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**Health and Community Services  
Committee**

## **SUBMISSION TO THE HEALTH AND COMMUNITY SERVICE COMMITTEE DISABILITY SERVICES (YOUR LIFE YOUR CHOICE) AMENDMENT BILL 2012**

### **Explanatory Notes**

National Disability Services supports the policy objectives associated with this Bill in providing the legislative provisions for people with disabilities and their families to be funded for the purpose of exercising choice and control over their support needs. This is essential legislation to facilitate that transition of services to a person-centred, individualised funding approach to service provision.

Reference is made to the proposed National Disability Insurance Scheme in the explanatory notes and states that Queensland, through this Bill, will be well positioned to transition to the Scheme. This legislation will begin the process of transitioning service delivery in Queensland towards that proposed by the introduction of the Scheme.

Within the objectives of the new Bill the government speaks of “*increasing choice and control over disability supports for people with a disability and their families.*” It also states that the new framework “*will enable people with a disability and their families to take control of the planning, purchase and review of their disability services.*” I am concerned that the legislative reference to “disability services” as a legal term, may restrict “choice” to defined service types within the Act.

### **The Bill**

Within the Bill itself, a definition has been included of **relevant disability services** under Part 5A Section 43B. It reads “**relevant disability services**, for a person with a disability, means disability services, and care and support associated with the person’s disability.”

Under the Disability Services Act, Section 12 it states, “**Disability services**” for people with a disability, means 1 or more of the following:

- (a) Accommodation support services;
- (b) Respite services;
- (c) Community support services;
- (d) Community access;
- (e) Advocacy or information services or services that provide alternative forms of communication;
- (f) Research, training or development services.

The meaning of “disability services” within the Act and the Bill would appear to restrict service delivery to the Commonwealth State and Territories Disability Agreement service types. These are the types of services service providers (also defined) may provide with

government funding. It restricts services to categories, whereas the framework for self-direction seeks to provide flexibility across a range of different service options.

### **Your Life Your Choice Framework**

Under 1.4 within the framework it states, *“Disability services and supports refer to funded supports that are specific to the nature and impact of the disability on the person.”* This appears to be different to meaning of “disability services” referenced in the Bill under ***“relevant disability services.”***

If people with disabilities are to truly exercise choice and control over the planning and purchase of the services they need, there would appear to be a need for the provisions in the Bill and the Act to expand the legislative definition of “disability services” to reflect the greater flexibility required by the self-directed support framework.

One would expect that ultimately, under the framework, real choice and control would provide opportunities for people with disabilities to purchase services that are not restricted to approved service providers. However, the intent within this Bill and the framework are welcomed in the interests of transitioning to broader options.

### **Recommendation**

NDS recommends that the Committee review of the alignment of what is meant by “disability services” within the legislation and within the Your Life Your Choice framework.

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