

2021 Review of the Disability Services Act 2011

Consultation Report in Easy English

September 2022



What **you** have
to say is
important!

Minister's Message

Thank you to everyone who took part in the consultation for the review of the *Disability Services Act 2011*.

I am very pleased with how many people with disability joined in.

I have read the ideas you gave us.

I was very interested in your ideas about inclusion of people with disability in the Tasmanian community.

I also heard many ideas about how to make Tasmania a safer place for people with disability.

We will use these ideas to decide what to do next.



The Hon Jo Palmer MLC
Minister for Disability Services

About this paper



We have written this paper in easy read.

Some words are hard.

They are in **blue**.

We explain what they mean.



It is ok to get help to read this paper.



This easy read paper is a short version of a bigger paper.



You can find the bigger paper on our website
at

www.dpac.tas.gov.au

Introduction – what is this paper about?



Communities Tasmania looked at the **Disability Services Act 2011**.

Communities Tasmania is a government department.



The **Disability Services Act** is a law. We call it the DSA for short.

In this paper when we say we, it means Communities Tasmania.



We asked people about the DSA to find out:

- what is good about the DSA now
- what needs changing
- any new things we need to add.



We also asked people what they thought about a Disability Commissioner.



The ideas you told us will help us write a new law.



The new law will make Tasmania

- a place where people with disability have the same choices as everyone else about how they live - and are part of the community.
- a safe place for everyone with a disability.



This report is a snapshot of what we found out in our consultation.

The information is in eight areas.

About the Disability Services Act 2011



The Disability Services Act, or DSA is a Tasmanian law.

In the past, the DSA made the rules about services for people with disability.

But a lot has changed since the DSA began in January 2012.



The biggest change is the NDIS.

There is so much change the DSA needs to change.



We asked people with disability, families, carers, advocates, disability support providers and the Tasmanian community how to make it fair, up to date and work well.

I. Inclusion, accessibility and leadership



If something is inclusive, it means everyone can take part.

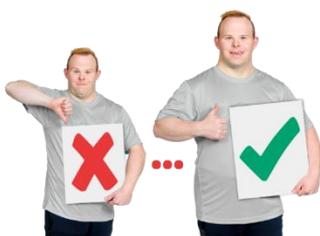


The Tasmanian Government is committed to supporting the rights of people with disability.

That means we will work hard to protect your rights.



These rights are in [Australia's Disability Strategy](#) and the [United Nations Convention on the Rights of Persons with Disabilities](#).



The Tasmanian Government wants to improve the lives of all Tasmanians with disability, their families and carers.

We want to change community attitudes.



This means we want all Tasmanians to care about people with disability and have better views about disability.

We asked how the DSA could help people with disability be more included in the community.

What we heard:

- Change the name of the DSA so it is about inclusion and access.
- Include a commitment to Australia's Disability Strategy and Accessible Island.



Creating an inclusive community together



- Have a specific **principle** about inclusion and access.

A **principle** is something we think is important.



- Improve mainstream services by having more awareness and rules.
- Make a stronger link to human rights by having a Charter of Rights for People with Disability.



- Include people with disability in leadership and a Disability Advisory Council.
- Improve community attitudes and understanding about people with disability.



- Include all people with disability not only those who use disability services.



- Look at what the Disability Royal Commission says.



- Make the DSA Easy Read and easy to understand.
- Make tools to help everyone understand the DSA.

2. Principles to support the rights of people with disability



The DSA talks about principles.

The DSA principles are the same as in the **UN Convention on the Rights of Persons with Disabilities**. It is called the UNCRPD for short.

The UNCRPD is a set of rules that many countries around the world have agreed to.

The principles are also close to the ones in the NDIS laws.

We asked if the principles need to be updated and what could make them better.

What we heard:

- Most people agree with the DSA principles we have now.



- The DSA principles should support human rights like in the UNCRPD and the Australia's Disability Strategy.



- Things like inclusion, accessibility, self-determination, choice and control, and human rights are important to people with disability.



- There should be a principle about supported decision making.

- The principles need to say that each person with disability has their own experience of discrimination and may face discrimination for other reasons.

- The principles should cover all services including **mainstream** services.

Mainstream services are for everyone, like health, education, housing and justice.

3. DSA, NDIS and other Australia-wide disability programs



The DSA needs to change because the NDIS now funds disability services.

The Australian Government funds the NDIS.

We asked what the DSA needs in it to work with other government services like the NDIS.

We wanted to know about rules for services like advocacy services.

What we heard:



- Have clearer information about the responsibilities of the Tasmanian and Australian Government.



- Look into who is using services and who is missing out.

- The DSA should apply to all services including mainstream, community-based, or disability services.
- Still have a way to fund services for people who cannot get on the NDIS or get NDIS supports.
- Keep supporting advocacy services.



4. Quality and safeguards



The DSA believes people with disability should be treated the same as other members of the community.



They should be safe and live without abuse, neglect or **exploitation**.



Exploitation means being taken advantage of, like someone using your money.

Some other Australian States have extra laws and services that keep people safe like:

- community visitors – they visit people at home to make sure they are safe
- Disability Commissioners.



We asked for ideas to make Tasmania a safer place for people with disability.

What we heard:



- Improve quality and safeguarding protections but don't **duplicate** things we already have.

Duplicate means copying or making something we already have.



- Improve the safety rules for non-registered NDIS providers and mainstream services.



- Think about a community visitor scheme.
- Improve the rules about when and how disability providers can use **restrictive practices**.



Restrictive practices are when someone stops you from doing what you want to do, like locking the fridge in your house.

- Have better ways for safety services to share information with each other about people or providers who are a risk to people with disability.
- Do more community education to build better attitudes about people with disability.



5. Rules for disability providers



There are rules disability providers need to follow.

They say how providers must act and behave.



The rules are about:

- **your rights** – you have the right to be treated fairly when using disability services.
- **participation and inclusion** – you can take part in the community and feel included when you use disability services.
- **individual outcomes** – your service helps you to make choices about what you want to do. You can work towards your goals.





- **feedback and complaints** – you can tell people what you think about the services you use.



- **service access** – finding and using services is fair. You can get the services you need.



- **service management** – disability services should be well run.



The NDIS also has the same rules.

We asked if the rules for disability services need to change.

What we heard:

- Do more to tell people the rules for disability providers who are **not** registered with the NDIS.
- Many services are not disability service providers but have clients with disability. The rules for these services need to be better.
- Do not double up on rules because this is confusing for providers and people with disability.



6. Tasmanian Disability Commissioner



The Tasmanian Government thinks it is important to have a Tasmanian Disability Commissioner.

Their job would be to promote the safety, health and wellbeing of people with disability.



We think they would help make sure people get good supports and services.



If we want a Disability Commissioner, we need to write about it in the DSA.

We asked what sort of things the Disability Commissioner should do and how much power they should have.

What we heard:

- The Commissioner should be independent and not about politics.

- The Commissioner should be able to give some advice so Government can make good decisions.



- The Commissioner should be a person with lived experience of disability and should be supported by people with lived experience.

- The Commissioner should work with other laws and roles that help keep people safe.

- The Commissioner should be able to:

- accept and investigate complaints
- send complaints to other people like the NDIS Quality and Safeguards Commission
- look into complaints or reports about abuse, neglect or exploitation of people with disability
- increase awareness about disability
- promote the rights of Tasmanians with disability



**NDIS Quality
and Safeguards
Commission**





- do research and give advice about services, gaps and issues
- keep an eye on how well the government is doing in providing services and including people with disability.



- People thought the Commissioner needs to have enough money and people to do the job properly.



- The Commissioner could be supported by an advisory group.
- Talk to more with people with disability about the role and powers of the Commissioner.

7. Supported decision making



Supported decision making means getting the help you need to make decisions.

The DSA says this is important.

It says:



- you have the right to make choices about your life
- even for hard decisions, it is your right to be part of making the decision
- you should be part of making decisions about your services and how they work with you.



We asked if the DSA should do more to promote supported decision making.

We asked if the DSA should make sure that others who help you make decisions are doing a good job for you.

What we heard:



- Supported decision making helps people with disability to have rights.

- Different laws about supported decision making need to work together.



- The rules should help people with disability to learn about decision making and how to advocate for themselves.



- If it is appropriate, carers should sometimes be included in decision making.

8. Consultation Policy and Practice



Consultation means asking what you think.

Other states in Australia have different laws to Tasmania about consultation.

Their laws say how and when they must ask people with disability what they think.

This could be about:

- Government plans and new ideas
- How a government decision will affect people with disability.

We asked how the DSA can make sure the voices of people with disability are heard.

We asked what rules should be in the DSA to make sure the Tasmanian Government thinks about people with disability when they make decisions.

What we heard:



- There should be rules that say the Government must talk to people with disability before they make decisions that will affect people with disability.



- There should be a rule that says Government must give feedback after talking to people with disability so that people feel that what they say is valued.

What will happen next

Thank you to everyone who took part in the consultation.



The ideas you gave will help us make decisions about how the DSA needs to change.



We need to think about all the information we have collected.

We will write a new set of rules to make Tasmania a safe and inclusive place for people with disability.



We will ask you about the new disability laws before they are final.

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