Speech by

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DISABILITY SERVICES BILL

Mr LANGBROEK (Surfers Paradise—Lib) (12.47 pm): I rise today to speak to the Disability Services Bill 2005. The Queensland coalition staunchly believes in encouraging wider thinking in the community and in this House about integrating people with a disability into the community. Before I begin, I echo the sentiments of the member for Burdekin in wishing the minister good wishes in his health struggle.

It is indeed an admirable aim to provide Queenslanders with disabilities the support to remain at home and in the community rather than in institutions. Parliament should continue to look at ways of empowering and embracing the abilities of all community members. I was recently contacted by the president of Queenslanders with Disability Network Inc. who wrote that people with a disability have a right, a place and a contribution to make to the community as empowered, free citizens. They are principles that I think we all agree with.

This bill is commendable in its intended three main objectives, outlining rights, services and protection, including the clear definition of human rights and service delivery principles. However, the objectives of this bill are not realised completely in this bill's drafting. My first concern marries with those of the shadow minister, the member for Beaudesert, and relates to the bill's protection measures; namely, the screening of persons engaged by the department. That is a problem in itself as these protection measures are being advocated as the bill's primary safeguards.

The Criminal Law (Rehabilitation of Offenders) Act 1986 allows for minor offences such as shoplifting to be revealed to potential employers for 10 years. After this 10-year period the legislation allows for minor offences to be taken off the record, granting people a second chance at employment and the opportunity to better themselves. Despite the then opposition Labor Party in 1986 complimenting the then government on introducing such a provision, the Labor Party has done a backflip when it comes to granting people a second chance in this bill. This bill ignores second chance principles and makes criminal offence screening mandatory, also directly breaching the tenet of civil rights and existing pieces of legislation.

The drafters of this bill have not even been subtle about recognising the fact that this bill breaches other regulations. Clause 61 states—

This part applies to persons despite anything in the Criminal Law (Rehabilitation of Offenders) Act 1986.

It is a bit like the statement in this place 'notwithstanding anything in the standing and sessional orders' which allows the government to do whatever it wants. The rules were put there for a reason and should be abided by. It is another example of an unfair provision in a supposedly fair bill.

A person should have the opportunity to participate in the community. A person should be able to earn the right to have his or her name cleared. I see no justification for Labor backflipping on its previous policy on this matter. Queensland is not a police state. These indiscretions in people's pasts have long-term consequences not only for the individual but also for their families and a greater cost to the community. The inclusion of this provision in this bill could limit the natural integration of people with disabilities into the community. This police state mentality is present again in part 10. In defining the general powers of authorised officers the bill is not clear. Whether these officers are similar to those

provided for in the Police Powers and Responsibilities Act is ambiguous to say the least. What training or guidance these officers will receive is also unclear.

What can be read into the bill is that it grants police powers to authorised officers without police training and this is inappropriate. One need only refer to the PPRA to realise that. Part 12 states that a person must have satisfactorily completed a course of training approved by the police minister before they can be authorised with the necessary police powers. So again this bill lacks consistency with other legislation.

It also conflicts with common law. Clause 220 of this bill relates to a person with a disability having to advise the chief executive about compensation to determine whether the person should contribute to the cost of disability services they receive. However, the courts have been very clear in saying that any money received from Disability Services or a government pension is not allowed to be taken into consideration in relation to the settlement. In other words, Disability Services should not be allowed to take into consideration a court compensation order as a factor in determining how much an individual should pay towards their own upkeep. Judges have found that this would be unfair. Queensland has already capped court payouts anyway, so the money individuals can receive is already subject to limitations.

I maintain that there is a need to safeguard the rights of people with disabilities, ensure quality services are delivered and make sure service providers are using public money properly, but some of the measures in this bill forget these objectives. I have already pointed out where these objectives have been lost in this bill's overzealous drafting. In other parts, however, this bill does not go far enough. For example, clause 56 relates to the prescribed requirements for funded non-government service providers. This clause could be strengthened by requiring evidence that the service provider is upholding human rights and service delivery principles of the act. Likewise with a clause reflecting this requirement in determining all funding agreements as opposed to demanding evidence of proper governance and structure.

Let us remember that historically many of Queensland's smaller, more innovative service providers have developed out of the dissatisfaction of families and people with disabilities themselves with the mainstream services available. A successful funding application made it necessary for formal governance and accountability structures, not the other way round whereby proof of formality and governance has to be established before funding is even considered.

Smaller operations lack capital and necessary structure at preliminary stages and preapproval processes may spell the end of developmental services responsive to the emerging needs of the sector. With any bill relating to disability services let us as a House encourage the continual development of innovative services for people with a disability which are responsive to the needs of people with a disability in a way that assists them to achieve their maximum potential as members of society.

The Disability Services Bill 2005 is plagued by police state mentality in its protection measures and is spotted with impractical regulations in its rights granting and service provider requirements. The Queenslanders with Disability Network has stated that it cannot support the bill in its current form; it needs amendments before it can support it. It has gone so far as to say in its December 2005 discussion paper titled *The concerns of Queenslanders with disability regarding the Disability Services Bill 2005* and our proposed amendments—

In its current form it represents a backward step for people with disability in Queensland.

Queensland Advocacy Inc. warned me that the review and consultation process that the government has said has been lengthy to create an impression of thoroughness is more spin than reality. QAI, an organisation which advocates on behalf of vulnerable people with a disability, told me that it has found common ground with other interest groups within the disability sector, including service providers, in wishing to express their disillusionment with this bill which appears to have taken little community feedback on board.

The unintended consequences of this bill may result in the diminution of the rights and quality of life of people with a disability in Queensland. A review in five years will be too late to make meaningful improvements. To pass this bill unchanged would ensure the need for considerable amendment in the short term and disempower rather than empower Queenslanders with a disability.