

4 May 2009

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

Dear Committee Members

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

Advocacy Tasmania Inc (ATI) has only just become aware of the Committee's Inquiry.

We are very disappointed that we did not receive prior written notification of this very important inquiry as has been the case with other inquiries.

With no time to prepare a detailed submission the best we can offer is a few key points.

- Australia's ratification of the United Nations Convention on the Rights of Persons with Disabilities requires that Commonwealth and State Disability Services legislation must be amended to incorporate the Convention's General Principles (Article 3) and the many Rights recognised within the Convention.
- The current Tasmanian Disability Services Act Principles and Objectives have much to recommend them. Unfortunately the Act is aspirational rather than a guarantee of entitlement. Just as we have universal health coverage through Medicare for all citizens, so should we have universal access to disability services to those with demonstrated need. Without entitlement to services and supports many of the rights expressed in current and as well as future legislation will be meaningless.

It has been publicly acknowledged, and graphically documented through the KPMG report into Disability Services Residential Services that the institutionalised practices from Willow Court continued in the community based residentials post closure. The practices endured due to a range of factors. Two of the main factors were:

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1. An institutionalised staff culture which placed little value on the rights and interests of the people with disabilities in their care.
2. Weak systems of management oversight, evaluation and safeguards.

In theory the first issue has been addressed through the outsourcing of services to the non-government sector through the Living Independently Project.

The second set of factors are intended to be addressed, at least to some degree, through the Future Communities Reform process.

While we anticipate this will result in some improvement we believe that there is scope to do more. The key rights protection safeguards we would like to see put in place are:

- (i) A Disability and Community Services Commissioner. Possibly attached to the Ombudsman's Office. Their role would be to oversight the system, particularly those elements intended to safeguard the rights of vulnerable people. They would also deal with complaints about services.

TasCOSS and ATI have both advocated the establishment of such an office in our last two Budget Priorities Submissions to State Treasury.

- (ii) Establish a Community Visitors Scheme similar to that operating in other states. The role is similar to the Official Visitors we have in Mental Health. The KPMG report recommended such a scheme be established, however to date, this does not appear to be part of the Future Communities agenda.
- (iii) Strengthen the role of independent advocacy services. This would mean including within the new Act the right to an independent advocate and the right of access of advocates to clients and potential clients. This would eliminate the current situation where an advocate needs to be "invited" into a residential or day service.
- (iv) A robust evaluation and monitoring system. This has been a missing element in the Disability Services system for years.

We hope that these brief comments are of some value to the Committee and we will look forward to learning of the Committee's findings.

Yours sincerely

A handwritten signature in black ink, appearing to read "Ken Hardaker", with a long horizontal flourish extending to the right.

Ken Hardaker
Chief Executive Officer