

Amaze

24 Drummond St, Carlton VIC 3053
PO Box 374, Carlton South VIC 3053
T 03 9657 1600 F 03 9639 4955
E info@amaze.org.au
W amaze.org.au



National Disability Agreement Review
Productivity Commission
Locked Bag 2, Collins Street East
Melbourne Vic 8003

Submitted online: 24 August 2018

To whom it may concern,

Submission to Productivity Commission's Issues Paper: National Disability Agreement Review

Thank you for the opportunity to provide this written submission to your *Issues Paper – National Disability Agreement Review*. We were also grateful for the opportunity to meet with you, discuss the review and provide our feedback on 16 August 2018.

Our submission reiterates the feedback given at our meeting, addressing the following questions in your Issues Paper:

1. What framework and assessment criteria should be used to review the National Disability Agreement (NDA)?
2. In light of developments in the disability policy landscape and intergovernmental funding arrangements, is the NDA still required?

We welcome and support your proposed review of the NDA. We agree that the NDA needs to evolve to better fit within Australia's new disability policy framework and ensure the needs of all people with disability are being met.

1. What framework and assessment criteria should be used to review the NDA?

We broadly support your proposed framework and criteria for assessing the NDA, particularly its evaluation through the assessment lenses of clarity, effectiveness and accountability.

However, when breaking down your performance indicators into key subgroups, we would also encourage you to include “boys and men with disability” and “girl and women with disability” as subgroups. There is emerging evidence that many autistic girls and women are not receiving the supports and services they need throughout their lifetime and are at increased risk of misdiagnosis, abuse, financial hardship and social isolation. In particular, many early intervention and adult services are designed with the presentation of autistic men in boys and men in mind. To date, they have generally not been suited to meeting the needs of autistic girls and women. For more information, please refer to Amaze’s Position Statement on Autistic women and girls, available at <http://www.amaze.org.au/about-us/policy/position-statement/> .

2. In light of developments in the disability policy landscape and intergovernmental funding arrangements, is the NDA still required?

We agree that parts of the current NDA have become outdated with recent changes to the disability policy landscape, most notably the progressive transition and implementation of the National Disability Insurance Scheme (NDIS) and implementation of the National Disability Strategy 2010 – 2020 (NDS). However, in this climate, we are of the view that a high-level cross-jurisdictional agreement is more important than ever to ensure that all parts of government and all service systems are working together to meet the needs of all people with disability.

In particular, as a range of former state and territory based disability services continue to transition to the NDIS, a cross-jurisdictional approach will be required to identify and address any gaps in services and provide a clear articulation of associated roles and responsibilities.

There remains an ongoing need for accountability and performance measures against the NDS, and in turn Australia’s progress towards achieving its obligations under the United Nations Convention on the Rights of Persons with Disability. In the absence of an NDIS Information, Linkages and Capacity Building (ILC) Outcomes Framework, there will be a similar need for accountability and performance measures against NDIS ILC outcomes.

A transparent agreement also remains necessary to continue to drive policy issues and priorities, and identify arrangements that may not squarely fall within the scope of disability or mainstream services but require a cross jurisdictional approach, with ongoing accountability and performance measurement.

Each of these matters is addressed in detail below.

a) Ensuring all people with disability retain access to the disability, health and mainstream healthcare services they need.

A high-level, cross-jurisdictional agreement is required to ensure that all people with disability are able to access the services and supports that they need.

In particular, while the NDIS now governs the provision of disability services for NDIS participants, there remain a high number of people with disability who are not NDIS participants, but nevertheless have a need to access disability services. Cross-jurisdictional agreement is required to ensure the ongoing availability of services for this group. It must specify roles and responsibilities, provide agreed and transparent performance measures, identify gaps in services or challenges accessing services and drive reform.

A cross jurisdictional commitment is also needed to ensure that no disability, health or other mainstream service becomes inaccessible to people with disability while policy frameworks (and associated roles and responsibilities) continue to change and evolve, particularly during NDIS transition. For example, we aware that gaps that have already arisen in relation to:

- Roles and responsibilities for mental health care: we are concerned that the States and Territories have largely shifted responsibility for mental health services to the Commonwealth under the NDIS. This is causing life threatening gaps in services for people with disability who are not NDIS participants and have co-occurring mental health conditions, as well as for NDIS participants who are not adequately funded for mental health services;
- Access to disability services in regional and remote areas: autistic people have historically had limited access to appropriate services and supports in regional and remote areas. Within the NDIS's purely market based model this problem is being exacerbated, including for people with disability who are not NDIS participants. We are concerned there is a clear potential for market failure that could leave many autistic people without adequate supports; and

- Responsibility for disability related services in mainstream systems: roles and responsibility for funding and supports across many mainstream service systems remain unclear and there appears to be significant cost shifting occurring between the States, Territories and Commonwealth. For example, in both the employment and education sectors there remains a lack of clarity regarding the role for NDIS supports, compared with supports that are separately funded.

Accordingly, a cross jurisdiction agreement is urgently needed to clarify roles and responsibilities, prevent cost shifting among jurisdictions and define the interface between the NDIS and other service systems (including health, mental health, early childhood, school education, higher education and vocational education and training, employment, housing, transport, justice and aged care). It should also provide cross-jurisdictional commitment to monitoring gaps in and between disability and other service systems, together with reporting obligations and an avenue for progressing a cross-jurisdictional approach to policy reform.

In lieu of cross jurisdictional agreement being reached within the scope of NDIS policy, the agreement should specify how market stewardship will be monitored, how workforce development will be progressed and how ongoing gaps in services will continue to be identified and addressed. Across Australia, a cross-jurisdictional approach is needed to investigate alternative models, such as block funding, for services in regional areas. The availability of services must be monitored not only for NDIS participants, but for all people with disability.

b) Accountability and performance measures under the NDS and ILC services

The NDS is broader in scope than the current NDA and constitutes Australia's whole of government plan for the progressive implementation of the United Nations *Convention on the Rights of Persons with Disabilities (UNCRPD)*. Combined with the NDIS ILC services framework, it will continue to drive mainstream services and programs, including healthcare, education, justice and housing, to be inclusive and deliver better outcomes for people with disability.

All Australian governments must remain accountable for their progress towards the outcomes and policy directions articulated in the NDS and ILC framework, and in turn their progress towards achieving their obligations under the UNCRPD.

Ideally, progress towards the specific outcomes of the NDS and NDIS ILC framework would be contained within the NDS and an NDIS ILC outcomes framework respectively. A higher-level cross-jurisdictional agreement should then include measures and reporting obligations regarding the progress of the NDS and ILC framework combined, towards meeting Australia's obligations under the UNCRPD. This agreement should also aim to identify ongoing challenges or barriers to full participation for all people with disability and drive reform.

c) Policy issues, priorities and arrangements that may not squarely fall within the scope of disability or mainstream services but require cross jurisdictional agreement.

A transparent instrument remains necessary to continue to drive policy issues and priorities that may not squarely fall within the scope of disability or mainstream services yet require: a cross jurisdictional approach, involving the States, Territories and Commonwealth; agreed roles and responsibilities; and ongoing accountability and performance measures.

Current examples include:

- the development of a national disability parking permit scheme;
- the elimination of restrictive practices in all settings;
- reducing the number of young people with disability living in aged care settings;
- accessible housing for people with disability

Furthermore, as recognised by the Productivity Commission in its NDIS Costs review (2017), there remains a lack of clarity regarding roles and responsibilities and the future funding of advocacy services, including systemic advocacy, individual advocacy and self-advocacy. There is also a lack of clarity regarding roles and responsibilities and funding for research that improves the evidence base for national policy and reform directions.

As recognised in your Issues Paper and by the NDIS Costs review, it is essential that national and state based data sets provide the necessary evidence base for reporting under the NDA, NDS and NDIS. It is concerning that the ABS Survey of Disability, Ageing and Carers (SDAC) is at risk without longer term cross-jurisdictional commitment and funding.

Accordingly, a transparent, cross jurisdictional agreement, remains necessary to ensure a whole of government commitment to advocacy, research and data collection, and to progress any other non-

service related policy issues that impact people with disability and require cross jurisdictional commitment. A review should also be undertaken to determine whether the existing datasets provide the necessary evidence base for reporting under the NDA, NDS and NDIS.

If you have any questions or require further information, please contact Braedan Hogan, Acting Chief Executive Officer

Yours sincerely,

BRAEDAN HOGAN

Acting Chief Executive Officer

