




Speech by
Grace Grace

MEMBER FOR BRISBANE CENTRAL

Hansard Tuesday, 10 May 2011

FORENSIC DISABILITY BILL

 **Ms GRACE** (Brisbane Central—ALP) (10.04 pm): I rise to speak in support of the Forensic Disability Bill 2011. I believe that we will see some real community benefits as a result of this bill. Not only will the bill ensure that people with an intellectual disability on forensic orders get the care and support they need; it will also ensure that the community is not put at risk by their offending behaviour. The bill will also address the inappropriateness of detaining people with an intellectual or cognitive disability who are subject to a forensic order and do not require treatment for a mental illness within authorised mental health services, highlighted in both the Butler and Carter reports published in 2006.

The bill successfully balances the therapeutic objective of providing the right care and support to a person on a forensic order with an intellectual disability with the need to protect the community. In terms of care and support, the focus of the bill is on safeguarding the rights and freedoms of clients in the Forensic Disability Service, promoting individual development, enhancing opportunities for quality of life and maximising opportunities for safe reintegration into the community.

The Forensic Disability Service will achieve this by providing programs aimed at developing life skills and reducing offending behaviour and any other behaviours of concern. These will include psychological therapies, social skill development, development of daily living skills, educational and vocational training and health, fitness and leisure activities. The bill ensures that these programs will be delivered in a manner consistent with the human rights principles of the United Nations Convention on the Rights of Persons with Disabilities and also the Disability Services Act 2006. I believe that this is a great step in the right direction.

Importantly, the bill recognises the importance of protecting the community from the risk that the behaviour of clients in the service may pose. As such, the Forensic Disability Service will have a level of security which is consistent with a medium-secure detention facility. The bill also provides for the use of behaviour controls, such as medication, seclusion and restraint, where a client exhibits challenging behaviour. There are strict regulatory requirements on the use of these controls, and they can only be used in limited circumstances to protect the client and others from harm.

It should also be remembered that the Forensic Disability Service does not interfere with the existing framework for managing risk and ensuring community safety that is integral to the Mental Health Act. For example, the Mental Health Court will continue to make decisions about forensic orders, including the place of detention, after considering such factors as the seriousness of the offence, the person's treatment needs and the protection of the community.

The Mental Health Review Tribunal will continue to review forensic orders and make decisions about limited community treatment, taking into account whether the risk the client represents to his or her safety or the safety of a member of the public. The tribunal will not revoke a forensic order or place a forensic disability client on limited community treatment if the client represents an unacceptable risk to his or her safety or the safety of a member of the public.

The Attorney-General will continue to be a party to the Mental Health Review Tribunal proceedings, including appeals to the Mental Health Court. In this capacity, the Attorney-General's role is to protect the interests of the public. Ultimately, risk to the community will be reduced because clients in the service will be getting the care and support they need. In fact, clients will be referred on the basis that they will benefit from being in the Forensic Disability Service.

The bill navigates some very challenging policy terrain. It achieves, in my view, the right balance in promoting and protecting the rights of clients in the service while securing the safety of the community. One recent initiative in this regard is the inaugural appointment of Dr Jeffrey Chan to the position of Chief Practitioner, Disability. Through this new position, Dr Chan will also exercise the statutory role of the Director of Forensic Disability once the act commences.

The Department of Communities has engaged Dr Jeffrey Chan as the Chief Practitioner, Disability on the basis of his high level of knowledge and experience for the position. The Chief Practitioner, Disability will provide specialist expertise and authoritative clinical advice to the director-general of the Department of Communities to inform policies, programs and services for people with disabilities.

This bill provides for the chief practitioner to also oversee the administration of the Forensic Disability Service as the Director of Forensic Disability. This includes strict reporting requirements of the use of regulated behaviour controls to the director who has the power to stop and order a review of the use of medication for behaviour controls as well as the general use of medication.

The director of mental health is to consult with Dr Chan, as Director of Forensic Disability, when preparing the policies and guidelines about the care of a patient with an intellectual or cognitive disability on a disability forensic order as required under the bill. This will ensure a collaborative approach to ensure clients' rights are protected.

Dr Chan has come from Victoria where he held the inaugural role of senior practitioner, a statutory position under the Victorian Disability Act 2006. Dr Chan established the office and has received recognition across Australia and internationally for his innovative work in protecting the rights of vulnerable people with a disability subjected to restrictive practices and compulsory treatment orders.

I had the pleasure of actually visiting the facility in Victoria that Dr Chan was working at prior to his appointment in Queensland. We met with him and his staff. We were most impressed with the facility in Victoria and the work that was being undertaken. I welcome Dr Chan to Queensland where I know he will do excellent work. Dr Chan has provided major contributions to policy and practice development in Victoria and has led the drive for positive outcomes for people with a disability in that state. His vast experience and knowledge of the developments in Victoria will bring a new direction to Queensland's disability sector and benefit the Positive Futures reforms.

As part of the government's Positive Futures reforms, the Centre for Excellence for Behaviour Support was officially established in the University of Queensland's Ipswich campus in November 2008. The centre, led by Professor Nankervis, is leading the way to ensure the proper care and support of people with an intellectual disability and challenging behaviour. Professor Nankervis has extensive clinical training and experience as a nurse in the field of psychiatry and disability. She also has extensive experience in teaching and research to promote evidence based practice in service delivery for people with disabilities. Her distinguished academic and research career includes the Head of Disability Studies and Dean of Academic Development at RMIT University in Melbourne and President of the Australasian Society for Study of Intellectual Disability.

The centre has become a significant research facility. Along with Professor Nankervis's expertise, the centre will provide evidence based training in best practice. The Forensic Disability Service team, led by Dr Chan, and the Centre for Excellence staff, led by Professor Nankervis, will work collaboratively to deliver a number of, I believe, very good outcomes. They will conduct research for effective practices and exploration of issues, build the skills and knowledge capacity of service users, staff, carers and the disability sector and support best practice in supporting people with an intellectual disability or cognitive impairment with challenging behaviours.

This bill is a key component of a new direction in the disability sector, which will make a positive difference to the lives of Queenslanders with a disability who exhibit challenging behaviour. I thank the Queensland Disability Network for writing to me outlining their views regarding the Forensic Disability Bill. The QDN is located at Bowen Hills in my electorate. I firmly believe that their concerns are more than adequately addressed in this bill, as outlined in detail in my speech.

I believe this bill provides a definite step in the right direction. However, I agree that safeguards to protect the rights and liberties of vulnerable people with a disability are equally important. I believe this bill gets the balance right. I believe this bill adequately addresses these human rights. I commend the bill to the House.