




Speech By
Ros Bates

MEMBER FOR MUDGEERABA

Record of Proceedings, 15 March 2016

DISABILITY SERVICES AND OTHER LEGISLATION AMENDMENT BILL

 **Ms BATES** (Mudgeeraba—LNP) (5.21 pm): I rise to make a contribution to the debate on the Disability Services and Other Legislation Amendment Bill 2015. This bill will build on the efforts of the former LNP government to deliver a whole-of-government legislative and policy framework for the delivery of the National Disability Insurance Scheme in Queensland.

The NDIS is one of the largest reforms ever implemented in the disability services sector, ushering in a new way of providing support to people with disabilities. It also marks a significant change in philosophy in the way that support is provided to people with disabilities, placing additional emphasis on individual choice and personal autonomy. All states and territories have agreed to implement the NDIS from 1 July this year, with the full implementation of the scheme to be completed by 1 July 2019.

With the introduction of such a large-scale national reform, a great deal of responsibility fell on the former LNP government to ensure that appropriate legislation was in place to facilitate the introduction of the NDIS. It would be remiss of me if I did not begin by acknowledging the hard work of my good friend and colleague the member for Aspley during her tenure as the minister for communities, child safety and disability services. Her work as the minister during the initial stages of the NDIS establishment ensured that Queensland would be able to cater for the long-term implementation of the NDIS. I know that one of her first priorities as minister was to work with her department to craft a framework for Queenslanders with a disability to self-direct their funding, providing greater flexibility for people with disabilities in the lead-up to the NDIS implementation.

After the good work of the member for Aspley to get Queensland prepared for the NDIS, it is disappointing to see that this Labor government has only today signed the NDIS bilateral agreement in a snap decision, with its delay putting the NDIS transition at risk. This snap decision comes after an extended period of pressure from the LNP to do the right thing by Queenslanders with a disability as well as their families and carers.

This bill will introduce a number of further policy changes as the NDIS comes on line later this year, building on the achievements of the member for Aspley to ensure that Queenslanders who receive NDIS support will have the same safeguards as those who receive support from the Department of Communities, Child Safety and Disability Services. It also aims to ensure compliance by NDIS non-government service providers and limit the regulatory burden on those providers. These amendments will include definitional amendments that will redefine the scope of the Disability Services Act 2006 to ensure the application of three key legislative safeguards to non-government service providers that are not funded by the department but through the NDIS. These are the disability services complaints management framework, the criminal history and screening requirements and the framework governing the use of restrictive practices to manage challenging behaviours displayed by some individuals with intellectual or cognitive disabilities.

This bill will also introduce amendments to enable a department to monitor the compliance of NDIS non-government service providers by granting powers that are currently exercised by departmental appointed authorised officers to NDIS non-government service providers. These include the power to require relevant information and documents, relevant powers of entry to premises and the power to search and inspect premises while requiring an occupier to give the authorised officer reasonable power to help exercise these powers. I note that these provisions were supported by the Public Advocate, who considered that having this independence in executing such functions is of significant value to an effective and accountable system. However, the committee considered that, as the NDIA will be responsible for any enforcement measures in relation to services provided under the NDIS, it is crucial that clear and consistent departmental referral pathways are established to support the NDIA in this role.

This bill will also introduce information-requesting powers to enable the chief executive to reconcile the Queensland government's funding contributions against NDIA invoices during the transition to the NDIS. The bill will also amend several other acts and regulations, including the Coroners Act 2003, the Guardianship and Administration Act 2000, the Public Guardian Regulation 2014 and the Working with Children (Risk Management and Screening) Act 2000 to ensure that those receiving support through the NDIS are covered by the safeguards in these acts.

After the initial consideration of this bill was conducted by the former Communities, Disability Services and Domestic and Family Violence Prevention Committee, the current Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee recommended that this bill be passed on a bipartisan basis. As a proud supporter of a number of disability services providers in my electorate who work every day to support and care for people with disabilities in my local area, I am pleased to see the work started by the member for Aspley is being continued. It is important that we continue to ensure a coordinated, whole-of-government approach to the rollout of the NDIS and update our existing legislation to meet the provisions of the NDIS to ensure that those who will receive care through the NDIS are entitled to the same protections as those who receive care through the department. It is for those reasons that I support this bill.