




Speech By  
**Michael Crandon**

**MEMBER FOR COOMERA**

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## **DISABILITY SERVICES AND OTHER LEGISLATION (NDIS) AMENDMENT BILL**

 **Mr CRANDON** (Coomera—LNP) (3.23 pm): I rise to make a contribution to the debate of the Disability Services and Other Legislation (NDIS) Amendment Bill. We on this side of the House do not oppose the bill. That is in line with the committee position in that the committee made one recommendation: that the bill be passed. The objectives of the bill are, among other things, to: ensure that Queensland has made all urgent and critical amendments required to support the commencement of the operation of 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 DSA continue to apply to disability services currently regulated under the DSA that will be outside of 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 Coroners 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 2014 to ensure that community visitors, adult and child, must continue to visit visitable sites where certain NDIS participants are in order to protect the 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.

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

During transition, Queensland's quality and safeguards continue to apply to NDIS registered providers. From 1 July 2019, the jurisdiction of the NDIS Quality and Safeguards Commission will commence. This 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 power to those providers.

Queensland will remain responsible for implementing some components of the NDIS Quality and Safeguarding Framework, including administering a worker screening system, authorising the use of restrictive practices and operating a community visitor function. Queensland will commence operation of the NDIS worker screening check following the finalisation of national negotiations of detailed policy documents referred to under the intergovernmental agreement 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 progresses 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 support and services from registered NDIS providers providing specific categories of high-intensity support. The bill also amends the Disability Services Act 2016, the Public Guardian Act 2014 and, as I mentioned earlier, the Coroners Act 2003 to ensure that information, including confidential information, may be shared with or requested from the NDIA or the NDIS commissioner. This will enable the commissioner, the Public Guardian and the State Coroner to perform their roles and functions.

As noted earlier, the Education, Employment and Small Business Committee recommended that the bill be passed. Six stakeholder submissions were received indicating broad support for the bill; however, issues were raised with changes in the definition of 'visitable site' and how deaths in care are reported. A key change proposed in the amendment relates to the definitions of 'visitable site' and 'death in care'—places where community visitors visit and places where if a death of a person occurs it is reported to the Queensland Police Service or the State Coroner.

Queenslanders with Disability Network and the Public Advocate are concerned that these amendments and the use of these definitions of the relevant class of supports may not cover all of the people intended and that potential issues may arise because of the lack of working operational definitions of these NDIS supports and the interpretation of the class of supports. The Office of the Public Guardian argues 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 regulations is not supported as it limits flexibility to change.

Concerns were also raised about the narrowing of the definitions of when a death is a death in care. The exclusion of deaths in private dwellings or aged-care facilities was argued to not be appropriate and that these deaths should remain encompassed in this jurisdiction. I do hope that the minister takes those concerns on board. I note also that there is a statement of reservation by the deputy chair, the member for Southern Downs, and the member for Lockyer in relation to those concerns.

Overall this bill is a sensible and necessary next step in Queensland's transition to the National Disability Insurance Scheme. It is crucial that no Queenslanders living with a disability is made worse off as a result of the transition to the NDIS, and this bill will help to ensure that Queensland's accountability framework remains in place as the transition continues. Unfortunately, the Palaszczuk Labor government has put Queenslanders living with disabilities at risk time and time again with its incompetence and neglect.

During 2018-19 budget estimates questioning it was revealed that hundreds of NDIS letters had been sent to deceased Queenslanders in December 2017—a gross oversight that led to trauma for the loved ones of the deceased. Estimates also confirmed a two-year gap in cabinet briefings of any NDIS updates. This has led to issues of transition that Labor is not addressing. These include people being at risk of homelessness due to being unable 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 had also previously decided to cut the Taxi Subsidy Scheme on 30 June, making it the only state to do so at that time.

In May 2013 it was the LNP that signed the agreement with the Gillard government to implement the National Disability Insurance Scheme in Queensland. We announced an \$868 million commitment as part of the NDIS implementation. In 2014-15 there was a \$1.46 billion budget for Disability Services in Queensland, a record budget at that time after inheriting a severely underfunded disability services budget from the Bligh Labor government. The LNP successfully backed a call by 13 disability organisations for the Palaszczuk Labor government to reverse its cold-hearted decision to scrap the Taxi Subsidy Scheme for people with disabilities. That decision has now been delayed by 12 months.

I note that other jurisdictions are continuing their own taxi subsidy schemes beyond the 12 months—in fact, some of them as a permanent feature. An estimated 10,000 Queenslanders would have lost access to low cab fares if the scheme had been axed for Disability Insurance Scheme participants from 30 June. It is disgraceful that the Palaszczuk Labor government tried to play politics with this issue and blamed the Morrison federal government. The NDIS was meant to make people with disabilities more independent, but the Palaszczuk Labor government's threat to axe the Taxi Subsidy Scheme would have done the exact opposite.