



ATSIDNQ

Aboriginal & Torres Strait Islander
Disability Network of Queensland

Reshaping the Disability Services Act 2006

Aged and Disability Advocacy Australia (ADA Australia) and the Aboriginal and Torres Strait Islander Disability Network of Queensland (ATSIDNQ) have prepared a joint response to the discussion paper *Reshaping the Disability Services Act 2006*.

About ADA Australia

Aged and Disability Advocacy (ADA) Australia is a not-for-profit, independent, community-based advocacy and education service with more than 25 years' experience in supporting and improving the wellbeing of older people and people with disability.

ADA Australia provides advocacy support to recipients of Queensland Community Care Services and Commonwealth funded aged care services. ADA Australia has also recently been successful in tendering for the delivery of the National Disability Advocacy Program (NDAP) in the Gold Coast and Fitzroy regions.

ADA Australia has an established Human Rights Service which supports people with a decision-making disability and people aged over 65 years, to express their views, wishes and preferences at the Queensland Civil and Administrative Tribunal (QCAT) and in relation to guardianship, administration and Enduring Power of Attorney matters.

Headquartered in Brisbane, ADA Australia has regional offices in Cairns, Townsville, Rockhampton, Bundaberg, Toowoomba, Sunshine Coast and the Gold Coast and is active in providing advocacy services in metropolitan, regional, rural and remote communities across Queensland.

ADA Australia also provides the auspice for the Aboriginal and Torres Strait Islander Disability Network of Queensland (ATSIDNQ).

About the ATSIDNQ

The ATSIDNQ a growing network of over 800 Aboriginal and Torres Strait Islander people with disability, their families, carers and supporters. The Network offers a culturally safe space for members to connect, share and raise awareness of issues they are facing. The Network gives members the opportunity to celebrate their strengths, share their stories and contribute to the conversation about disability in positive ways.

Part A- Suggestions for a new disability legislation

1. Should we make our disability principles like those listed in the United Nations Convention of Rights of Persons with Disabilities (UNCRPD)?

ADA Australia and the ATSIDNQ consider it essential that any disability principles adopted in Queensland be aligned with the UNCRPD.

It is also noted that section *Guardianship and Administration and Other Legislation Amendment Bill 2018*, currently before Parliament, includes a set of principles aligned with the UNCRPD. These principles may be applicable to the reviewed Disability Services Act.

2. Should we include specific principles to recognise the needs of different groups of people with disability (e.g. Aboriginal and Torres Strait Islander people, people from culturally and linguistically diverse backgrounds, LGBTQI+ people, women and children)?

ADA Australia and the ATSIDNQ recommend that the needs of different groups of people with disability be recognised within the disability principles. These groups should include:

- Aboriginal and Torres Strait Islander people
- People from culturally and linguistically diverse backgrounds
- LGBTQI+ people
- People who live in rural and remote areas
- People with a mental health condition
- People with a cognitive disability.

It is suggested that these groups could be recognised as experiencing multiple disadvantage/discrimination in a similar manner to how women and children are recognised in Article 6 and 7 of the UNCRPD.

3. Should we have a Charter of Disability Rights in the Laws?

ADA Australia and the ATSIDNQ are not opposed to the development of a Charter of Disability Rights. In ADA Australia's experience, the *Charter of Care Recipient Rights and Responsibilities* under the *Aged Care Act 1997*, has been a valuable tool for empowering aged care consumers and holding aged care service providers accountable. However, ADA Australia and the ATSIDNQ suggest the introduction of a Human Rights Act in Queensland would reduce the need for a Charter of Disability Rights.

4. Although the Government has developed a State Disability Plan (All Abilities Queensland) should the laws require the Queensland Government to continue to develop a State Disability Plan?

ADA Australia and the ATSIDNQ are supportive of laws requiring the Queensland Government to continue to develop a State Disability Plan.

5. In addition to Queensland Government Departments, should laws require other government bodies (e.g. statutory authorities) to develop disability service plans?

Yes, ADA Australia and the ATSIDNQ recommend that other government bodies be required by law to develop disability service plans.

ADA Australia and the ATSIDNQ recommends that the State Disability Plan clearly outline the roles and responsibilities of all mainstream service delivered to people with disability including, mental health, health care, aged care, education, transport, housing and justice services.

The overlap between the NDIS and mainstream services needs to be acknowledged and more finely tuned, so that people with disability are not excluded from receiving essential services.

6. Should laws require the Queensland Government (and any other bodies required to prepare disability plans) to consult with people with disability when preparing the plans?

Yes, ADA Australia and the ATSIDNQ consider it essential that people with a disability be engaged in the development **and the monitoring of outcomes** against Queensland government disability service plans. Consumer engagement should include representation from different groups of people with disability including Aboriginal and Torres Strait Islander People.

7. Should laws require the Queensland Government (and any other bodies required to prepare disability plans) to report on what the plans achieve?

ADA Australia and the ATSIDNQ recommend the Queensland Government (and any other bodies required to prepare disability plans) be required by law to report on outcomes achieved against disability plans.

As part of this requirement, disability plans should include Key Performance Indicators (KPIs) featuring measurable deliverables. Achievements against the KPIs should be monitored independently and made publicly available.

8. Should laws require the Queensland Government to collect information on how people with disability use mainstream services.

ADA Australia and the ATSIDNQ recommend that the Queensland Government collect data on how people with disability **access and use** mainstream services. This information may help identify barriers to access and help inform the development of disability action plans and associated KPIs.

9. Should laws set out requirements for how members of disability advisory committees are appointed, including specific attributes needed for a person to become a member?

Yes, ADA Australia and the ATSIDNQ are supportive of this suggestion and are hopeful that this legislative requirement will allow for a more transparent selection process.

ADA Australia and the ATSIDNQ also suggest that the legislation require advisory committees to be representative of the following groups of people with disability:

- Aboriginal and Torres Strait Islander people
- People from culturally and linguistically diverse backgrounds
- LGBTQI+ people
- People who live in rural and remote areas
- People with a mental health condition
- People with a cognitive disability.

10. Should laws set out functions of disability advisory committees (for example, the Queensland Disability Advisory Council)?

Yes, ADA Australia and the ATSIDNQ recommend the functions of disability advisory committees be detailed in the legislation.

It is suggested that one of the key functions should be ensuring the diverse views and wishes of people with disability are represented in discussions and planning. This will require the promotion of clear communication pathways between advisory committee members and the broader disability community.

Part B- Worker Screening

1. Should we expand the scope of NDIS worker screening so that people working with unregistered providers must get clearance?

ADA Australia and the ATSIDNQ recommend unregistered providers be made subject to NDIS worker screening requirements. We consider this requirement to be important in the safeguarding of vulnerable people with disability.

ADA Australia and the ATSIDNQ would not like to see workforce screening requirements impact on the growth of the disability workforce and suggest that the application process be made straightforward and affordable for individuals.

2. Should we adopt a ‘no card, no start’ approach to allow people to start working with people with disability while their application is being processed.

ADA Australia and the ATSIDNQ are supportive of people commencing work whilst their workforce screening application is being processed; provided the application process is timely and workers are subject to monitoring and supervision as an interim measure.

ADA Australia and the ATSIDNQ are concerned that a ‘no card, no start’ approach may delay access to much needed supports particularly in rural and remote regions where the pool of available disability workers is limited.

3. How should the NDIS worker screening system interact with other screening systems in Queensland?

ADA Australia and the ATSIDNQ recommend the process for screening workers in the aged care, disability and child sectors be compatible.

ADA Australia and the ATSIDNQ note that the aged and disability sectors are increasingly sharing a workforce. This is particularly the case in rural and regional areas where recruitment options are limited. A compatible and streamlined employment screening process would aid recruitment processes, reduce compliance costs and support the increased availability of a “safe and screened” workforce.

ADA Australia and the ATSIDNQ suggest there is a clear need for legislation that supports compatible cross sector workforce screening. At a minimum, screening arrangements must be mutually recognised.

Contact ADA Australia

Thank you for the opportunity to provide input into the *Reshaping the Disability Services Act 2006* consultation. Should you have any queries regarding the content of this submission, please do not hesitate in contacting ADA Australia’s Chief Executive Officer, Geoff Rowe on (07) 3637 6000 or Geoff.Rowe@adaaustralia.com.au.