



Community Services (Complaints, Reviews and Monitoring) Amendment Bill 2014

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Page: 28999

Second Reading

The Hon. JOHN AJAKA (Minister for Ageing, Minister for Disability Services, and Minister for the Illawarra)
[2.57 p.m.]: I move:

That this bill be now read a second time.

I seek leave to have the second reading speech incorporated in *Hansard*.

Leave granted

The Government is pleased to introduce this bill which amends the Community Services (Complaints, Reviews and Monitoring) Act 1993 to strengthen the provisions relating to functions of the NSW Ombudsman and the Child Death Review Team, update references and clarify provisions.

The Community Services (Complaints, Reviews and Monitoring) Act 1993 provides for the protection of some of New South Wales's most vulnerable citizens. It creates the framework through which Children, young people and adults accessing community services and persons advocating on their behalf have the opportunity to raise concerns about the care they receive. And it allows for these concerns to be investigated and resolved. Importantly it facilitates the Official Community Visitors scheme in an effort to make sure that those without a voice can also be afforded these same opportunities through the advocacy of Official Community Visitors. The Act provides for more than a simple complaints framework. It seeks to foster an atmosphere in which complaints and independent monitoring of community services are seen as ways of enhancing service provision, and providing for the resolution of complaints by people receiving services, their families and representatives.

The Act encourages resolution of complaints locally at the point closest to the provision of the service and the use of alternative dispute resolution. It also provides for independent monitoring of community services and programs, both generally and in particular cases. Children and young people, and people with disabilities are among the most vulnerable members of our community. The Act allows for protection for these groups as users of community services provided by both government and non-government agencies. The amendments to the Community Services (Complaints, Reviews and Monitoring) Act 1993 proposed in the bill arise from the Statutory Review of the Act conducted by the former Committee on the Office of the Ombudsman and the Police Integrity Commission, and from amendments proposed by the NSW Ombudsman. The aims of the Statutory Review were to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.

The Statutory Review invited submissions from a wide range of stakeholders, including all of the 750 community services funded by the then Department of Ageing, Disability and Home Care, and over 1400 services funded by the then Department of Community Services, as well as over 120 peak bodies in the community service sector. Among those whose views the Committee heard were representatives of Aboriginal and Torres Strait Islander people, people with disabilities, children and young people, and people from culturally and linguistically diverse backgrounds. The Committee was satisfied that the policy objectives of the Act remain valid, but found that there were a number of ways in which the achievement of those objectives could be enhanced. The review made a number of recommendations, both legislative and non-legislative, designed to improve the operation of the Act.

The report from the Statutory Review was released during the term of the former Government in 2008. This Government has considered the report afresh and supports the majority of the recommendations. The bill will enhance the public reporting function of the community services jurisdiction of the Office of the Ombudsman by permitting a report to be issued, at the Ombudsman's discretion, during and/or at the conclusion of a review or inquiry. This will greatly increase the ability of the Ombudsman to report publicly on his broader inquiries into systemic issues without having to do so through the Parliament. The Ombudsman's observations and recommendations for service improvement can only assist the community services sector in its continuous efforts to provide better services to its clients. Importantly, the bill will make clear that those whom the Act seeks to protect and give voice may be represented by a person of their choosing in the complaints resolution process. For example, a person could ask a friend or family member or other person whom they trust to raise their complaint with the NSW Ombudsman. Some complainants, particularly children and young people, Aboriginal people, people from culturally and linguistically diverse

backgrounds and people with disabilities may be reluctant to pursue their complaint. Their right to choose a person who can most appropriately support them in the process is a key feature of the community services complaints regime.

A number of the bill's provisions are minor amendments clarifying terminology and updating references to Ministers and departments. This bill also contains amendments to the Act sought by the NSW Ombudsman regarding his functions for reviews of deaths of particular categories of vulnerable persons including children and persons with a disability in care, plus amendments to the provisions regarding the Child Death Review Team. Any measures which will help us understand how and why these deaths occur and which lead to the prevention of such deaths should be supported. In 2011, the Child Death Review Team provisions were inserted into the Act. The team does important work of registering all child deaths in New South Wales, analyses data to identify patterns and trends, undertakes research, makes recommendations and identifies areas for further research to help prevent or reduce the likelihood of child deaths. The Ombudsman also monitors reviewable deaths which are the deaths of some of our most vulnerable children and adults—children in care or at risk of death due to abuse and neglect, or children in correctional centres or lock-ups, or adults and children with disability in residential care. In 2011, the Ombudsman took over the role of Convenor of the Child Death Review Team. Since then the Ombudsman has identified a number of amendments to provide consistency between the functions of the Child Death Review Team and those functions relating to reviewable deaths. The amendments will improve the Ombudsman's ability to provide for effective strategies for the promotion of research aimed at preventing and reducing deaths.

I am very pleased to support amendments which improve the operation of the Child Death Review Team to help it achieve its objective of preventing and reducing the number of deaths of children in New South Wales. The Child Death Review Team is comprised of people with the experience and skills to identify issues and make a difference in reducing child deaths in New South Wales. Apart from the Ombudsman, other members of the team are the Commissioner for Children and Young People; the Community and Disability Services Commissioner; representatives from the Department of Family and Community Services; the Ministry of Health; the NSW Police Force; the Department of Education and Communities; and the Office of the NSW State Coroner within the Department of Police and Justice. This bill makes it clear that persons under a duty to provide records to the Child Death Review Team are also required to provide any document that assists to explain those records. It is crucial for the team to have all the information that it needs to undertake its work.

Amendments in relation to the reviewable deaths provisions allows the NSW Ombudsman to undertake research or other projects in partnership with other persons or bodies, to formulate strategies to reduce or remove risk factors associated with preventable reviewable deaths. Importantly this bill imposes a duty on private health care professionals to provide the Ombudsman with access to records relating to reviewable deaths. Another amendment enables the Ombudsman to provide information, subject to privacy restrictions, in relation to reviewable deaths to persons in connection with research that is undertaken to prevent or reduce the likelihood of reviewable deaths. This amendment will improve the ability of the Ombudsman to analyse reviewable deaths and make recommendations for strategies to prevent such deaths.

Without a doubt, one of the key responsibilities of any Government is to protect its most vulnerable citizens. The Community Services (Complaints, Reviews and Monitoring) Act 1993 offers more than another level of protection—it gives people with disabilities, children and young people in care a voice to determine that the quality of services they receive is the best possible level of service the Government and sector can deliver. The proposed amendments in this bill will strengthen the operation and objectives of the Act.

I commend this bill to the House.