

Disability Services Act, Tasmania

2011 –

URL: http://www.austlii.edu.au/au/legis/tas/num_act/dsa201127o2011259/

Details

The 2011 Disability Services Act protects the rights of people with disabilities, and provides for the funding and monitoring of services to them. It prevents their restriction except as a last resort.

The *Disability Services Act* followed a motion brought before the House of Assembly in October 2008, by the Deputy-Premier, Lara Giddings. It followed the closure of the Royal Derwent Hospital, also known as Willow Court, and called for the House to endorse the principle that all people with disabilities receive support in the community rather than in an institution. Giddings called for legislation to support the motion. All three political parties supported it.

Section 5 Part 2 states that the principles that guide the Act are:

- (a) the needs and best interests of persons with disability are to be promoted;*
- (b) so far as is practicable, and having regard to the intellectual capacity of the person with disability, decisions or actions that may directly affect a person with disability –*
 - (i) should only be taken after the person has been consulted; and*
 - (ii) should take into account the wishes of the person, to the extent that they are consistent with the needs and best interests of the person and the safety of the person and others; and*
 - (iii) should only result in the restriction of the freedom of decision and action of the person, if at all, to the smallest extent that is practicable in the circumstances;*
- (c) the inherent dignity of persons with disability and their individual autonomy, including the freedom to make their own choices and their right to independence, is to be respected;*
- (d) persons with disability are not to be discriminated against;*
- (e) persons with disability are to be given the opportunity for full and effective participation and inclusion in society;*
- (f) there is to be respect for persons being different, and acceptance of persons with disability, as part of human diversity and humanity;*
- (g) persons with disability are to be given opportunities that are equal, or equivalent, to the opportunities available to persons without disability;*
- (h) specialist disability services are to be as physically and technologically accessible as possible to persons with disability;*
- (i) equality between men and women is to be promoted;*
- (j) the fact that the capacities of children with disability may evolve as they mature, and the right of children with disability to preserve their identities as equal citizens, are to be respected.*

The Act provides for funding to disability services as well as their regulation and monitoring. It also makes detailed provisions for preventing, unless absolutely necessary, the restriction of people with disabilities.

More info

Related Entries

Related Organisations

- [Lachlan Park Hospital \(1937 - 1968\)](#)

The *Disability Services Act* was intended to prevent the future use of institutions such as Lachlan Park for the care of people with disabilities.

- [Royal Derwent Hospital \(1968 - 2000\)](#)

The *Disability Services Act* followed the closure of the Royal Derwent Hospital. It was intended to prevent the future use of institutions such as the Royal Derwent Hospital for the care of people with disabilities.

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