

Legislative Council

Hansard

Thursday 15 August 2024

The President, Mr Farrell, took the Chair at 11 a.m., acknowledged the Traditional People and read Prayers.

[excerpt...]

DISABILITY INCLUSION AND SAFEGUARDING BILL 2024 (No. 29)

Second Reading

[12.03 p.m.]

Ms WEBB (Nelson) - Mr President, I am very happy to speak on the Disability Inclusion and Safeguarding Bill 2024 and look forward to hearing contributions from other members. I appreciated the minister's second reading speech and the detail it contained. There has been an extensive effort from community stakeholders, in particular Tasmanians with disability and disability service providers, to provide input, expertise and guidance in shaping this bill.

It is clear a great deal of thought and care has gone into this bill, which represents a significant step forward in establishing a framework to protect, promote and fulfil the rights of Tasmanians with disability, including the right to access services and to drive greater inclusion in our state. It will also put arrangements in place to manage and monitor the use of restrictive practices in the context of disability care in a considerably more accountable way. However, there is more to do on that front, which I will mention later.

The minister has mentioned some of the context in recent years in which this bill has been developed. Things that have been quite significant in terms of the life of people with disability and our broader community, the NDIS, with all the opportunities it has provided, along with all the ongoing challenges it still faces and the things we grapple with to make that yet more functional and a better platform for supporting people in our community. There is also the Royal Commission into Violence, Abuse, Neglect, and Exploitation of People with Disability, with its recommendation signposting a great deal of work needed at both the state and federal levels. In this context, we see this bill put forward as an effort to improve considerably on our previous Disability Services Act, which was no longer fit for purpose and needed to be brought into a modern context.

Will this bill be the final word on the changes and reforms needed? It certainly will not be and none of us is expecting it to be. I think there is a well-expressed and broad willingness to continue good work in this area under the leadership of the minister and the government, and with the absolute expertise and valuable input of people in the community, Tasmanians with disability, service providers, and those who also care and want to improve this space.

While it will not be the final word on the topic, it is clear to me that we have shifted onto the right track with this bill. There is a commitment and intention to continue to progress down this positive path with further reforms and developments yet to come, including the minister indicating and responding very positively to a request for a more specific review time frame for this bill, which is incredibly important to have that confidence for the people in the

community that we will be taking a look and seeing how things are going not too far down the track. It is a really good approach to continuous improvement and allows for people to take a breath and feel confident that we are on our way, but it is not the end point yet. I commend the minister for her demonstrated commitment to that.

We all want to live in a Tasmania where the rights of people with disability are protected, promoted and fulfilled, and where they are free from violence, abuse, neglect and exploitation. This should not be a lofty, pie-in-the-sky aspiration for our state, but rather it should be the basic minimum, the foundation on which we build full inclusion for all Tasmanians, including Tasmanians with disability, equal access to services and support across our community, and alongside that, equal access to opportunities and success. This bill represents the determination for us to build that foundation of rights, inclusion, and safeguarding to ensure that Tasmanians with disability have the opportunity to enjoy all those key aspects of a good life that we all aspire to.

It will be no surprise to members to hear me praise and celebrate any instance in which we acknowledge fundamental human rights and embed those rights more firmly in our lives and our governance in this state. I will always take the opportunity to point to the need for this state to have a human rights act to form the basis on which we protect, promote and fulfil the human rights of all Tasmanians and which our nation has signed up to under various UN conventions and instruments. The call for a human rights act will only grow stronger. Indeed, in May this year, we saw the Tasmanian Law Reform Institute publish an update to its original 2007 report examining the proposal for a Tasmanian charter of rights or human rights act. That update reiterates the original recommendation for a charter or act to be established in the state, outlines the elements that should be covered in such an act, and encourages us to do so.

However, as we wait and we work towards what I believe is an inevitable step, it is important that we take every opportunity to progress a rights-based approach in any other relevant areas that present themselves. This bill has certainly been a good opportunity to do that. I congratulate the minister again and those stakeholders who have worked together to bring that further to the forefront in this bill. It is really pleasing to see that and must be commended.

I appreciate that this bill presents a strategic and purposeful approach to embedding inclusion into the fabric of our state authorities and entities through mandating a regimen of disability inclusion planning under the advice of the disability inclusion advisory council. The success of these efforts to drive tangible change will remain to be seen as they are established and given effect over time. I hope they will assist in directly combating the discrimination and exclusion that we know is still far too common in our community and our institutions, and help to drive positive cultural change. I note that advocates and stakeholders will point out that inclusion is an outcome that we are looking to achieve and that fundamental to achieving that outcome is a rights basis, with human rights being respected and protected, and having government work in partnership with people with disability in order to claim and hold those rights, and realise the outcome of inclusion.

The bill also legislates the office of the disability commissioner - finally. While this commitment was made in 2021, and we have had someone appointed to the role for a couple of years now, there has been no legislative basis providing for its functions and powers. This is the culmination of years and years of advocacy. I recall from my time working at the Tasmanian Council of Social Service (TasCOSS), which is 10 to 15 years ago, that we in the community services sector were advocating for the establishment of a disability services commissioner. Those calls were also probably being made for years before that. I cannot tell

you how pleasing it is to see this finally achieved. I congratulate the minister on that. It has been a long road.

The disability commissioner will provide pivotal leadership. The role will also provide monitoring and reporting, backed up by powers to undertake those functions. I think it is essential that the bill includes the requirement it does, which is that the disability commissioner be a person with disability, and that anyone who steps into the acting role is also a person with disability. This highlights that a person with direct lived experience belongs in that role, can provide leadership and will be a role model for others to show what can be achieved in terms of that leadership. I welcome that especially.

Another role established in the bill is that of the senior practitioner for oversight of the use of restrictive practices. My understanding is that this strengthens an existing role. It is crucial for greater protection and accountability in this highly problematic space. I think we have a lot more work to do when it comes to how we deal with restrictive practices.

I do not necessarily think that the issue of restrictive practices belongs in a bill about inclusion and rights but I understand why it is sitting here. I appreciate the minister taking quite a bit of time to go over the detail in this area in her second reading speech. Restrictive practices are not well understood in the general community but they are relevant in a whole range of settings, not just in the disability space but also in aged care, health care, mental health care and even our education settings. The area of restrictive practices is high-risk for breaches of human rights and abuse. It is something we need a comprehensive approach to managing in this state. I anticipate that, while this bill makes improvements in the disability area and restrictive practices, we will be revisiting this topic more holistically, hopefully, in the not-too-distant future. It is only right that we do that.

I know we will delve into the detail of the bill in the committee stage. I am anticipating we will progress to that point. I know the minister has some very positive further amendments to present on the bill. I welcome them and I thank the minister for her dedication to being open, listening to stakeholders and working collaboratively with them to continue adjusting this bill in positive ways. I have flagged with members that I am likely to move a small number of amendments. I believe these amendments are in keeping with the principles and intent of the bill overall. They were discussed in briefings we had with stakeholders this morning, alongside some of the other changes we are looking to make to the bill.

This is an important bill, a bill with consequences. I restate my support for it. It is a firm step forward and has come about under the leadership of a minister who clearly understands and is engaging purposefully in this space. That is admirable. It is not an end point. There is much work still to do and we will need to carefully assess how the reforms in the bill translate into practice and delivery of outcomes. It is particularly pleasing that we have the review locked in for the near future. We will have that opportunity to make an assessment in a formal way to guide further improvements and point us in the direction of where to next.

Mr President, I welcome and support the bill. It is also pleasing to see feedback circulated from other stakeholders in the community around their appreciation and delight at the arrival of this bill and the way it is been developed and put together. It is particularly nice to see a bill come through this place accompanied by such a lot of good will and engagement. Thank you to the minister and the government for that. I support the bill and I look forward to going into details during that Committee stage, should we get there.