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A Submission related Youth Justice (Boot Camp Orders) and Other Legislation Amendment Bill 2012

This submission is from Rachel Skiffington and her family.

Our family believes that what is current and about to be amended directly discriminates against the nationality of all New Zealanders that comes within this act criteria.

This would include our family.

Our story

We came to Australia with a job secured.

During this time, we have rented, brought a house, pay tax, pay rates, water, support the local community. Support costs to Rachel's day programs. Our total income goes back into the Queensland economy!

On seeking support for Rachel, services were not available from Service Providers as Rachel was not an Australian and not entitled as she did not come with a Disabilities Queensland "package".

Without support, Rachel's behavior and disability were brought to crisis point. Disabilities Queensland were advised by their own staff that this situation was not

sustainable, however, services or support was not forthcoming because Rachel is a New Zealander.

The situation was recognized by Disabilities Queensland, however, the discrimination prevailed because she was a New Zealander and we were advised that the only way Rachel would be supported was that if either we abandoned her at a location or I was not available to take care of her. That was called “relinquishment”.

Rachel’s behavior crisis came to a head when my health collapsed and I was then no longer able to take care of Rachel at home.

Over the last 22 months Rachel has been receiving Time–Limited response support. This initially provided for up to 15 working days to give Disability Services an opportunity to schedule a needs assessment and to establish longer term support options.

To support this, we have been encouraged to

- Relinquish Rachel (even though “relinquishment offends human rights)
- Submit an application for Rachel to the local Council of “Homelessness”
- Engaged in looking at opportunities for long term support, after proceeding then withdrawn by QDS.

Also for 22 months, we have been seeking Rachel’s legal status as a New Zealander with the Department of Disabilities and the Minister, Tracy Davis, however, this has not been forthcoming. These question are:

- Has Rachel been assessed and been deemed as eligible for ongoing specialist disability services?
- If this is the case can you explain why Disability Services has not been able to indentify appropriate long tern support for Rachel?
- How long will Rachel be required to live in transition, going from one short term respite facility to another before a long term option will be made available to her?

We find this confusing, having been supplied recently this document “Portfolio Policy Statement PAS003” by an independent support network.

This policy aims to provide clear and transparent criteria for determining eligibility for services funded or provided by Disability Services Queensland.

Yet we still cannot get a clear, understanding of Rachel's criteria from DQS.

Even though within the same policy "Portfolio Policy Statement PAS003".

This Policy states the roles and responsibilities for QDS. Our family sees this policy as discrimination against the nationality New Zealanders by not working within this policy.

These Responsibilities are:

Roles and Responsibilities:

Staff of Disability Services Queensland:

- All Disability Services Queensland staff have a responsibility to uphold and apply this policy.
- Programs and Community and Specialist Services Directorate staff are responsible for verifying eligibility for Disability Services Queensland provided services and programs.
- Programs and Community and Specialist Service Directorate managers are responsible for confirming a recommendation for eligibility made by staff.
- The Policy Directorate is responsible for clarifying questions concerning this policy statement. DSQ staff seeking clarification should contact their line manager in the first instance. If further clarification is needed enquiries can be progressed to the Executive Director Policy through Regional Directors/Directors.

Staff of services funded by Disability Services Queensland:

- Chief Executive Officers of services funded by Disability Services Queensland are responsible for confirming eligibility and establishing procedures to implement this policy.

Delegations:

- Verification of eligibility will be undertaken by officers within the Programs and Community and Specialist Services Directorate and a recommendation made to a nominated manager.
- If the decision remains difficult, the manager should refer the decision to their manager. This manager may also seek direction from other senior managers in the Programs and Community and Specialist Services Directorate or, the Executive Director, Programs and Community and Specialist Services as required.

In rare circumstances, the Executive Director, Programs and Community and Specialist Services may seek direction from the Director-General regarding an eligibility decision. The Director-General has the authority to make a final determination on the application of the Eligibility Policy and Procedures.

- For 22 months the department has operated against its own policy. Placing us in a position of continued uncertainty stress and anxiety.
- We are told if we not happy make a complaint, instead of dealing with their responsibility.
- Rachel is continually moved from respite to respite, subject to and in receipt of abuse due to her inability to speak.

Verification of eligibility has not been given and our family sees this “discrimination” because of her nationality as a New Zealander.

If Queensland Government passes and enforces this law what will they do with Rachel?

What does relinquishment and homelessness mean to QDS for a New Zealander?

What could be a fair and reasonable policy between Australia and New Zealand seems to be unreasonable and mean spirited.

Our Family sees this as a nationality anti discrimination policy.

Thank you for your consideration

Alan Janet Emma Rachel Skiffington

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