

# **NSW Government Submission**

## **Productivity Commission Review into the National Disability Agreement (NDA)**

September 2018



## Contents

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<b>Introduction</b>	<b>3</b>
<i>NSW Context</i>	3
<b>Ongoing intergovernmental agreement</b>	<b>4</b>
<i>A new agreement</i>	4
<i>Scope, objectives and outcomes</i>	4
<b>Policy reform environment</b>	<b>5</b>
<i>NDIS/Mainstream interface – beyond the NDIS</i>	5
<i>National Disability Strategy</i>	6
<i>Related Government strategies</i>	6
<b>Performance framework</b>	<b>7</b>
<i>A person-centric performance framework</i>	7
<i>Indicators and data development</i>	7
<i>Related initiatives</i>	8
<b>Conclusion</b>	<b>9</b>

## Introduction

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The NSW Government (NSW) welcomes the review of the National Disability Agreement (NDA). With the concurrent review of the National Disability Strategy (NDS) happening, and the progressive implementation of the National Disability Insurance Scheme (NDIS) throughout Australia over the next three years, it is timely to consider the way in which the vision for people with disability is best articulated, how governments track progress, and accountabilities for promoting and realising that vision.

The review seeks to consider the relevance of the NDA as it is currently constructed (last reviewed in 2012), within the context of the changed policy and system reform environments that the progress of the NDS and introduction of the NDIS have precipitated. This includes roles and responsibilities of Government stakeholders and the need to update the NDA or not.

It also seeks to review progress against the existing performance framework, and whether it has supported improved outcomes for people with disability, their families and carers.

## NSW Context

In its first year of full implementation of the NDIS, NSW is in a prime position to turn its attention to how current governance, policy frameworks and strategies are meeting the needs of people with disability, their families and carers, government, and other stakeholders.

Given the transformational impact the NDIS will have on how all governments provide services to people with disability, it is timely to reconsider how governments jointly meet and report on their obligations to people with disability, their families and carers to ensure a holistic view of the outcomes achieved, improvements made, and gaps remaining.

The Commission's Review is an opportunity to consider how the NDS and NDA relate to each other, and each of their relationship to the aspirations of the NDIS. There is also an opportunity to consider the interface between the specialist disability system and mainstream services for people with disability, their families and carers. Lastly, it is timely to consider how the person-centric, holistic principles underpinning the shift to the NDIS can be reflected in tracking the outcomes achieved towards participation and inclusion by people with a disability, their families and carers across all aspects of their lives.

The Terms of Reference outlined in the Productivity Commission's Issues Paper of July 2018 provide the framework for the NDA Review and summarise the key issues to be considered for this review. NSW has considered the Paper closely and has feedback to provide in three key areas:

- the need for an ongoing intergovernmental agreement,
- the policy reform environment, including the mainstream services and NDIS interface, and
- the need for performance benchmarks, monitoring and reporting.

## Ongoing intergovernmental agreement

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*Issues raised in the following sections of the Productivity Commission’s paper are addressed in this section: Purpose and scope of the NDA; Objectives, outputs and outcomes of the NDA; and Roles and responsibilities of Governments.*

### A new agreement

NSW considers that there may be benefit in a revised intergovernmental agreement between the Commonwealth, States and Territories that has clear accountabilities against a reinvigorated national commitment to provide high quality services, opportunities and outcomes for people with disability.

A new intergovernmental agreement could support:

- continued focus and prioritisation by the Commonwealth and States and Territories on improving inclusion and access for all people with disability, including those people with disability that are not eligible for the NDIS (which in NSW is approximately 1.2 million people);
- an enhanced performance and accountability framework with clear and robust indicators, and monitoring and reporting arrangements, underpinned by a shared national data set.
- Commonwealth accountability for programs and system enablers (particularly shared data) that support States and Territories with access and inclusion and any analogous State and Territory accountabilities.

### Scope, objectives and outcomes

The scope, objectives and outcomes of such an agreement should be considered alongside those embedded in the United Nations’ Convention on the Rights of Persons with Disabilities (CRPD), the NDS and the NDIS, and complement those embedded in State and Territory legislation pertaining to people with disability, their families and carers.

The objectives and outcomes of the current NDA are consistent with these, and could potentially be adopted in a new intergovernmental agreement.

The scope of a new agreement should include all people with disability, not just those eligible for specialist disability services through NDIS plans, as well as carers of people with disability. It should also consider how inclusion and access are enacted in all mainstream services as well as the specialist disability and carer support systems.

## Policy reform environment

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*Issues raised in the following sections of the Productivity Commission’s paper are addressed in this section: Reform and policy directions*

### NDIS/Mainstream interface – beyond the NDIS

NSW considers the Productivity Commission’s review provides an opportunity to gain an independent overview on key interface issues between specialist services, and government and general mainstream services that will need to be resolved as part of establishing the NDIS and whether adequate resolution pathways exist to resolve these issues.

It is NSW’s view that defining and clarifying the boundaries of the NDIS and roles and responsibilities of Commonwealth, State and Territory governments will require significant collaborative work over the next few years. To successfully execute this work will require greater prioritisation, resourcing and capacity by the Commonwealth to work with States and Territories to provide robust advice to Ministers to determine the boundaries of the NDIS.

The Productivity Commission could usefully contribute to developing a shared understanding across jurisdictions of what these full gamut of interface issues are, how to most productively conceptualise the issues that need to be solved across these interfaces and the most suitable mechanisms for resolving arising issues are.

NSW does not consider it to be a constructive use of the Commission’s time for the review to take a policy position on interface boundaries that would duplicate or cut across current and ongoing work on the Applied Principles and Table of Supports. However, the Productivity Commission could validate and forge a strategic understanding of the existing interface issues—extending to the interface between the NDIS and other Commonwealth programs or supports and to quality and safeguards— and articulate the efficiency and service considerations governments should consider as they work through those interfaces over coming years.

For example, NSW considers that there may be benefit in outlining the significant areas of regulation that significantly impact people with disability. For example, who is responsible for, and what are, the mechanisms (legislation, policy) that ensure a continuum of protections for people with disability beyond the scope of the NDIS Quality and Safeguarding Commission.

A robust person-centric performance framework (discussed below) could provide the data required to increasingly assign responsibilities to mainstream regulation, systems and services responsible for delivering outcomes for people with disability, beyond the specialist disability system.

## **National Disability Strategy**

The review of the NDS currently underway will significantly impact considerations of a new intergovernmental agreement. NSW would value the Commission's recommendations as to how any new intergovernmental agreement could complement the NDS.

For example, would an agreement focus on performance reporting and accountability while the NDS articulates the aspirational vision, system changes, and policy directives that will lead to improved outcomes?

## **Related Government strategies**

The review could also consider intersecting government policy areas. For example: Integrated Carer Support and reforms occurring in the ageing sector, and the extent to which these should be considered in a monitoring and reporting framework for people with disability.

The impact of carers informal support for people with disability - many of whom are ageing - on the sustainability of the NDIS is significant, and as such, alignment of strategies across these policy areas would be beneficial and potentially result in improved outcomes for all parties.

## Performance framework

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*Issues raised in the following sections of the Productivity Commission’s paper are addressed in this section: The NDA’s performance framework – benchmarks and indicators*

### A person-centric performance framework

This review provides the Productivity Commission with an opportunity to set out what a strategic governance framework for performance could look like, which is person-centric and promotes a high level of visibility of holistic outcomes for people with disability, their families and carers. A person-centric performance framework would reflect the principles embedded in the CRPD, and modern Commonwealth, State and Territory disability legislative and policy settings, including the NDIS.

A person-centric performance framework would be a new approach to how government reports on disability services, moving away from service-focussed reporting and monitoring, to taking a holistic view of the person with disability and the myriad of services they may access – specialised (e.g. NDIS package), government mainstream services (e.g. hospitals, transport), and general mainstream services (e.g. local businesses).

### Indicators and data development

An intergovernmental agreement could include key indicators and set out the rules for monitoring, reporting, and data collection. It could set out how data is used and shared across Governments in a constructive, equitable and meaningful way across jurisdictions.

It should be noted that historical data sets used to report on service delivery to people with disability are no longer relevant in all jurisdictions. Particularly for NSW, there is no longer any reporting from the Minimum Data Set for disability services. This leaves a significant hole in the data set currently used for reporting such as the annual Report on Government Services.

While the NDIS Outcomes Framework provides a rich data source for the subset of people accessing specialist disability services, including data relating to broader inclusion through Information, Linkages and Capacity Building, significant development of new data sets will need focussed and dedicated resources to ensure they capture the full range of services and systems people with disability, their families and carers have contact with.

Other existing data sources could include the Australian Bureau of Statistics’ Survey of Disability, Ageing and Carers, Centrelink data about Disability Support Pensions and employment rates.

The Productivity Commission could consider developing and consulting on a set of indicators that reflect the full experience of people with disability achieving inclusion and access, not just those with NDIS plans accessing specialised services.

Indicators that consider carers and impact of ageing could also be considered. Such a performance framework would complement those States and Territories reporting through disability inclusion and access legislation and policy.

## Related initiatives

NSW is currently considering how to develop a holistic framework such as that described above and would welcome the opportunity to discuss its framework further with the Productivity Commission, and how it might inform the national development of a performance framework.

Recent national intergovernmental work in the Health performance framework development is a good example for the Productivity Commission to reflect on, with respect to how a person-centric benefit realisation framework for people with disability might be progressed.

This framework is a contemporary, tiered performance framework, to provide ‘fit for purpose’ reporting and is designed to be inclusive of all performance aspects of the Australian health system.



## Conclusion

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The NSW Government considers that there may be benefit in the development of an intergovernmental agreement that incorporates a person-centric, holistic benefits realisation performance framework for people with disability, their families and carers.

The NSW Government welcomes the opportunity to work further with the Productivity Commission on the issues outlined above during its review of the NDA.

We consider this an opportunity to reset the expectations of and relationship with a governance framework that provides accountability for governments' obligations and commitments to people with disability, their carers and families living in Australia.