
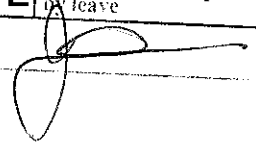


HEALTH AND COMMUNITY SERVICES COMMITTEE
REPORT NO. 42 ON THE
COMMUNITIES LEGISLATION (FUNDING RED TAPE
REDUCTION) AMENDMENT BILL 2014

	Paper No: 5414 T 4674	
	Date: 19/3/14	
	Member: Hon. T. Davis	
<input checked="" type="checkbox"/> Tabled	<input type="checkbox"/> Tabled, by leave	
<input type="checkbox"/> Incorporated, by leave	<input type="checkbox"/> Remainder incorporated, by leave	
Certified Table: 		

QUEENSLAND GOVERNMENT RESPONSE

INTRODUCTION

On 11 February 2014, the Minister for Communities, Child Safety and Disability Services, the Honourable Tracy Davis MP, introduced the Communities Legislation (Funding Red Tape Reduction) Amendment Bill 2014 (the Bill) into the Legislative Assembly.

The Bill was subsequently referred to the Health and Community Services Committee for consideration, with its report (No. 42) tabled on 12 March 2014.

The Queensland Government response to the Report's recommendations is provided below.

Recommendation 1

The committee recommends that the Communities Legislation (Funding Red Tape Reduction) Bill 2014 be passed.

Government response:

The Queensland Government notes the recommendation that the Bill be passed.

Recommendation 2

The committee recommends that the Minister inform the Legislative Assembly what arrangements will be implemented, once section 134 of the Disability Services Act 2006 is repealed, to ensure that there are adequate mechanisms in place to prevent an immediate risk of harm to a person with a disability because of abuse, neglect or exploitation.

Government response: Supported

The Government recognises the importance of safeguarding vulnerable clients and service users with disability. It is committed to ensuring that effective mechanisms and arrangements are in place to enable Government to take quick and decisive action when there are concerns that people using a funded service are being harmed.

Where a person suffers harm because of an act or omission of a funded entity, or there is a serious risk of harm occurring, the Bill enables Government to use its investigative, remedial and enforcement powers.

Specially appointed authorised officers will have strong powers to investigate cases of suspected harm to people. These include being able to enter and search places in

accordance with the legislation, with either the occupier's informed consent; or where it is a public place which is open to the public or carrying on a business; or through a court issued warrant. A court will be able to issue a warrant where it is necessary for officers to enter a place to protect a person from harm or to check compliance with the *Disability Services Act 2006*.

After careful consideration, the Government is satisfied that serious cases of harm can be effectively dealt with through these entry provisions or by seeking police assistance. It is important to note that in urgent circumstances, such as when a person has been seriously injured or is about to be harmed, police can enter a place without consent or a warrant.

Section 134 of the *Disability Services Act 2006* currently allows authorised officers to enter places without consent or a warrant. Entry without these can only occur where an officer reasonably suspects there is an immediate risk of harm to a person and where attempts have been made to obtain immediate entry without using reasonable and necessary force. This creates a high threshold for entry. In practice, the evidence required to meet this threshold is likely to be similar to that needed to obtain a warrant. To date, this special power has never been used by the Department.

As the Public Advocate noted, it can be difficult to uncover the abuse of vulnerable people and people with disability may find it hard to complain. Accordingly, the Department has a number of ways of uncovering abuse. As well as investigations by authorised officers, these include onsite audits of service providers and visits by contract managers. The Department also encourages family members and service staff to raise concerns about the quality of services with the Department. In addition, community visitors regularly visit residential disability services and report any allegations of harm to the Department as well as to other statutory agencies like the Office of the Adult Guardian.

As part of preparing for the implementation of the Bill, the Department will work with the Queensland Police Service and the Office of the Adult Guardian to ensure there are clear protocols in place to enable urgent action to be taken to protect people with disability from harm. These protocols will be in place from the commencement date of the Bill, which is planned for 1 July 2014.

In addition, the Department will ensure that safeguards are maintained to prevent abuse, neglect and exploitation. This includes exploring options to require an abuse, exploitation or abuse policy and procedure as a term in the service agreement and/or as part of the standards required under the Human Services Quality Framework. Currently, under the quality system, service providers are required to maintain certain standards, including standard 4, which specifically deals with safety, wellbeing and rights of clients.

Recommendation 3

The committee recommends that the Communities Legislation (Funding Red Tape Reduction) Bill 2014 be amended to provide that a minister who makes a funding declaration must table a statement in the Legislative Assembly about the declaration.

Government response: Accepted in Principle

The Government acknowledges the desirability of reporting to Parliament about the use of declarations, as these administrative actions decide the Bill's application. Further, involving Parliament in the process supports public confidence in actions taken

by government and provides an opportunity for public scrutiny of decisions made by Ministers.

However, the Government notes the Bill already provides for declarations to be published on government websites. Further, the Bill requires each chief executive to maintain a list of all the declared funding they administer.

The Government proposes to fulfil the intent of the committee's recommendation by the Minister for Communities, Child Safety and Disability Services making a statement to Parliament, on commencement of the Bill, about the programs and other funding which the Minister has declared.

The Minister's declarations and statement will relate to funding administered by the Department of Communities, Child Safety and Disability Services. This department is likely to be the principal user of the Bill.

The Minister will consider making further statements to Parliament from time to time about other declarations. The need for this will be assessed taking into account the number of declarations actually made and noting that their details will already be in the public domain due to the Bill's existing publication requirements.