




Speech By
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MEMBER FOR SOUTHERN DOWNS

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DISABILITY SERVICES AND OTHER LEGISLATION (NDIS) AMENDMENT BILL

 **Mr LISTER** (Southern Downs—LNP) (12.45 pm): I, too, rise to make a contribution to the debate on the Disability Services and Other Legislation (NDIS) Amendment Bill 2019. I would like to thank the committee members who conducted an inquiry into this quite detailed bill: the members for Nudgee, Currumbin, Maryborough, Pumicestone, Cairns and Hinchinbrook. The objectives of the bill are to: ensure that Queensland has made all urgent and critical amendments required to support the commencement of the operation of the NDIS commission from 1 July 2019; ensure that the Disability Services Act 2006 operates in conjunction with the Commonwealth legislative framework to provide a strong quality and safeguards framework, in particular in relation to the authorisation of restrictive practices and worker screening; ensure that existing quality and safeguards under the Disability Services Act continue to apply to disability services currently regulated under the Disability Services Act that will be outside the NDIS; strengthen the operation of Queensland's disability worker screening system—the yellow card system—during the transition to new NDIS worker screening; amend the Coroner's Act 2003 to ensure that the deaths of certain NDIS participants must continue to be reported to the State Coroner; amend the Public Guardian Act to ensure that community visitors must continue to visit visitable sites where certain NDIS participants are in order to protect participants' rights and interests; and enable appropriate information sharing to occur with the NDIS commission to assist with the performance of the NDIS commissioner's functions under the NDIS Act.

To give effect to Queensland becoming a participating jurisdiction from 1 July 2019, it is important to ensure that Queensland has the necessary legislative framework in place to support the operation of the NDIS Quality and Safeguards Commission. This bill progresses urgent and critical amendments to reflect the new roles and responsibilities under the NDIS Quality and Safeguards Framework from 1 July 2019, including ensuring the framework for the use of restrictive practices as well as a worker screening system for people working and volunteering with people with a disability.

During the transition, Queensland's quality and safeguards continue to apply to NDIS registered providers. The jurisdiction of the NDIS Quality and Safeguards Commission will commence from 1 July 2019. That means that the NDIS Quality and Safeguards Commission will have the responsibility for the oversight of registered NDIS providers. The NDIS commission will register providers in Queensland and apply its monitoring, enforcement and complaints powers to those providers. Queensland will remain responsible for implementing some components of the NDIS Quality and Safeguards Framework, included administering a worker screening system, authorising the use of restrictive practices, and operating a community visitor function.

Queensland will continue the operation of the NDIS worker screening check following the finalisation of national negotiations of detailed policy documents referred to under the IGA and the passage of legislative amendments to support the implementation of the IGA. In the meantime, Queensland will retain its screening process under the yellow card system as prescribed by the Disability Services Act 2006.

The bill will progress changes to expand the range of offences that will automatically disqualify a person from being able to hold a yellow card. Consistent with the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, the bill includes the offences of bestiality, kidnapping of a child, kidnapping for ransom of a child, child stealing and abduction of a child under 16.

The offences of abduction, child stealing and kidnapping will only be treated as disqualifying if the context in which the offence was committed was not familial. The bill amends the term 'visitable site' in the Public Guardian Act 2014 and 'death in care' in the Coroners Act 2003 to ensure that both the community visitor program and coronial inquests of deaths in care target the most vulnerable NDIS participants in receipt of supports and services from registered NDIS providers providing specified categories of high-intensity supports.

The bill also amends the Disability Services Act 2016, the Public Guardian Act 2014 and the Coroners Act 2003 to ensure that information, including confidential information, may be shared or requested from the NDIA or NDIS commissioner. This will enable the commissioner, the Public Guardian and the State Coroner to perform their relevant functions. Those two were among the matters that attracted the most interest from submitters to the committee.

The Office of the Public Guardian argued that while the new definition proposed under the bill is generally supported by the OPG, its placement within the main body of the act rather than within the regulation is not supported as it limits flexibility to change. Concerns were raised about the narrowing of the definition of where a death is a death in care. The exclusion of deaths in private dwellings or aged-care facilities was argued not to be appropriate and that these deaths should remain encompassed in the jurisdiction.

This bill is a sensible and necessary step to enable Queensland's participation in the NDIS scheme and the LNP will be supporting the bill. It is crucial that no Queenslanders living with a disability is made worse off by their transition away from state arrangements to the NDIS and this bill will help to ensure that Queensland's accountability frameworks remain in place as the transition continues.

Unfortunately, the Labor government has put Queenslanders living with disability at a disadvantage because of its past incompetence and neglect. During the 2018-19 budget estimates questioning it was revealed that hundreds of NDIS letters had been sent to deceased Queenslanders in December 2017. This was a gross oversight and it led to a great deal of trauma and angst on the part of their families. This has led to issues of transition that Labor are not addressing. These include people being at risk of homelessness due to not being able to secure NDIS or state funding in time and services, such as the Queensland Narrating Service, no longer being funded and being at risk of closure.

The Palaszczuk Labor government decided to cut the Taxi Subsidy Scheme on 30 June making it the only state to do that to its scheme. Other states have delayed cutting their equivalent of the TSS while those living with disability continue to transition to the NDIS. We know that the government at the final hour decided to save the system, which is something that we commend, but it shows a bit of a tin ear to the needs of people who require support for their disability in order to get around. There are a number of people in my electorate who came to me who were very frightened indeed about that announcement. It was difficult to assure them that they would not be disadvantaged in the process. The TSS provides half of the cost of a taxi up to the maximum subsidy of \$25 per journey, as well as a \$20 lift payment to drivers of wheelchair accessible taxis. The axing of the scheme coincided with Queensland's NDIS rollout even though the NDIS does not replicate the subsidy and every other state has agreed to maintain their own subsidy schemes.

Labor is mismanaging the transition to the NDIS and it is Queensland's most vulnerable who are paying the price for that. In May 2018 the Queensland Audit Office tabled a report on how effectively the Queensland government is managing the transition to the NDIS and how well prepared it is to oversee services after the transition. It was found that fewer than 60 per cent of all people eligible for the National Disability Insurance Scheme in Queensland were likely to be in the program by the time it reaches full rollout. Notably, Queensland is locked into paying its full \$2 billion-a-year commitment regardless.

In my own electorate of Southern Downs a number of very distressed people were being supported by the Darling Downs Hospital and Health Service, who took on the role as an NDIS provider but have decided to withdraw from that because they feel that they cannot make it work. The QAO report states that if Queensland is unable to renegotiate its current commitment to contribute \$2.03 billion upon full scheme implementation, this would see the state's contribution to each participant's plan increase on average from the planned \$22,500 to \$39,700. Where is that money going to come from? We are talking about big bucks here. It is another example of poor management.

In May 2013 the LNP signed up to the NDIS with the Gillard government. We have a proud history of preparing for it, of making sure that when we were in power the necessary steps were being taken to make sure that the transition would go smoothly, including allowing clients in Queensland to have the same discretion of using their funding as they would under the NDIS. I pay tribute to the former minister Tracy Davis for that work. I commend the bill to the House.