

# ANGLICARE

## TASMANIA

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The Secretary  
 Joint Standing Committee on Community Development  
 Parliament House  
 HOBART TAS 7000

7 May 2009

Dear Committee Members,

### **Inquiry into the Principles and Objectives that should form the basis of the new *Disability Services Act***

Anglicare is pleased to have the opportunity to respond to this Inquiry. As a significant provider of disability services it has a long-standing commitment to improving services for Tasmanians with disabilities. This has recently been demonstrated by research carried out by the Social Action and Research Centre (SARC) – Anglicare's policy and research arm. This research<sup>1</sup> explored the experiences of adults living on the Disability Support Pension and of families caring for children with disabilities in accessing services. The research showed the extreme difficulties so many Tasmanians face in accessing the services they need in order to lead a reasonable quality of life and how their lack of access results in lives of social isolation, exclusion and hardship. Given this environment any new Disability Services Act will be a significant piece of legislation with important implications for people with disabilities, their families and for disability service providers in Tasmania.

In 2008 Australia ratified the United Nations Convention on the rights of people with disabilities. The Convention recognises the rights of people with disabilities to education, health, work, adequate living conditions and freedom of movement and seeks to enhance opportunities for participation in social and political life and in decision making processes. Ratification of the Convention means that there is now a commitment in principle to its provisions which must be reflected in any legislation at a State or Territory level.

A new Disability Services Act will need to promote the rights and well being of people with disabilities and ensure that they are able to access quality care and support. Yet currently every day people with disabilities are subjected to violations of their human rights including a denial of educational and training opportunities, inaccessible public services and institutionalisation in community settings. They are regularly denied access to even basic care, let alone the best possible quality care. This means that a key focus for a new Act must be ensuring the adequate protection of rights.

Anglicare recommends that any new legislation must:

- guarantee entitlement to quality services and support to those with a demonstrated need;

<sup>1</sup> See Hinton, T 2006, *My life as a budget item: disability, budget priorities and poverty in Tasmania*, Anglicare Tasmania, Hobart and Hinton, T 2007, *Forgotten families: raising children with disabilities in Tasmania*, Anglicare Tasmania, Hobart.

- promote the development of high quality support and care;
- integrate legislated components into support programs in order to safeguard the rights of people with disabilities. For example this might include a requirement to provide access to individual advocacy where needed, to have a case manager or to ensure robust consumer engagement mechanisms are established;
- determine the standards required in any quality and safety frameworks, in particular the Home and Community Care National Standards and the National Standards for Disability Services; and
- ensure providers have training in the operation of the Act.

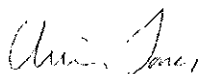
In addition the legislation should also allow for a matrix of safeguards to protect people with disabilities from abuses of the system and to advise them of their rights. These might include effective monitoring and evaluation systems and the establishment of a Disability and Community Services Commissioner. It might also include the setting up of a Community Visitors Scheme, similar to the Official Visitors in mental health services, where independent volunteers appointed under the Act protect the rights, interests and wellbeing of consumers of disability services by making unannounced visits to each service.

The *Disability Services Act 1992* defines the target group for Disability Services and stipulates that to meet the requirements of the Act a person with a disability must have a condition which is permanent or likely to be permanent and which results in a substantially reduced capacity for communication, learning or mobility and the need for continuing support services. The disability can be of a chronic episodic nature. In 2000 the scope of Disability Services was widened to incorporate those with acquired brain injury. However Angliacare's research identified difficulties for a number of Tasmanians living with a disability in accessing support from Disability Services because they were deemed not to fit these criteria. This applied especially to those with less visible disabilities like autism and behaviour disorders. This may be more an issue about training for providers rather than legislation. However, it should be taken into account when thinking about legislative requirements.

Angliacare would also like to comment on the conduct of this consultation. Given the importance of the legislation for people with disabilities Angliacare considers the time frame and advertising for the consultation to be inadequate. In addition, although parliamentary enquires do not normally generate discussion papers, Angliacare regrets the absence of any guidance which might facilitate the consultation process and provide background information and references.

We look forward to commenting on the draft Bill in the near future.

Yours sincerely



Chris Jones  
**Chief Executive Officer**