



Speech by

Hon. Anastacia Palaszczuk

MEMBER FOR INALA

Hansard Wednesday, 6 October 2010

JUSTICE AND OTHER LEGISLATION AMENDMENT BILL

Hon. A PALASZCZUK (Inala—ALP) (Minister for Disability Services and Multicultural Affairs) (12.35 pm): I rise in support of the Justice and Other Legislation Amendment Bill 2010. The bill seeks to amend various pieces of legislation, including the Disability Services Act 2006 and the Guardianship and Administration Act 2000. I say at the outset that I welcome the fact that the opposition is supporting these amendments.

The Disability Services Act 2006 includes provisions introduced in 2008 in response to the recommendations of the report by the Hon. Bill Carter QC. These recommendations moved to protect the rights of people with an intellectual or cognitive disability who exhibit severely challenging behaviour and to regulate the use of restrictive practices for this group.

The legislative framework promotes a positive behaviour support approach and regulates the use of restrictive practices by disability service providers to ensure transparency and accountability. The legislation has been scheduled to commence in two stages—firstly, the transitional period and, secondly, the full implementation of the legislative scheme.

The transitional period aimed to provide service providers and other relevant parties with time to undertake preparations to comply with the full requirements of the legislative scheme. Currently, the transitional period ends on 30 September. Under this legislation, a positive behaviour support plan must be prepared and the use of a restrictive practice approved before the restrictive practice can be used.

Through their tireless efforts, disability service providers have made great progress and are well advanced in the development and approval of positive behaviour support plans. This has resulted in a significant reduction in the use of restrictive practices right across the state. Service providers had initially estimated that up to 1,500 behaviour support plans would be required. As service providers have acquired knowledge through the process and have implemented alternative strategies, the number of behaviour support plans now required is around 600.

The main purpose of the scheme is to protect the rights of and provide a better quality of life for adults with an intellectual or cognitive disability. This is achieved through promoting positive behaviour support and reducing or even eliminating restrictive practices. These are groundbreaking reforms. They are transforming both people's lives and also the disability sector.

Many people have benefited from comprehensive multidisciplinary and health assessments and professional therapeutic intervention. It is clear that a number of Queenslanders with disabilities have gained important outcomes through the positive behaviour support scheme and enjoy a better quality of life as a result.

Disability Services has provided considerable support to service providers over the past two years. This has included the allocation of non-recurrent funding totalling \$4.2 million to support NGOs to meet their legislative requirements, access to more than \$650,000 of support from departmental clinicians in the development and implementation of positive behaviour support plans and the provision of education and information courses attended by 2,100 people across the state to assist providers in understanding and implementing the legislation.

Combined with this has been the expertise provided by the centre of excellence through Dr Karen Nankervis. The centre has provided both the research and expertise which is informing best practice and training to hundreds of people across the sector. We have to remember that this is new legislation. It is the first time that Queensland has implemented it. It is the result of the Carter review, and the government responded to that Carter report and is investing over \$200 million to ensure that people with a disability—sometimes the most vulnerable in our community—are safeguarded with the protections that are necessary.

Notwithstanding these significant gains and the incredible efforts across the sector, some providers have expressed concern about their capacity to obtain authorisation within the current transitional period. The government has listened to these concerns and in recognition proposes these amendments before the House today to ensure that people with a disability can receive effective and timely support.

The bill seeks to extend the transitional period for the restrictive practice scheme for a further six months, until 31 March 2011. The extension of the transitional period provides certainty and support for those NGOs working hard to implement this new legislative scheme. As of 1 October there were about 30 plans where approvals had not been obtained. Most of these 30 are Endeavour clients where Endeavour had made a decision to commence medication reviews.

The bill also makes amendments to provide for short-term approval to use restrictive practices in circumstances where a restrictive practice guardian has been appointed but has not yet given or refused to give consent to use a restrictive practice. For example, a person with a disability may be residing with Endeavour but their parents remain their legal guardian. There is a current gap in the legislation which means that Endeavour could not obtain a short-term approval for this client because a guardian exists. Experience gained over the last few months has shown that it often takes time for proper assessments and plans to be developed and for a guardian to make a decision under the full scheme. This amendment provides for a short-term approval by either the Adult Guardian or the chief executive, even where the person has an appointed guardian for restrictive practices. This short-term approval would provide sufficient time for a comprehensive assessment and subsequent decision making by the guardian.

Disability Services has been working closely with service providers, families and guardians, and there were relatively few plans outstanding when the transitional period ended on 30 September. I am actually very pleased with the progress that has been made. I congratulate all of the service providers in doing their utmost to meet the requirements. I also want to thank the Office of the Adult Guardian, which put on extra staff to meet these requirements, the chief executive officers from the non-government organisations, and also my own department for their dedication and determination to meet this legislative requirement. I also want to thank my director-general, Linda Apelt, who has been meeting regularly with the CEOs to ensure that the plans have been put in place.

This legislation is a significant new investment, and the very substantial efforts of staff and organisations are making a real and significant difference to people's lives. The department will continue its effort to assist providers to move to full compliance as soon as possible. I commend the bill to the House.