




Speech By
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MEMBER FOR ASPLEY

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DISABILITY SERVICES AND OTHER LEGISLATION AMENDMENT BILL

 **Ms DAVIS** (Aspley—LNP) (4.36 pm): I rise to make a contribution to the Disability Services and Other Legislation Amendment Bill 2015. The National Disability Insurance Scheme is the most significant social reform that Australia has seen since the introduction of Medicare. Queenslanders with disability have long called for a system that provides them with access to services that are reflective of their needs, that respond to personal aspirations and that allows for choice and control over their support packages. I am very pleased that the LNP in government enabled people with disability and service providers, through Your Life Your Choice, to trial that concept which is central to the NDIS.

It is a time of great change. It will have far-reaching effects, not only for participants but also throughout the disability sector as service provider organisations change from the block funded arrangements with governments to individualised funding for people with disabilities based on individual needs assessments. The NDIS is a market based model.

The purpose of the bill is to provide legislative amendments to enable the transition to the NDIS this year. In order to prepare for the transition, the Department of Communities, Child Safety and Disability Services undertook a whole-of-government legislative review. The bill before the House is the first stage of a two-stage process. The first stage was to identify essential elements to facilitate the transition from 1 April this year and the second stage will make the necessary amendments needed for the full scheme in 2019.

The LNP supports the introduction of the NDIS in Queensland. It is why we signed the heads of agreement. We will not oppose the passing of this bill. However, we seek a firm commitment from the government to address all of the concerns raised in the submissions and ensure that any future consultation reaches out to a very broad range of stakeholders.

Delivering the best NDIS we can in Queensland should always be our goal. Giving consideration to a broad range of views helps to achieve that end. I note in recommendation 3 the committee recommends that the government consider those issues raised by submitters which do not directly relate to the bill as part of its reviews of the Disability Services Act 2006.

The bill amends six acts. Most of the amendments are contained in the Disability Services Act 2006. However, it also amends the Guardianship and Administration Act 2000, the Working with Children (Risk Management and Screening) Act 2000, the Powers of Attorney Act 1998 and the Coroners Act 2003.

There are four objectives of the bill. The first objective is to ensure that Queenslanders who are receiving specialist disability supports funded through the individual package under the NDIS have the same level of safeguards as Queenslanders who are in receipt of specialist disability supports funded by the department. The second objective of the bill is to provide the department with the necessary powers to monitor the compliance of NDIA non-government service providers and with safeguards to protect NDIS participants receiving disability services.

The third objective of the bill is to provide the department with the authority to request identifiable client information from other Queensland government agencies for the purpose of reconciliation against the National Disability Insurance Agency. The fourth objective of the bill is to ensure the regulatory burden on non-government service providers is limited, as far as possible acknowledging that during the transition period service providers will be required to be registered with the NDIA and meet Queensland's strict quality and safeguard requirements.

People with a disability in Queensland deserve the same safeguards whether their service is delivered by current government funded disability service providers or NDIS non-government service providers. Queensland currently has a robust quality framework and it is essential that people with a disability feel assured that when they choose their provider the provider is delivering services within a vigorous quality assurance context. The Australian government is currently working with Queensland and other jurisdictions to develop a national quality and safeguards framework. However, this will not be finalised before transition commences, so it is appropriate that these amendments be made. I acknowledge the minister's comments that we are very close to achieving that with the NDIA.

To that end, the bill makes a number of amendments to the Disability Services Act. These include expanding the list of disability services under the DSA to include 'another service prescribed by regulation' in order to capture NDIS services that have different terminologies to those used in the DSA. There will be some exemptions including hospital and health boards. I did note a specific reference to Accommodation Support and Respite Services, which will be considered as a disability service provider for the purposes of the DSA until it becomes an NDIS service provider.

A number of people have raised concerns with me in the past 12 months about the government continuing to directly deliver services under the NDIS. The LNP does not believe that this is the core business of government. Whilst not directly related to the bill in a broader sense, there are still questions around competitive advantage of government provided NDIS services over other service providers and the sustainability of a service that is more expensive to purchase without top up from the state government. How will the government explain to participants that they cannot continue to receive government provided accommodation support and respite services because the NDIS pricepoint does not cover that service? I look forward very much to receiving a briefing from the minister on that matter.

The bill also makes amendments to extend the definition of 'funded service provider' to include a 'service provider that provides disability services prescribed by regulation to a participant under the participant's plan'. Importantly this amendment allows for complaints about services delivered by NDIS non-government providers to be made to the chief executive. It also extends the application of the restrictive practices framework to NDIS non-government providers.

There are quite diverse views about restrictive practices and that was certainly reflected in the submissions. In 2003 the LNP introduced the Disability Services (Restrictive Practices) and Other Legislation Bill. This went a long way to contemporising the restrictive practices framework by giving clarity to the purposes of restrictive practices whilst acknowledging that we are in a time of significant change as we move to the NDIS and with the knowledge that a national regulation of restrictive practices was to be developed.

Within that bill safeguards were put in place for clients by emphasising the need for a positive behaviour support approach, having a principle that restrictive practices should not be used as a punishment and requiring funded service providers to report on the use of restrictive practices. Importantly, it introduced a requirement for service providers to provide a statement to adults and their families about the use of restrictive practices. With the changes proposed in the bill we are debating today, NDIS non-government providers will also be bound to those practices which I think is extremely important.

Clause 8 in new section 16A gives authority to the chief executive to obtain the criminal history of people engaged by NDIS non-government service providers to ensure that people with disability know that the service they are receiving is being delivered by a suitable person. This criminal history check does not include participants of the scheme who self-manage their package.

In order to be able to monitor the safety and compliance of NDIS non-government service providers, the bill also introduces a new part which gives monitoring powers to authorised officers of the department. It is appropriate that in circumstances where there is serious concern about the safety and wellbeing of a person authorised officers can obtain the relevant information and documents they need, as well as power of entry if they are investigating matters involving abuse, neglect and exploitation. I do note that the NDIA will have enforcement responsibility on referral from the department.

Whilst the overwhelming majority of disability service providers deliver quality, compassionate services, it is important that new entrants to the market understand that the community has an

expectation that the best interests of the person with a disability sits central to the delivery of those services and that there will be no tolerance at all for those who do not uphold those principles.

It will be incumbent on the government to ensure that there is adequate resourcing for the department to deliver the compliance monitoring operations. This is just too important a function to have to absorb from existing resources, so I trust the minister has already spoken to the Treasurer about that funding, because it will be required to implement the process within the department.

The bill also makes amendments to the DSA for the sharing of information between government departments for auditing purposes so that Queensland does not suffer financial impact. There are several other acts too that are amended in the bill. Amendments to the Powers of Attorney Act 1998 will expand the definition of a personal matter so that a substitute decision-maker can be appointed to include services provided to a principal—that is, the person receiving the supports. Amendments to the Public Guardian Regulation 2014 inserts a number of new definitions including expanding the definition of a visitable site. Visitable sites include places other than private dwellings where adults with impaired capacity who are funded by the NDIS live. The expansion of the definition was strongly supported by submitters.

The amendment to the Coroners Act extends the definition of 'death in care' so the coroner has the ability to investigate the deaths of participants if they live in residential services or they receive funding under the NDIS participant plan. The Public Advocate saw this as an opportunity to identify and analyse emerging issues and/or trends to assist with the development of initiatives to ensure that recurrences of similar instances are avoided and it encourages the continuous improvement of current systems. There are also amendments to the Guardianship and Administration Act 2000 and the Working with Children (Risk Management and Screening) Act 2000.

The National Disability Insurance Scheme is dedicated to the vision of a community that values people with disabilities. The NDIA on their website say that the community as a whole benefits from inclusive arrangements, not just people with disability. In the broader sense, inclusion can enhance Australia's social capital by engaging more people within the community and, through that, better reflecting the community's diversity. I could not agree with those sentiments more.

Earlier I mentioned Your Life Your Choice. Mr Deputy Speaker, I cannot tell you how heartening it has been over the last few years to hear the stories of how having choice and control of their support packages has made such a difference in the lives of people with a disability. I wish to share a little story. In fact, it was probably this story that cemented my very early commitment to the NDIS and the determination to enable people with a disability to have choice and control of their supports when and where they choose.

It is the story of a woman in her 30s whose significant physical disability confined her to a wheelchair. She is a bright, gregarious and well-educated woman. She has her own business. This lady lives independently in her own home and it is equipped so that she is able to complete most daily living tasks without support. Having that independence is very important to her and living what we see as an ordinary life is also very important to her. However, one of the things that she was unable to do without support is to put herself to bed. She relies on a support worker to come in and assist her with that task. The problem was that, in the absence of having choice and control over purchasing her supports, she was receiving assistance when the service provider could schedule her in. This meant that at six o'clock at night she was assisted into bed and at seven o'clock the next morning she was assisted out. All she wanted was to have the ability to engage a provider who would come at a time of her choosing so that she was not forced to spend 13 hours a day, seven days a week in bed because that was all that was on offer to her under block funding arrangements.

This is an example of what we in the broader community often take for granted, but for people with a disability this significantly inhibits their ability to determine the course of their daily life. If we are truly committed to the notion of people with disability living the life that they choose, then having options to do that, even for what we might see as simple things like choosing what time we go to bed, can be achieved under an NDIS because participants are in control of their support packages.

In closing, I would like to thank all of those who made submissions: the Public Advocate, QAI, QDN, the Queensland Law Society and National Disability Services. I would also like to thank the committee members for their examination of the bill.

Today, the Premier announced that she had finally signed a bilateral agreement. We assume it is the agreement that was offered by the federal government late last year. On a day that should be bipartisan, a day that people with a disability have waited for, it was disappointing that the Premier chose to use the occasion to accuse the federal government of playing politics. Rick Morton, the social affairs writer with the *Australian*, tweeted today—

QLD playing poor politics on NDIS signing. Wanted changed \$ terms, bilat delayed. Now signed, they put out release before feds have signed.

I ask: who, in fact, is playing politics? Disappointingly, this appears to be the manner in which this government does business. It makes an announcement and sends out a media release before an agreement is confirmed by both parties. Then it engages in the blame game. Queenslanders with disability, their families and their carers deserve better than that on a day like today. The LNP has always supported the NDIS—and continues to—because it is the right thing to do, and we strongly believe that Queenslanders with disability should have every opportunity to live the life they choose.