



Speech by

## Ms Grace Grace

MEMBER FOR BRISBANE CENTRAL

Hansard Tuesday, 29 April 2008

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### DISABILITY SERVICES AND OTHER LEGISLATION AMENDMENT BILL

**Ms GRACE** (Brisbane Central—ALP) (8.23 pm): I rise to support the Disability Services and Other Legislation Amendment Bill 2008 and, in particular, I wish to refer to the process to be implemented before being able to use a restrictive practice. The legislative scheme applies to adults who have an intellectual or cognitive disability and challenging behaviours and who are receiving disability services from a relevant service provider. The legislation provides that, prior to the use of a restrictive practice—which is defined in legislation to mean containing or secluding using chemical, mechanical or physical restraint on a person or restricting access to objects—the relevant service provider must firstly assess the adult and secondly develop a positive behaviour support plan for the adult. Family involvement is an essential part of this process, and the bill encourages and supports the important role of family members to remain involved throughout the assessment, planning and decision-making process—an essential part that I fully support. Family members can play a very supportive, protective and caring role for their family adult member who is being assessed and for whom a positive behavioural support plan is being developed.

I also take this opportunity to commend the work of carers in our community. It is a hard job that is often not highly valued, often taken for granted and often requiring extremely long hours particularly when care is required 24/7. I have also always been in awe of those who give of their time, work and care for little payback other than knowing they are undertaking the most humane job one can fulfil in our community. We should wherever possible recognise the service that carers and service providers undertake and extol their work whenever the opportunity arises. I pay tribute to all of the carers and service providers, of which there are many, in my electorate.

The involvement of families and significant others in the adult support network is important for an informed decision about the use of any restrictive practice. Under the main scheme, families and significant others must be consulted and their views considered at all of the critical planning and decision points. For example, the bill requires that relevant parties such as the guardian, informal decision maker or family member must be consulted during the adult's assessment and during the development of a positive behaviour support plan. The positive behaviour support plan itself must also include details about who was consulted and their views about the proposed use of a restrictive practice. These views will then be taken into account in any decision about whether or not to approve the restrictive practice.

For decisions made by the Guardianship and Administration Tribunal, the family member will also be able to participate and put forward their views at the hearing. They can also apply to the tribunal for a review of the tribunal's decision at any time. I think these provisions give great comfort to those family members who will be involved in these particular hearings. Similarly, where decisions around restrictive practices are made by guardians, a family member can apply to the tribunal to review the guardian's decision. A family member could also apply to the tribunal to be the guardian for the adult around restrictive practice matters.

A new provision is also made under the Guardianship and Administration Act 2000 for family and others to apply to the tribunal to be appointed as a guardian to seek help and make representations for an adult where a containment or seclusion approval is made. This makes sure families have a voice around the use of those restrictive practices that are decided by the tribunal. For other restrictive practices,

families are able to make these decisions if they are appointed by the tribunal as a guardian for restrictive practice matters or in their capacity as an informal decision maker depending on the type of restrictive practice proposed. So there are many avenues for families to be heard in these cases.

Under the current provisions of the Guardianship and Administration Act 2000, any decision by the tribunal can be appealed to the Supreme Court. I believe that the process for use of a restrictive practice outlined in this bill together with the important involvement of family members and significant others in the process ensures that those we need to hear from have a voice and that the best interests of the adult involved are protected at all times. This provides a great comfort for concerned families giving their loved ones every opportunity to participate in their community. Safeguards are as important for every member of our community as are the protection of their rights. I commend the bill to the House.