




Speech By
Leanne Linard

MEMBER FOR NUDGEE

Record of Proceedings, 11 June 2019

DISABILITY SERVICES AND OTHER LEGISLATION (NDIS) AMENDMENT BILL

 **Ms LINARD** (Nudgee—ALP) (11.45 am): I rise to speak in support of the Disability Services and Other Legislation (NDIS) Amendment Bill 2019. This bill was referred to our committee, the Education, Employment and Small Business Committee, by the CLA, and it was a pleasure to play a small part in its progression through the House. While fairly technical in nature, this bill is the next important step in transitioning Queensland to the National Disability Insurance Scheme, a scheme that will change the way that disability services are funded and delivered—a social reform the likes of which we have not seen since the introduction of Medicare and compulsory superannuation, both of which equally sought to give peace of mind that vital services and income would be there when people needed them most.

Since July 2016, transitional arrangements for the NDIS have been implemented in Queensland under a bilateral agreement between the Queensland and the Commonwealth governments. The bill is designed to implement the urgent amendments necessary to facilitate Queensland becoming a participating jurisdiction in the NDIS in July 2019. In practical terms, this means that from 1 July this year responsibility for providing disability services, including funding, will move from the Queensland government to the NDIS. To manage service delivery from 1 July, the NDIS Quality and Safeguards Commission will commence operation in Queensland, and the amendments before us provide the necessary legislative framework to support the operation of that Commonwealth commission in our jurisdiction.

The bill seeks to ensure harmony between our state based Disability Services Act 2006 and the Commonwealth legislative framework to provide a strong quality and safeguards framework, particularly in relation to the use of restrictive practices and worker screening. In addition, the bill amends the Coroners Act 2003 to ensure reporting of deaths of certain NDIS participants to the coroner and the Public Guardian Act 2014 to ensure community visitors can monitor services delivered to vulnerable people with disability.

During our bill inquiry, the Department of Communities, Disability Services and Seniors explained to the committee that significant detail on the administration of the NDIS Quality and Safeguarding Framework that supports the scheme is contained in the Commonwealth NDIS rules. Two are of particular relevance to the bill: the NDIS (Practice Standards—Worker Screening) Rules 2018 and the NDIS (Restrictive Practices and Behaviour Support) Rules 2018. These rules set out the national requirements for NDIS service providers in relation to worker screening and restrictive practices.

Submissions received by the committee raised a number of issues in regard to these rules. The first of these is the use of restrictive practices. The definition of 'restrictive practice' includes the containing or secluding of an adult; using chemical, mechanical or physical restraint; or restricting access of the adult. Queensland Advocacy Inc. and Queenslanders with Disability Network in their submissions set out their support for a consistent national framework that aims to eliminate the use of such practices. The Commonwealth, states and territories have agreed that states and territories will regulate the requirements for NDIS providers who use restrictive practices until a nationally consistent approach is developed. I believe this is definitely the best course of action.

Submitters also raised concerns in regard to the narrowing of the scope of the amended definition of 'death in care' contained in the bill. The Department of Justice and Attorney-General, which has responsibility for amendments to the Coroners Act 2003 contained in the bill, advised that the relevant classes of support that apply to the definition of 'death in care' align with the support and care arrangements that would have been captured under the original—pre-NDIS—scope of a coroner's jurisdiction for deaths in care. The committee noted both stakeholder concerns about the proposed definition of 'death in care' and comments made by the Public Advocate about public confusion among service providers about when a death must be reported to the coroner in our report, and raised the value of continuing consultation and education with service providers in this regard.

Submitters raised similar concerns about the proposed definition of 'visitable site'. The Queenslanders with Disability Network and the Office of the Public Advocate were concerned that the proposed definition of 'visitable site' may lead to fewer protections and safeguards for vulnerable people. The department advised that the classes of support contained in the bill broadly align with the types of support and care arrangements that would have been captured under the original pre-NDIS scope of a visitable site. The department further advised there is continuing flexibility to prescribe other places as visitable sites should the need arise. I thank the minister for her comments with regard to the issues that were raised during our consultation.

The transition to full implementation of the NDIS is not without its complexities. Questions such as the estimated number of people who will receive NDIS funding and their needs is not known, as eligibility is broader than the previous state funding model. Also, the intergovernmental agreement for full scheme operation is currently being negotiated and agreement with some Commonwealth NDIS rules has not been finalised. How the service provider market will respond to emerging consumer needs under the NDIS is still evolving. Undoubtedly, the National Disability Insurance Scheme is a complex national regulatory system and the transition process itself is complex, but we are committed to ensuring a smooth transition to ensure its success. Queenslanders with disability deserve services that continue to be subject to a robust quality and safeguards framework. This bill seeks to achieve that.

I would like to take this opportunity to acknowledge and thank the minister and her department for their assistance during our inquiry and for their management of this complex transition process. I know they have been working incredibly hard. I think they are the unsung heroes of this complex process, so I thank them very much. I also acknowledge my fellow committee members: the deputy chair and member for Currumbin; my colleagues the members for Maryborough and Cairns; and the members for Hinchinbrook and Pumicestone for their contributions during the committee inquiry, as well as our committee secretariat and Hansard. The committee made one recommendation: that the bill be passed. I commend the bill to the House.