
**Response to the Productivity Commission Issues Paper on
the Review of the National Disability Agreement**

QDN

QUEENSLANDERS WITH DISABILITY NETWORK
NOTHING ABOUT US WITHOUT US

About Queenslanders with Disability Network (QDN)

QDN is an organisation of, for, and with people with disability. The organisation's motto is "nothing about us without us." QDN operates a state-wide network of over 1400 members and supporters who provide information, feedback and views from a consumer perspective to inform systemic policy to Government and peak bodies. All QDN's voting members are people with disability. QDN also provides information and referral support to people with disability.

QDN Consultation

QDN's submission is informed by the lived experience of QDN members with disability and key allies. QDN's work in providing feedback and input into Productivity Commission's Issues paper on the Review of the National Disability Agreement (NDA) is based upon the organisation's core values (Appendix A) and the place of people with disability in an inclusive Australian society. This submission has been informed by the experiences of QDN's Group Convenors, members of 24 Local Support Groups (LSGs) around Queensland who meet regularly as part of QDN's work as a Disability Support Organisation (DSO).

Issues Paper - Overview

QDN welcomes the opportunity to provide feedback on the Productivity Commission Issues Paper on the Review of the NDA. QDN acknowledges that the NDA is part of a broader and changing policy landscape that includes the introduction and implementation of the National Disability Insurance Scheme (NDIS) from 1 July 2013 and the endorsement of the National Disability Strategy 2010-2020 (NDS) in February 2011. Queensland has also endorsed the All Abilities Queensland: Opportunities for All: State Disability Plan 2017-2020 with linked individual departmental disability service plans that aim to deliver on the Queensland Government's vision to help build an inclusive Queensland for all Queenslanders, so the one in five Queenslanders with disability can reach their full potential as equal citizens.

The cross-jurisdictional and cross-portfolio responsibilities of governments for ensuring good outcomes for people with disability are clearly expressed in the 2008 United Nations Convention on the Rights of Persons with Disabilities (CRPD). The CRPD provides the framework for Australia's international obligations across all levels of government. QDN believes this needs to underpin all agreements, strategies and reporting frameworks in order to deliver better outcomes for people with disability.

In line with the NDA's objective, QDN and our members are committed to ensuring people with disability and their families/carers have an enhanced quality of life and can participate as valued members of the community. Within this changing legislative and policy landscape, it is critical that regulatory frameworks deliver governance, accountability mechanisms and

ways of measuring outputs and outcomes that are informed by people with disability. The NDIS is part of large-scale transformational change delivering much needed supports for 10 percent of Australians with disability. However, it is important that the implementation of the NDIS does not overshadow the need for big picture responses and outcomes needed for all Australians with disability, and that an accountability governance mechanism exists to deliver coherent outcomes for people with disability who access services provided by Commonwealth, State, Territory and Local Governments. QDN believes the National Disability Strategy provides the architecture for this.

QDN also notes that, going forward, it will be important that a NDA policy framework contains goals that are linked to specific actions and outcomes that can be measured and reported. QDN identifies one of the risks associated with the inclusion of a revised national agreement within a broad policy strategy such as the NDS, is its focus on aspirational outcomes, without clear articulation of each of the governments' roles and responsibilities in achieving tangible outcomes and meaningful change within a combined agreement/strategy document. Each level of government has a responsibility for delivering accessible, affordable, safe and quality services for all people with disability.

While the NDIS focuses on specialist disability supports, there remains problematic interface issues with mainstream services and challenges for all Australians with disability in accessing these services. A revised agreement/policy needs to be underpinned by stronger alignment with the CRPD, that provides greater accountability in ensuring that all levels of governments deliver on their CRPD obligations. Whilst Australia regularly reports on its obligations to this international instrument, consideration could be given to how this could be integrated as part of the accountability, measurement and reporting framework.

The NDA has been in place to help support the 4.3 million people with disability in Australia, yet the implementation of the NDIS appears to be taking the focus away from the many issues that face thousands of people with disability, the majority of whom will not receive funded supports under the NDIS. In Queensland, this includes all 900,000 people with disability not only the estimated 10 percent or approximately 90,000 Queenslanders with disability who will be eligible for funded supports under the NDIS.

While the NDIS, NDS and jurisdictional disability plans increase the focus on the issues related to the impact of disability, there are still many accountability measures needed to ensure communities are truly accessible and inclusive. Having accessible communities is the first step towards inclusion and participation in community life, in employment and in housing and in engagement with communication and information systems.

QDN supports specific measurable goals against a newly created agreement/strategy, that are created in consultation with people with disability and are routinely measured by the Commonwealth Government and reported publically through existing mechanisms.

While Information Linkage and Capacity Building (ILC) funding is an important way to improve community inclusion for people with disability, it does not respond to investment in workforce activities needed to deliver the increased skill, knowledge and expertise required of mainstream services like health, housing, employment, education, police, the courts, and transport so they can to deliver appropriate, accessible, quality and safe services to all people with disability. This requires additional focus, targets, strategies and measures to deliver improved accountability and outcomes across all portfolio areas within State/Territory and Commonwealth Governments.

Given the transformational change involved in national reforms such as the NDIS and NDS and the touch points for disability across multiple portfolios, QDN supports mechanisms which give a central governance structure and focus on disability within Commonwealth and State/Territory Governments. A centralised and linked structure would ensure co-ordinated linking across disability national reforms and related National Agreements. These central agencies should also ensure specific engagement and representation by people with disability within dedicated advisory bodies to inform the planning, design, delivery and implementation of these national policy mechanisms.

Critical to all of this is the access to funded independent individual and systemic advocacy for people with disability and their families and carers.

Policy architecture and framework for assessment

QDN agrees with the outlined policy architecture supporting the NDA, however sees the need for an overarching mechanism across Commonwealth, State and Territory Governments to oversee the implementation, reporting measures, and outcomes of the NDA in line with other National Agreements. It will be important to link each portfolio area and other National Agreements with the overall objectives of disability policy and actions.

QDN agrees with the framework for assessment and the separation of the agreement into objectives, outcomes, indicators, role and responsibilities and policy actions with the addition of the scope and purpose of the NDA. QDN welcomes the addition of an evaluation section with performance indicators against a range of criteria that are responsive to policy actions and consideration of the context of the NDA in relation to other agreements such as NDIS Bilateral Agreements, the NDS and other National Agreements. QDN recommends the proposed framework be applied across all Productivity Commission reviews of National Agreements.

Purpose and scope of the NDA

QDN notes the NDA is very broad in scope and purpose covering 4.3 million people with disability in Australia and covers disability service delivery. While covering all people with

disability, it is important to acknowledge ABS data which identifies around 2.4 million people with disability who require assistance with at least one daily activity, and that the NDIS will only cover approximately 460,000 people with disability aged under 65 years.

With the changing policy landscape, QDN believes it is important that a strong national governance mechanism is in place for all Australians with disability, that supports and delivers objectives, outcomes, performance indicators, roles and responsibilities and policy actions for all levels of government. QDN also believes it is important that it delivers accountability and targeted assessment criteria across the broad areas and goals of the National Disability Strategy, and is integrated with other National Agreements across all portfolios.

Not all service delivery for people with disability will sit within the NDIS and therefore NDIS Bilateral Agreements, so it is critical that an overarching National Agreement/Strategy between State/Territories and the Commonwealth is in place to measure progress and report on outcomes of specific performance indicators that will drive change for people with disability. A National Disability Agreement/Strategy needs to be integrated with the other National Agreements with a reporting architecture which is consistent of outcome measures for people with disability and gives prominence and importance to these issues.

People with disability are citizens who need access to all services within the community, regardless of whether they are administered by Commonwealth or State/Territory jurisdictions. A mechanism which enables all levels of government to be accountable to deliver services, programs and policy within their purview to all people with disability is critical. Alongside this, is the scope to be able to measure and be required to report on outcomes in line with Australia's international obligations under the CRPD. It is important that a national agreement, underpinned by Australia's obligations under the CPRD commits all governments to work together to fund and resource policies and programs so that people with disability, whether funded by the NDIS or not, are able to: (1) live independently; (2) participate in all aspects of life; and (3) have access on an equal basis as others to the physical environment, to employment, to transportation, to information and communications and to facilities and services provided to the public in urban and rural areas.

QDN believes that the National Disability Agreement framework should have a specific purpose in influencing the planning, design, delivery and evaluation of policies, plans and programs at the national, and state and territory level, that explicitly includes a requirement for engagement from the start with people with disability.

In going forward, the mechanism also needs to ensure cross-jurisdictional collaboration and partnership with clearly defined roles and responsibilities to enable the delivery of affordable, accessible, safe and quality services across all Commonwealth, State and Territory Government portfolios. The NDA, or as it otherwise develops, also needs to deliver better linkages across disability and other National Agreements.

Objectives, outcomes and outputs of the NDA

Given the contemporary policy environment, QDN believes it is important that any agreement between Commonwealth and State/Territory Governments delivers accountability for all levels of government around the outcomes of their investment, whether it is in specialist disability support, or more broadly around the outcomes for people with disability accessing mainstream and community services.

QDN believes it is important for a National Disability Agreement to focus more broadly on the key areas covered in the NDS as this delivers outcomes for the whole population, and that specific arrangements are in place around the delivery of specialist disability services. QDN sees value in a governance mechanism that has scope to clearly articulate outcomes across the six areas outlined in the NDS and delivers on the broader outcomes of the NDIS, within the structure of a national agreement.

QDN asserts that a national agreement clearly articulating the objectives, outcomes and outputs in a broader context that more closely aligns with the goals of the NDS will assist in driving the impetus for change and the accountability mechanisms needed to achieve better outcomes for all Australians with disability.

QDN argues for better planning and reporting by improving the evidence base around the efficacy of the services and supports accessed by people with disability from all services and systems. An ability to measure is a critical element needed to be able to report on the objectives, outputs and outcomes. At the moment, across all jurisdictions and service systems, the ability of the front-line workforce and systems to identify service-users as people with disability is limited, let alone being able to record this data, and to report on specific outcomes. Into the future, QDN supports the development of individual and system responses that better identify people with disability as service-users, deliver responsive services, and measure the quality and outcomes of what has been delivered.

QDN supports a national governance and accountability mechanism that delivers achievable outcomes that require reporting against specific outcomes within specific time periods. Otherwise, impetus to deliver remains aspirational as well as the goals and outcomes.

Roles and responsibilities of Governments

QDN notes the need to update the roles and responsibilities of Commonwealth and State and Territory Governments within the NDA, given the implementation of the NDIS, the move to a National Quality and Safeguarding Framework which only monitors the quality of services and experiences of abuse and neglect for 460,000 individuals with disability eligible for the NDIS and also that states and territories are moving away from funding and delivering specialist disability services.

QDN acknowledges that people with disability have the same right of access to services as all Australians, consistent with the goals of the NDS which aims to maximise the potential and participation of people with disability. Most people with disability access mainstream services as part of the service system's universal service obligation (for example, meeting the health, education, housing, or safety needs of all Australians) or covered by reasonable adjustment (as required under the Commonwealth Disability Discrimination Act or similar legislation in jurisdictions).

QDN members report a range of gaps in services outside of the NDIS across all areas including health, housing, employment, transport, justice, and education. Reports from QDN members who are not NDIS eligible identify that their access to services, support and assistance to navigate the mainstream service system is limited. As an example, a number of QDN members have identified the key challenges they experience within health settings, including acute and primary care settings and the limited knowledge, skills and expertise of the workforce within this system to deliver them quality care which meets their needs and disability.

QDN also notes that a nationally consistent approach in the delivery of disability services and supports and other essential mainstream services, is not currently in place. QDN believes that it is important to clarify service delivery responsibilities within the NDA and NDS. A lack of consistency in the Bilateral Agreements to delineate responsibility for administering different programs across areas such as transport and health has impacted upon the negotiation between the Commonwealth, NDIA and states and territories. At the end of the day, for Queenslanders with disability this has led to impacts upon their day-to-day life and ability to access essential services such as transport and health-care. Lengthy timeframes to re-negotiate mutually suitable arrangements to bilateral agreements is impacting upon Queenslanders with disability and their access to mainstream services and supports. For example, it took seven months to reach a temporary solution over the arrangements for people to be able to access the Taxi Subsidy Scheme (TSS).

In Queensland, QDN members are also highlighting ongoing interface issues across acute health care and NDIS, including delaying the discharge of patients with disability which can be lengthy and costly for the patient and Queensland's Health Services. The implications of the negotiated bilateral agreements that are different in each state and territory, and the interpretations and implementation of COAG principles of NDIS and mainstream services leave people with disability in a compromised situation, with gaps emerging in the service system and the lack of clarity across jurisdictions about service provider roles and responsibilities. This lack of certainty over who is responsible for services also increases the risk of poorer service delivery experiences for people with disability and increases the potential for duplication of service systems and gaps in service delivery.

Mainstream services, such as health, education, community services, justice, transport, employment and housing, have a responsibility to ensure equitable and universal access to services, however there appears to be a lack of proactive coordination across a range of policy

areas. QDN would like to see the NDA, in whatever form, embed proactive coordination across policy areas within its mandate.

The Information Linkage and Capacity Building Framework (ILC) under the NDIS plays an important role in facilitating referral and linkages to and from mainstream service systems for people with disability. QDN acknowledges the importance of the ILC, however its implementation and investment is inadequate to deliver on the critically important work and outcomes for all of the Australians with disability who are ineligible for funded supports under the NDIS. QDN argues the need for ongoing substantial investment in ILC and argues for the Commonwealth to fund ILC activities at a minimum of \$131 million per annum until the results of the review of scheme costs in 2023. This is in line with the PC's recommendation from the review of NDIS costs in 2017.

QDN supports an agreement architecture that has regard to the range of services that are delivered to people with disability, and considers intersections with other National Agreements or sits within a disability specific agreement. In moving forward, it is critical to improve the outcomes for people with disability across all mainstream services. To be able to do this information must be able to identify people with disability, measure what is happening for them and its impact and publically report on this to deliver accountability.

The NDA's performance framework – indicators and benchmarks

QDN acknowledges that, over the past three decades, all levels of government have been actively working towards improving the outcomes for people with disability and delivering more inclusive communities.

QDN believes that an important part of measuring performance is that the end-users of the service are involved in the reporting and evaluation of those output and outcome measures. For people with disability, who have been passive recipients of services for decades, often in a position of having little input or decision-making about any area of their life it is critical that people are given the opportunity to develop their skills and knowledge to give feedback. Alongside this, it is also important for a cultural shift which has often seen many people feeling 'grateful' for the fact that they have got 'a' service, rather than being able to determine if what they have received is a 'quality' service.

Therefore along with the development of measures and indicators, it is important that people with disability are involved in providing feedback on the measures, and also support and development is provided to people to be able to participate in this process from an informed and empowered position.

QDN supports the performance indicators listed in box 2 and acknowledges that the development needs to be informed by people with disability and carers, and within an outcomes framework that aligns to Australia's obligations under the CPRD.

The data collection and qualitative monitoring built into any national data system could be improved. QDN sees that it is important to include protocols that ensure that people with disability and their representative organisations have the opportunity to contribute to the development of an updated performance framework against the NDA in whatever form it takes in the future.

One of the problems with consistent data capture lies in the cross-portfolio responsibilities across governments and within governments. QDN believes it is important for nationally consistent performance accountability and a public reporting strategy, that integrates disability matters with other national agreement outcomes.

QDN believes an approach to standardised data collection and monitoring would support the NDA and evaluate its effectiveness. QDN suggests that data collected on people with disability could be disaggregated by age, gender, type of disability, place of residence and cultural background, geographic locations, Indigenous status and whether the person is a funded participant under the NDIS or not.

QDN would like to see longitudinal outcome data collected on people with disabilities' whole-of-life aspirations, employment, community inclusion, self-determination, choice and decision-making, satisfaction with services and supports, and measures against inclusive and accessible communities, rights protections, economic security, personal and community support, learning and skills, and health and wellbeing which are in line with the principles and obligations of the CRPD.

A national performance reporting system for disability

QDN observes that the current national performance reporting system is fragmented and sits within different jurisdictional and portfolio areas, rather than being delivered as a coherent, comprehensive data system that has accessible information that can be used to improve legislative and policy responses at Commonwealth, State and Local Government.

QDN sees that the NDIS will deliver the opportunity to report performance on a range of outcomes for people who are eligible for funded support, however, to be able to identify, measure and report on progress for all 4.3 million Australians with disability, a national approach is needed. To date across all areas, reporting has mainly focused on service delivery outputs. An outcomes framework that is consistent across jurisdictions will be important to measuring progress. Also a consistent way of identifying service-users, as people with disability, and a mechanism for capturing data, reporting this information and a way for how

people are identified within the different service systems will be critical as a policy imperative across portfolio areas for people who sit outside the NDIS.

The majority of people with disability access mainstream services and will continue to do so post full rollout of the NDIS so data collection needs to be adequately resourced to capture outputs and outcomes outside the NDIS. Consideration needs to be given to jointly capture performance against NDA objectives and the outcomes of those of the NDS and the NDIS.

With state governments' moving away from providing and funding specialist disability services in concert with the implementation of the NDIS, it follows that data capture under the Disability Service National Minimum Dataset (DSNMDS) will be of limited use going forward. QDN asserts the need for a nationally consistent data capture and reporting system with a coherent relationship between outputs, outcomes and benchmarks.

Research is a critical area that needs to inform policy and practice, and therefore needs to be part of a performance measure to ensure this is consistently implemented and outcomes are being achieved across all jurisdictions. People with disability as co-researchers is an important part of research, and ensures that the voice of people with disability is part of the dialogue and the evidence base to drive better practice and outcomes.

QDN acknowledges the uncertain future for the ABS Survey of Disability, Ageing and Carers (SDAC), without ongoing funding commitment by jurisdictions. QDN argues the need for adequate and ongoing funding for SDAC as it provides important information about carers who provide informal assistance in terms of help or supervision to older people (aged 65 years and over) and those with disability, as well as providing useful insights into the households in which people with disability reside.

Conclusion and Recommendations

QDN is pleased to provide this feedback to the Productivity Commission Issues Paper on the Review of the NDA. QDN's submission has focused on number of key issues that have been raised by members based upon their lived experience of disability.

These include the need for a national disability agreement which includes:

- a human rights focus underpinned by the CPRD
- an integrated governance approach to ensure alignment of outcomes across a future NDA, the NDIS, the NDS and other national funding agreements impacting upon mainstream programs and services
- clear boundaries between governments' roles and responsibilities
- clarity around the interface issues facing NDIS participants
- improved data capture around people with disability and service provision to evaluate the effectiveness of the NDA and NDS

- dedicated centralised governance structure within the Commonwealth and State and Territory governments to ensure the coordinated and coherent implementation of disability policy
- include people with disability as part of governance arrangements regardless of the form that the NDA takes in the future.

QDN calls upon all governments to commit to appropriately fund and resource cross-portfolio agencies within and outside of government to achieve more accessible and inclusive communities where people with disability are valued members of society.

QDN – September, 2017

Appendix 1. QDN's Value Statement on People with Disability

QDN's work in providing feedback and input into systemic policy issues is based upon the organisation's core values and the place of people with disability in an inclusive Australian society.

QDN believes that:

- all people with disability have a right to a place in the community and have contributions to make to community. This is as empowered, free citizens who are as valued, present, participating and welcomed as members of any dynamic and diverse society
- the place of people with disability in the community is not just about people with disability having a house in the community. Core to this is that they are welcomed in the community as ordinary citizens, where they are genuinely given opportunities to contribute and actively participate. People with disability need to be in communities where their individuality, their talents and their lived experiences of disability are recognised and acknowledged
- culturally and historically, people with disability are not afforded the same value, opportunities or access to community life
- any inclusion in community for people with disability is conditional and vulnerable to withdrawal
- many people with disability in Queensland are excluded from the most basic experiences of ordinary lives
- current exclusionary practices are unacceptable and must be challenged
- these issues affect not only people with disability but the whole community
- the responsibility is shared. It lies within government (federal, state and local) and the community at large, to ensure that people with disability have a place and are resourced to belong in community.