practice and be based on clinical need to address the presentation on a case-by-case basis. The QFCC supports the requirement that the use of restrictive practices must be authorised, reviewed and monitored. We also support the Bill's intention of ensuring that the use of restrictive practices is authorised ahead of time. Ensuring workers are equipped with contemporary best-practice skills and operate within trauma informed, relational models of care is essential to ensure that restrictive practices do not become the easiest option for providers who struggle with staffing and resources.

Ultimately we must all do more to support all people living with disability, including children, young people and their families. Our universal and secondary support services are the biggest safeguard against the need for restrictive practice, and the best mechanisms to improve life outcomes.

If you have any issues or wish to discuss further, please contact me via telephone on [REDACTED], or via email at [REDACTED].

Yours sincerely



Luke Twyford
Principal Commissioner
Queensland Family and Child Commission
05 July 2024

