



Speech by

Hon. Annastacia Palaszczuk

MEMBER FOR INALA

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STATE PENALTIES ENFORCEMENT AND OTHER LEGISLATION AMENDMENT BILL

Hon. A PALASZCZUK (Inala—ALP) (Minister for Disability Services and Multicultural Affairs) (12.08 pm): I rise to support the State Penalties Enforcement and Other Legislation Amendment Bill 2009. The State Penalties Enforcement and Other Legislation Amendment Bill contains a number of amendments to other acts, including the Disability Services Act 2006. The Bligh government is committed to helping people with intellectual disabilities and challenging behaviours live meaningful lives in their community. In 2007 under the Positive Futures initiative we committed to implementing the recommendations contained in the Carter report titled *Challenging behaviour and disability—a targeted response*.

The government introduced new legislation in 2008 amending the Disability Services Act and the Guardianship and Administration Act 2000. These amendments provide a positive behaviour support system to protect the rights and improve the quality of life of adults with an intellectual or cognitive disability whose behaviour causes or may cause harm to themselves or others. This is a very complex issue. Under these new provisions, the use of restrictive practices should not be authorised unless they are the least restrictive as practicable in the circumstances, nor should they be used unless the positive support plan demonstrates strategies that will contribute to the reduction and elimination of the use of restrictive practices.

Restrictive practices are defined as any practice used to manage a person's behaviour and which does, in some instances, prohibit their freedom of movement. They include containment, seclusion, chemical, mechanical or physical restraint and restricted access. The Positive Futures program has been widely acknowledged by the disability sector as integral to safeguarding the rights of people with an intellectual or cognitive disability. They have also indicated early success in changing and improving practice leading to the improvement in the quality of life for their clients.

The Bligh government has invested \$228 million over six years as part of the Positive Futures initiative to establish a positive behaviour support system. The Positive Futures program has resulted in decreased use of restrictive practices by disability service providers and reinforced positive behaviour support. The program includes funding to establish the Specialist Response Service, which currently serves 120 adults across 43 different disability service providers. The new Centre of Excellence for Behaviour Support, established through a partnership with the University of Queensland, has also been up and running for a year. It is pursuing a research agenda of national and international importance as well as developing and delivering training for disability service providers.

A significant capital works program to create special environments has already delivered 16 beds. These beds represent just the beginning of a program to deliver up to 62 new beds across Queensland, including a new forensic service for people with an intellectual disability. I would like to give credit to the member for Hinchinbrook who accompanied me on a site visit to look at where this forensic unit would be built at Wacol.

Service providers have been preparing to enter the full legislative scheme by 1 January 2010. However, assessing clients and developing positive behaviour support plans has taken longer than first anticipated—in some cases several months. The process of involving families in decisions relating to the care of their family member has also required more resources and time than originally estimated.

As a result, the transitional period for compliance has been extended for a further nine months from 31 December 2009 to 30 September 2010. This extension will allow all disability service providers to meet the full requirements of the scheme. The current transitional protections for the individual where restrictive practices apply remain unchanged. For example, even under the transitional requirements the use of restrictive practices must be consistent with policies and procedures issued by the Department of Communities and the use of restrictive practices must be monitored and reviewed. Despite the extension, I have instructed my department to help service providers enter into the full scheme as soon as possible. I expect that only some service providers will need the full additional nine months to comply with all the requirements.

To assist service providers make entry to the full scheme, a number of support strategies, which began during the first 15 months of the transitional period, will continue. Disability Services is also making it easier for families to access materials to help them understand the new legislation and make applications to the Guardianship and Administration Tribunal. My department is also providing training for service providers and departmental officers are visiting services to assist in establishing systems for positive behaviour support.

These initiatives will continue to help service providers improve the lives of people with a disability. The extension to the transitional period put forward in this bill acknowledges and further assists the effort service providers are making to ensure a quality, new behaviour support system is implemented. I commend the bill to the House.