

8 February 2023

International, Legislation and Program Support  
Department of Social Services  
GPO Box 9820  
Canberra, ACT 2601

Submitted via [engage.dss.gov.au](https://engage.dss.gov.au) website

**Re: A New Act to Replace the *Disability Services Act (1986)***

Thank you for the opportunity to comment on the drafting of new legislation to replace the *Disability Services Act 1986 (Cth)* (the Act).

As the Public Advocate for Queensland, I undertake systemic advocacy to promote and protect the rights and interests of Queensland adults with impaired decision-making ability.<sup>1</sup>

As the consultation paper has noted, this Act has not been significantly updated in over thirty years, and a new Act must address the developments and priorities that have been progressed over that period regarding the lives of people with disability in Australia and around the world.

To that end, I agree that any objects of the new Act should affirm Australia's obligations under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), along with updating the Act to reflect more contemporary views on disability. The consultation paper also noted that the new Act should be consistent with the objects of the NDIS Act, which I support, but I further suggest that apart from the UNCRPD and the NDIS, there are several other developments that the new Act should support and acknowledge.

Over the many decades in which the current Act has been in place, there have been a number of Commonwealth led initiatives that provide aspirational goals to improve the lives of people with disability. This includes Australia's Disability Strategy 2021-2031 and the National Disability Advocacy Program.

The creation of a new *Disability Services Act* provides the Commonwealth with the opportunity to legislate for broader coordination and leadership consistent with these broader plans for people with disability, and consideration should be given to the new Act assisting in the realisation and progression of these plans by potentially integrating and formalising them into the new Act.

Thank you for the opportunity to provide feedback regarding the new legislation to replace the *Disability Services Act 1986*.

Yours sincerely

John Chesterman (Dr)  
**Public Advocate**

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<sup>1</sup> *Guardianship and Administration Act 2000 (Qld)* s209.