

SUBMISSION RE: *DISABILITY SERVICES (YOUR LIFE YOUR CHOICE) AMENDMENT BILL 2012*

Thank you for the opportunity to provide feedback on the *Disability Service (Your Life Your Choice Amendment Bill 2012)* (the Bill). QDN commend the Queensland Government on taking this step towards alignment disability services in Queensland with best practice in other jurisdictions in Australia. However, the Bill would be stronger and more in line with the better the principles of the Convention on the Rights of People with Disability if safeguards for people with disabilities were included.

About Queenslanders with Disability Network

Queenslanders with Disability Network (QDN) is a Network of, for and with people with disability, with over 500 members and 450 supporters across Queensland. Through connections with this membership, QDN has a deep understanding of issues facing people with disability across Queensland.

As an organisation of, for and with people with disability, QDN gains input from its members to influence government decisions that impact on people with disability in Queensland. Its membership includes people with a broad spectrum of sensory, physical, intellectual and psychiatric impairments. As the only such organisation in Queensland, QDN can genuinely claim to speak with the voices of **all** Queenslanders with disability.

QDN's Values and Objectives

QDN is a growing state-wide organisation open to all people with disability who believe in the entitlement of people with disability to live full and equal lives. The Network fulfils this role by ensuring its members have information, build knowledge collectively, and speak as a united voice on a range of issues that directly affect them and others with disability in communities across Queensland.

i. QDN's Values

QDN strives to be a network of people with disabilities:

- which is for, of, with and by people with disability;
- that speaks with a strong, relevant, active, significant and, if necessary, outspoken voice;
- that takes a stand, which is visible and inclusive of all people with disability who share our core values;
- where activities are undertaken within a human rights framework in which people are valued and disability is recognised as a social issue;
- which ensures that people with disability who have no avenues for expressing their needs, have a strong, vigorous Network that stands by and for them;
- which undertakes its activities with a spirit and culture which recognises interdependence, shared experiences and shared values;
- which works actively to change society so people with disability have citizenship and are an active and valued part of the community;
- which is here for the long term, encourages participation, and harnesses the energy and potential for influence (experience and wisdom) of people with disability; and
- which adopts collective decision-making within shared values.

QDN wish to submit the following comments on the Bill:

Clause 5 (Section 7)

Firstly, QDN believes the Department of Communities, Child Safety and Disability Services should play a role in overseeing the standard of services being offered to people with a disability to ensure these services enact a genuine partnership relationship with people with a disability that respects and strengthens the genuine authority of the person. Disability services should be required to show that the natural authority of individuals has been restored and that they have taken direction from the person with a disability.

Also, it would be desirable for the Department to provide guidelines for people with disabilities and their families/advocate in regard to a scale of fees that providers can reasonably charge individuals for providing the range non-service related fees they are likely to seek (for example, for planning, budgeting, recruitment and acquittal of funds).

Clause 7 (new Sections 43A and 43B)

“Relevant person”

QDN suggests that *both formal and informal advocates that a person with a disability may choose* be added to the definition.

“Relevant disability services”:

QDN suggests that this definition should be expanded to include generic services or community based services. The use of word ‘disability’ in this context is ambiguous in that it implies that only those services offered by ‘disability’ agencies are allowed. This would be antithetical to the spirit of the Amendment which is to give people with disability greater participation in society. There may be services available in the community that a person would wish to access that meet his or her needs better than ‘disability’ specific services. This is what the intent of the Amendment is – to give more freedom of choice to individuals, to not always be tied to disability services.

43D Individual funding agreement (1), (2){a}, {b}

While QDN agrees that public funds should be carefully accounted for, these clauses appear to give all power to the Chief Executive to set the conditions of the contract. This power differential could be addressed by establishing “key indicators” of accountability, i.e. what does a person with disability need to submit to government. Having this in place would also ensure consistency of accountability throughout the State.

In addition, there needs to more flexibility in the negotiations around the agreement to give the person with a disability/family member or other a say in the conditions. To do otherwise negates the intent of the Amendment.

QDN would also like to see added to the Amendment Bill provide some safeguards for people with disabilities. The Amendment Bill would benefit by having incorporated in it:

- avenues for appeal; and
- a review process to enable people with disabilities to address changes experienced in their lives.

This would allow the amended Act to better align with elements of this National Disability Insurance Scheme (NDIS) in seeking to implement innovative service delivery while still safeguarding vulnerable people.

Regrettably QDN is only able to provide general comments on the Bill due to the limited time that has been allowed for such input. We understand the Queensland Government is determined to implement change swiftly however, the very limited timeframe has prevented us from gaining input from QDN's member base. As elucidated in QDN's statement of values above, we seek to provide a voice for all Queenslanders with disability. This can not be accomplished when we are provided with a very short space of time in which to formulate a response. QDN therefore encourages those involved in the development of the Bill to seek further comment both from QDN and other stakeholders.

Should further information be required, please contact QDN's Chief Executive Officer, Fran Vicary.

Yours sincerely

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