

LEGISLATIVE RESEARCH SERVICE
DEPARTMENT OF THE PARLIAMENTARY LIBRARY

DISABILITY SERVICES BILL 1986

Date introduced: 12 November 1986
House: Senate
Presented by: Senator the Hon. Don Grimes,
Minister for Community Services

DIGEST OF BILL

Purpose

To provide a flexible structure for the funding of services for disabled people and the provision of rehabilitation programs.

Background

The Commonwealth Government currently provides programs and services for people with disabilities in the areas of income maintenance, through direct cash payment of the Invalid Pension, Rehabilitation Allowance and Mobility Allowance; rehabilitation services through the Commonwealth Rehabilitation Service and the Repatriation Hospitals; and, under the Handicapped Persons Assistance Act 1974, subsidies to organisations which provide services for people with disabilities. State and Territory Governments provide education, health, community and family welfare, housing and transport services while a range of services is also provided by various non-government organisations.

The Handicapped Programs Review was initiated in September 1983 by Senator Don Grimes, then Minister for Social Security and now Minister for Community Services, to review the Commonwealth's programs of special services with the aim of developing new approaches to accord with the aspirations of disabled consumers.

The Review examined submissions and consulted widely with interested groups and individuals representing physically, intellectually and psychiatrically disabled people, including disabled people and their families. Concern was expressed about the provision of services in a significant number of areas. For instance, in the area of

accommodation, it was found that a highly disproportionate number of people were accommodated in institutions. In addition, concern was expressed about employment opportunities and it was argued that too much funding was directed to sheltered workshops which provided inadequate facilities and unchallenging and inappropriate work. Other issues raised were the lack of access to transport which would enable people to participate fully in the life of the community, differential systems for the provision of aids and appliances and rehabilitation services which catered almost entirely for people with physical disabilities.

The fundamental principle underlying the Review's recommendations is that all policy initiatives for assistance to people with disabilities should be assessed on the basis of their contribution to positive consumer outcomes. This Bill, which is based on the findings of the Review, will adopt the fundamental principle as the basis for the provision of services that are more flexible and more responsive to the needs and aspirations of people with disabilities.

Main Provisions

For a detailed analysis of the clauses of the Bill, refer to the Explanatory Memorandum.

Clause 3 contains the objects of the Bill which include the 'fundamental principle'.

Clause 5 will enable the Minister to formulate principles and objectives to be furthered, and guidelines to be complied with, in the administration of the Bill.

Part II will deal with the funding of services for people with disabilities.

Clause 7 contains the interpretation provisions. Among the more important definitions are: "eligible organisation" which will mean a State or Territory local governing body; tertiary institution within the meaning of the **Commonwealth Tertiary Education Commission Act 1977**; or a body corporate or any other body approved by the Minister which is not carried on for the purpose of gain for its individual members; "prescribed service" which will mean approved training, activity therapy, residential or holiday accommodation, recreational or rehabilitational facilities or sheltered employment.

The target group will consist of persons with a disability attributable to intellectual, sensory or physical impairment (or a combination of these), which is or is likely to be permanent, and which results in a substantially reduced capacity for communication, learning or mobility and a need for continuing support services (clause 8).

The Minister will be able to approve the provision of services if satisfied that they would further the objects, principles and objectives of the Bill and comply with its guidelines. Approval may be given for accommodation support, advocacy, competitive employment training and placement, independent living training, information, print disability, recreation, respite care and supported employment services (clause 9).

The Minister will be empowered to approve grants of financial assistance to a State or eligible organisation for the provision of services, recurrent expenditure, land acquisition, buildings and equipment (clause 10), and grants to persons for research and development (clause 12). Conditions of approval will be similar to those in clause 9.

Clause 13 will empower the Minister to approve grants of financial assistance to an eligible organisation for prescribed services even if the Minister is not satisfied that this would further the objects, principles and objectives of the Bill but is of the opinion that:

- . it would be in the interests of persons in the target group;
- . the organisation will take adequate steps towards meeting those objects, principles and objectives; and
- . the making of the grant would comply with the guidelines of the Bill.

Assistance of this sort will not be payable after 30 June 1992.

Part III deals with the provision of rehabilitation services by the Commonwealth.

Clause 17 will define "unsupported" to mean unsupported by services which assist disabled persons to retain paid employment.

The target group will consist of persons aged from 14 to 64 years inclusive with a disability attributable to an intellectual, sensory or physical impairment (or a combination of these), which results in a substantially reduced capacity to obtain or retain unsupported paid employment or to live independently (clause 18).

The Secretary of the Department will be empowered to approve the provision of a rehabilitation program where satisfied that this would result in a substantially increased capacity of a person to obtain or retain supported or unsupported paid employment or to live independently. This will include the power to take any measures considered necessary for determining whether approval should be given, including arranging for diagnostic and assessment services and accommodation, transportation and personal support services. For the purposes of a rehabilitation program, the Secretary may arrange for the provision of a range of training, educational, medical, therapeutic, accommodation, transportation and personal support services as well as prosthesis and other aids, including personal environment modifications and maintenance, books and other equipment (clause 20).

To qualify for a rehabilitation program, a person must be an Australian citizen or permanent resident (clause 21).

The Commonwealth will bear the costs of rehabilitation programs and incidentals for pensioners or beneficiaries. Others will pay their own costs, except where the Secretary directs that they be paid by the Commonwealth (clause 22).

Clause 23 will generally oblige recipients of rehabilitation programs, who are entitled to compensation or damages for their disability, to reimburse the Commonwealth for the cost of the rehabilitation program. The Secretary may exempt persons in special circumstances.

The Secretary may approve the payment of a training allowance, and, if required, a living-away-from-home allowance, to a person undertaking a rehabilitation program that includes employment or vocational training, whether or not the person is also receiving a rehabilitation allowance. The Minister will determine the rates at which these allowances will be payable (clause 24).

Clause 25 will empower the Secretary to arrange, on behalf of the Commonwealth, for the provision of rehabilitation programs for persons specified in the arrangement.

Application for review of a decision by the Secretary may be made to the Administrative Appeals Tribunal (clause 26).

Clauses 33 and 34 will enable the Minister and Secretary to delegate their powers, other than specified powers, to Departmental officers.

Clause 36 will enable the Governor-General to make regulations consistent with this Bill, particularly to prescribe fines not exceeding \$1 000 for offences against the regulations.

For further information, if required, contact the Education and Welfare Group.

23 February 1986

Bills Digest Service
LEGISLATIVE RESEARCH SERVICE

Reference

New Directions: Report of the Handicapped Programs Review, Canberra, 1985.

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

^ Commonwealth of Australia 1986

Except to the extent of the uses permitted under the Copyright Act 1968, no part of this publication may be reproduced or transmitted in any form or by any means, including information storage and retrieval system, without the prior written consent of the Department of the Parliamentary Library. Reproduction is permitted by Members of the Parliament of the Commonwealth in the course of their official duties.