



## **Tasmanian Council of Social Service**

Submission to the  
Joint Standing Committee on  
Community Development  
*Inquiry into the Principles and Objectives  
that should form the basis of the new  
Disability Services Act*

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Authorised by  
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The Tasmanian Council of Social Service is the peak body for the Tasmanian community services industry and its membership comprises individuals and organisations interested in and involved in the provision of community-based services throughout Tasmania. TasCOSS represents the interests of its members and their clients, largely low income and disadvantaged Tasmanians, to government, other decision-making forums, the public and the media.

TasCOSS welcomes the opportunity to make this submission to the Joint Standing Committee in relation to a new *Disability Services Act*. We know that Tasmanians with disabilities are among the most socially excluded people in this state and that the level and quality of services provided to them can have a profound effect on their quality of life. In 2003 it was estimated that at least 113 000 or around 23.5% of Tasmanians had a disability – the highest rate of disability in Australia.<sup>1</sup>

Australia's ratification of the United Nations Convention on the Rights of Persons with Disabilities imposes the obligation "*To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention*" (Article 4).

Much of what needs to be implemented to give effect to our obligations under the Convention lies outside of the ambit of the *Disability Services Act* and it is for broader human rights and anti-discrimination legislation. It is essential, however, that an Act which regulates the delivery of services to people with disabilities in Tasmania provides the framework that ensures that our disability services uphold the rights and principles outlined in the Convention.

Discussions with our members indicate two main areas of concern in relation to service delivery to people with disabilities in Tasmania; access to appropriate support services and the quality of the services delivered.

#### *Access to appropriate services*

Concerns in relation to the quality of life of Tasmanians with disabilities relate primarily to the absence of appropriate or adequately resourced services to meet their needs. It may be uncommon for an Act of this nature to guarantee access to services, but it would seem that in the absence of such guarantees that even the most progressive legislation will have limited impact on the improving the quality of life of the 113 000 Tasmanians with a disability.

#### *A clearer definition of disability*

One of the key issues in relation to access to disability services is that people with less visible disabilities such as autism and behaviour disorders are being

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<sup>1</sup> Australian Bureau of Statistics (2003) Survey of Disability and Ageing Carers (SDAC), Australian Government Canberra

denied access to support services, despite the fact that they have impairments that meet the *Disability Services Act 1992* definition of a disability. It is suggested that the definition should therefore be amended to provide clarity for service providers and advocates that these less visible disabilities are indeed intended to be covered by the Act and that appropriate support services should be provided.

#### Quality of Services

The Act as it stands is primarily concerned with principles which underpin services and the quality of the services provided. There are a number of areas in which a new Act could be more effective in ensuring quality services.

#### *A Community and Disability Services Commissioner for Tasmania*

Tasmanians with disabilities who have a complaint in relation to services provided by a non-government agency do not currently have recourse to an independent grievance investigation or resolution process. If the service were provided by a government agency, there would be recourse to the Ombudsman. This service is available in other Australian states and its absence in Tasmania is a major gap. The creation of a Community and Disability Services Commissioner who could investigate and resolve complaints by consumers against non-government agencies is fundamental to ensuring quality services for Tasmanians with disabilities. Such a position could be created within the office of the Ombudsman.

#### *An extended Community Visitors Scheme*

The existing Community Visitors Scheme that currently extends to residential mental health facilities and correctional facilities should be extended to include residential services for people with disabilities.

#### *A right to an independent advocate*

A new Act should provide for the right to an independent advocate and for advocates to access clients of disability services, eliminating the need for advocates to be invited into residential and day services.

TasCOSS regret that the short timeframe provided for a response to this inquiry has limited our opportunity to prepare more detailed submission. We look forward to the Committee's findings in relation to this matter.

Yours sincerely

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