




Speech By  
**Michael Hart**

**MEMBER FOR BURLEIGH**

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**DISABILITY SERVICES (RESTRICTIVE PRACTICES) AND OTHER  
LEGISLATION AMENDMENT BILL**

 **Mr HART** (Burleigh—LNP) (5.29 pm): I rise to speak to the debate on the Disability Services (Restrictive Practices) and Other Legislation Amendment Bill 2013 introduced by my very good friend the Minister for Communities, Child Safety and Disability Services and member for Aspley, Ms Tracy Davis.

When we start talking about disability services, it is a very uncomfortable area for a lot of us to talk about. There is no doubt that restrictive practices are another very difficult area. That is exactly what this piece of legislation discusses. I think that the policy objectives mentioned in the explanatory notes cover off very well on exactly what this piece of legislation is about. The explanatory notes say—

The Disability Services (Restrictive Practices) and Other Legislation Amendment Bill 2013 amends the regulatory framework of the *Disability Services Act 2006* and the *Guardianship and Administration Act 2000* that applies to the use of restrictive practices (for example, seclusion and restraint) by funded disability service providers on adults with intellectual or cognitive disability in response to behaviour that results in physical harm or a serious risk of physical harm to the adult or others.

Challenging behaviour is described, as we have heard from many members here tonight, as ‘culturally abnormal behaviour of such intensity, frequency and duration that the physical safety of the person or others is likely to be placed in serious jeopardy’—

 **Mr HART** (Burleigh—LNP) (7.40 pm), continuing: As I was saying earlier this afternoon prior to the break, the explanatory notes state—

Challenging behaviour is described as ‘culturally abnormal behaviour(s) of such intensity, frequency and duration that the physical safety of the person or others is likely to be placed in serious jeopardy, or behaviour which is likely to seriously limit the use of or result in the person being denied access to ordinary community facilities’

Such behaviour might include punching, kicking, biting or cutting themselves. These behaviours can put people at risk. There is no doubt about that. As I was saying before, this is a very awkward area for the government to deal with. It is a very awkward area for us as members of parliament to deal with. But I think we have all probably come across people who are experiencing these sorts of issues. If not, then we have come across their families when they experience these sorts of issues. In some instances there is only one way to fix it, and that is with a restrictive practice of one sort or another, whether it is some sort of physical restraint or chemical restraint or mechanical restraint. We have to anticipate that these sorts of practices are required. Of course, we would rather that that were not the case and that these people could be dealt with in a more humane way, but these practices are required every now and then. This piece of legislation makes it abundantly clear that if that is what we need to do then that is what we need to do.

The Health and Community Services Committee looked long and hard at this. I must acknowledge that the Labor Party initiated the process that has led to this piece of legislation, but there has been a lot of consultation on this. People from all areas of the community have had their input. They have had their opportunity to consult with the government, and this is, after all, a

government that consults a lot more widely than the previous government did. The previous government would just bring in legislation and say, 'We consulted and that is the way it is,' and get on with life. But we are out there actually talking to people, having that conversation and trying to make a difference for people who are in this position.

Of course, it is very hard to get the balance right and that is what we have to work on. We have to get that balance right. People who are dealing with people in these situations have been doing it for a long time. Most of them are volunteers or have worked their way from being a volunteer to some sort of paid position and they have done that because they have compassion. They like doing what they do and they have compassion for the people that they work with. It takes a lot of compassion to work with some of these people. As I said before, I am sure there would be a lot of members who know people who have worked with these people.

I can talk from firsthand experience regarding my mother, who worked in an aged care facility. Back in the sixties and seventies there were lots of people with disabilities living in aged care facilities, and that is just terrible. They had to take care of those people. They did what they needed to do back in those days but, unfortunately, over the years the situation has changed. Laws were brought in that shifted the way we dealt with those people. This is a form of red-tape reduction that the minister is putting before us now that allows us to treat these people in the manner in which we need to treat them. Sometimes getting that balance right is a challenge.

We are focused on the safety of the people in these situations, the safety of their family and the safety of the workers who work with them, and that is the key point in this. We are endeavouring to make sure that everybody is taken care of and that there are no dangerous situations. Earlier today we heard from the member for Gregory that he was punched in the stomach on one occasion. Honourable members can imagine the sort of force that it would take to knock that man over. Sometimes that happens; people in these situations seem to gain added strength. They do not mean to hurt anybody, but they certainly do. As I said, we have to have the facilities to take care of those people. We have to have the balance right. We have to have the necessary reporting regimes in place, and this bill goes a long way towards putting that in place. If any restrictive practices are to be carried out, they have to be reported to the adult involved, to the patient, and to the disability services provider. All those checks and balances are still in place. We are making sure that these people can live with the dignity and the quality of life of which we should be assuring them. They are the important things.

I have had lots of meetings with parents in my office—and I am sure other members here have as well. They have come in and expressed a great deal of concern for their children. In some instances they are adult children and they have been dealing with them for their whole life. We really have to appreciate those people. We have to recognise that they have dedicated their life—in some instances, their whole working life—to members of their family who needed their support. They volunteered; they have not been paid. This is something on which we need to keep a focus: a large part of our society is operating on a volunteer basis. We do not pay these people for a lot of the effort that they put in, but they are out there, day by day, taking care of people with disabilities.

We also have to make it easier for people to transport themselves from one provider to another. I congratulate the minister on bringing forward this initiative to make such things easier for people to transport. There is nothing like having to suffer with the worry of having a child or an adult with a disability of whom you are taking care. They may be working with some type of provider a couple of days a week and they want to shift them somewhere else because something has happened with that provider, they have moved location or moved house or the situation has changed. Those people do not want to have to go through a whole lot of rigmarole to make that happen.

As I said, I congratulate the minister on greasing the rails of that process and easing up the red tape that previous governments have put in place. That will certainly make things easier. After all, we are trying to take care of the families, the carers and the decision makers who are involved on a day-to-day basis with people with disability issues as well as the support workers. Where would we be without those people?

The minister has been to my electorate and we have been to the House with No Steps on a couple of occasions. We have been out to the Mudgeeraba special education area along with the member for Mudgeeraba. We also have the Coolangatta Special School at the southern end of the Gold Coast. I have the Endeavour Foundation in my electorate. I have been out there, too, and I support them as much as I possibly can. The government is to be congratulated—and so is the previous government for that matter—for the support that they have shown the Endeavour Foundation over the years. You can see big smiles on the faces of the people who work there. They can participate in life, they have a job to do and they look forward to coming to work every day. I commend the minister for this bill and I fully support the actions that she is taking.