

Minister for Disability Services and Community Development
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Mr Robert Fitzgerald
Commissioner
National Disability Agreement Review
Productivity Commission
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Dear Mr Fitzgerald

Tasmanian Government submission to the Productivity Commission Review of the National Disability Agreement

Thank you for the opportunity to contribute to this important review.

The National Disability Agreement (NDA) has been a significant driver in the reform and setting of policy direction for the delivery of specialist disability services over the past decade.

As the transition to the National Disability Insurance Scheme (NDIS) is nearing completion and in the lead up to development of a revised National Disability Strategy (NDS), it is timely for the Productivity Commission to undertake this review and for all with a stake in the NDA to examine its future relevance.

The following comments address the themes outlined in the Productivity Commission Issues Paper.

Purpose and scope of the NDA

It is noted the Commission will consider the review of the NDS and ongoing negotiations relating to the full-scheme NDIS, but these are not considered the subject of this Review. However, it is the Tasmanian Government's view that these two processes are crucial to consideration of the future relevance of the NDA.

It is anticipated a new NDIS bilateral agreement will consolidate strengths in the current agreement and clarify remaining uncertainties relating to roles, responsibilities and accountability. Tasmania's negotiations relating to its new bilateral agreement are ongoing; however, it is anticipated it will be finalised before the end of 2018. Tasmania understands other jurisdictions have either signed or are currently negotiating bilateral agreements.

The NDS represents a unified, national approach to improving the lives of people with disability, their families and carers, and to providing leadership for a community-wide shift in attitudes. Given the NDS is a Council of Australian Governments commitment driven through the

Disability Reform Council, Tasmania believes it carries significant weight as a foundation instrument to drive future disability reform.

The Tasmanian Government has recently published *Accessible Island: Tasmania's Disability Framework for Action 2018-2021*. This whole of government framework articulates our commitment to making Tasmania a place where people with disability are able to live their lives as they choose, and where there are no barriers that restrict their participation in everyday life and the community. The implementation of *Accessible Island* will be underpinned by three principles:

- ensuring access and inclusion for government services, infrastructure and communications;
- collaboration and consultation, where agencies will share expertise and collaborate in planning and development of services, infrastructure and communications; and
- improving employment outcomes in the State Service.

Accessible Island is Tasmania's plan for implementation of the NDS, with its actions linked to the NDS Outcomes Areas. This framework is a commitment by the Tasmanian Government to the United Nations Convention on the Rights of People with Disability.

In light of these developments, a key question remains of whether a NDA would be still be warranted if those elements of the NDA which are now articulated in the NDS (via *Accessible Island* in Tasmania) and in bilateral agreements with jurisdictions relating to the NDIS were removed.

Tasmania believes there is a strong argument that a NDA is no longer required as it has been overtaken by other processes (the NDIS and NDS). However, if it is determined that a NDA is warranted, it would have greatest relevance if it is reframed to complement and bolster the NDIS and the NDS and reduce overlap.

Roles and responsibilities of Governments

Tasmania believes many of the roles and responsibilities articulated in the NDA which previously either sat within the scope of states and territories, or were shared between the Commonwealth and states and territories, are now better captured within NDIS agreements and continuity of support arrangements with the Commonwealth for people aged over 65.

Areas where there is less clarity around roles and responsibilities include the responsibilities of the Commonwealth with regard to provision of employment services and income support, and roles and responsibilities relating to research and advocacy services. Tasmania is currently working to align our legislation with the NDIS Act. Tasmania is also continuing work to reduce and eliminate the use of restrictive practices; however, this is also covered in the NDIS Act and associated rules.

It has been suggested an agreement is required to ensure services are available to individuals not deemed to be eligible for the NDIS. Tasmania is largely on track to transition eligible clients of specialist disability services to the NDIS by 1 July 2019, and it is our intention to exit entirely from the provision of specialist disability services. Based on current modelling, there are very few individuals who would remain outside of the NDIS and it is likely that services for these individuals will be funded via other state programs.

With regard to mainstream service provision for people with disability, Tasmania believes it would be preferable for these arrangements to continue to be articulated in other National

Partnership Agreements rather than specifying roles and responsibilities in a NDA. These arrangements provide a direct relationship to these areas of responsibility.

The NDA's performance framework

Whilst this Productivity Commission Review is seeking perspectives on the NDA's performance framework, these questions may be more constructively considered once it is determined whether a NDA is still required. As there is a strong argument that a NDA has been overtaken by other processes (the NDIS and NDS), Tasmania would not support a performance framework requiring measurement of elements outside of our sphere of influence. Additional funding would be required before Tasmania could consider the collection of enhanced performance information.

Tasmania would support strengthening of data collections such as the National Survey of Disability, Ageing and Carers, which is not of sufficient scale to provide useful measurement for Tasmania.

If it is determined that a NDA is required, Tasmania believes there should be no explicit requirement for a monitoring framework, particularly given that no future funding will be attached to the agreement.

Reform and policy direction

The Disability Reform Council has recently agreed to commence work on further disability reform post 2020, and has brought forward an evaluation of the NDS to 2018. This process will provide further direction for reform and policy priorities.

Overall, it is Tasmania's position that there is a strong argument that a NDA is no longer required as it has been overtaken by other processes (the NDIS and NDS), developments in the disability policy landscape and intergovernmental funding arrangements. However, if it is determined that a NDA is warranted, it would have greatest relevance if it is reframed to complement and bolster the NDIS and the NDS and reduce overlap.

Thank you once again for the opportunity to provide a submission. The Tasmanian Government is committed to improving the lives of people with disability, their families and carers, and I look forward to the findings of the Review.

Yours sincerely

 Hon Jacquie Petrusma MP
Minister for Disability Services and Community Development

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