

The Government of Western Australia welcomes the opportunity to provide comment on the Productivity Commission’s National Disability Agreement Review. This submission responds to matters raised in the Productivity Commission’s Issues Paper of July 2018.

Western Australia (WA) commenced transition to the nationally-administered National Disability Insurance Scheme (NDIS) on 1 July 2018, and is at a much earlier stage of transition than all other State and Territory jurisdictions. WA is currently working with the Federal Government to navigate the interface between the NDIS and mainstream service systems in the state, and determine responsibility for ensuring that people with disability in WA have access to services.

WA has particular characteristics that present challenges for the government and disability sector in delivering services to people with disability. These include the State’s geographical size, the diverse nature of its regions and the fluctuations in regional populations driven by the cyclical nature of the State’s commodity-based economy.

Many issues that matter to people with disability and their families are complex and require collaborative and integrated approaches across multiple agencies to address. Recently, the State’s Machinery of Government changes to the public sector, particularly the formation of the Department of Communities¹, and the transition to the nationally-administered NDIS have created opportunities to improve how government takes action on these issues to achieve better outcomes for the WA community.

In 2018, there are a range of political, social, service and sector-based issues that influence the State’s approach to disability policy and services. These include:

- The State Government’s budget commitments to fund:
 - \$20.3 million for NDIS sector transition fund over the next two years to safeguard the sustainability of the disability sector;
 - \$14.5 million to facilitate the transition of the existing workforce to the nationally-administered NDIS; and
 - \$394 million for a Housing and Jobs package, aligned to the delivery of METRONET to deliver more affordable housing options with universal design features.
- A lack of, or heavily reduced, Commonwealth funding for remote housing in Western Australia will have a significant negative impact on living conditions, and social and economic outcomes in remote communities.

WA submits that some form of agreement between the Commonwealth and the WA State Government should provide strategic policy direction, services and funding for people with disability who are not eligible to access specialised disability services through the NDIS, and to provide for broader national policy setting and action.

¹ The Department of Communities has responsibility for delivery of child protection and family support, community grants, funding and initiatives, education and care regulation, disability services, housing and regional services reform. These functions were previously delivered by a number of different government agencies.

Relevance of the National Disability Agreement and the National Disability Strategy in the current policy context

The *Productivity Commission National Disability Agreement Issues paper* recognises that the national disability services policy landscape has undergone significant change since the NDA was agreed, following the introduction of the National Disability Strategy and the introduction of the NDIS.² The NDA aims to “provide the national framework and key areas of reform for the provision of government support to services for people with disabilities”.³ This is a broader remit than the NDIS, which is focused on enabling people with permanent and significant disability to develop individualised support packages.

In 2015, there were approximately 205,300 persons with disability in WA under 65⁴. The *Bilateral Agreement between the Commonwealth and Western Australia: Transition to a National Disability Insurance Scheme in Western Australia*, announced in 2017, estimates that by 2020, approximately 25,665 people with disability in the existing WA specialist disability system will have transitioned to the NDIS.⁵ It is inferred from this, that at least 179,000 people with disability will be ineligible for the NDIS at that time, and WA will retain responsibility for meeting the needs of this group. As the eligibility criteria for the NDIS is set by legislation, and is therefore able to be amended, any narrowing of scope would result in greater numbers of people relying on policy directions, services and support outside the NDIS.

WA submits that it is essential that all people with disability continue to be a topic of specific focus at a national policy level.

Mainstream issues and services

The NDIS is not intended to replace support and services provided by other mainstream systems. Governments have agreed to underlying principles in key areas, such as employment, housing and transport, that determine whether the NDIS or another system is more appropriate to fund supports for individuals. Better outcomes for people with disability and the NDIS’s financial sustainability depend on effective interface with mainstream services.

- Employment

In WA, only 56.5% of people with disability are participating in the workforce in contrast to 85% of the population without disability.⁶ The workforce participation rate refers to the section of the working population in the age group of 16-64 currently employed or seeking employment and

² Productivity Commission, 2018, National Disability Agreement Review: Issues Paper p. 3. Available from <https://www.pc.gov.au/inquiries/current/disability-agreement/issues>.

³ COAG (Council of Australian Governments), 2009, *National Disability Agreement*, Canberra, p. 1.

⁴ Survey of Disability, Ageing and Carers Australia 2015. Australian Bureau of Statistics (2015). Commonwealth of Australia (Table 1.1) <http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/4430.02015?OpenDocument>

⁵ *Bilateral Agreement between the Commonwealth and Western Australia: Transition to a National Disability Insurance Scheme in Western Australia* (2017), p. 15. <http://www.disability.wa.gov.au/Global/Publications/NDIS/NDIS-Landing-Page/Heads-of-Agreement-and-Bilateral-Agreement-NDIS%20.pdf>

⁶ Survey of Disability, Ageing and Carers (2012) Australian Bureau of Statistics. Commonwealth of Australia <http://www.abs.gov.au/ausstats/abs@.nsf/PrimaryMainFeatures/4433.0.55.006?OpenDocument>

excludes people in full-time study or engaged in unpaid labour (e.g. home duties). Within the WA public sector, people with disability comprise only 1.8% of the workforce.⁷

- Housing

People with disability in WA face several critical housing challenges including high purchase and rental costs (for all housing types), supply shortages and lack of universal design dwellings. Those from low to moderate income households are more likely to live in outlying areas with reduced amenities (including public transport) and are twice as likely to reside in poor to derelict housing.⁸ A 2014 study by Curtin University found that people with disability spend more of their income on housing costs than people without disability.⁹

- Transport

Of people with a reported disability in WA, almost 15% are not able to use any form of public transport; whilst almost 25% have difficulty using public transport. The main barriers to utilising public transport are difficulties in getting to stops or stations; and poor accessibility of vehicles, for example unsuitable steps and doors.¹⁰

WA submits that some form of agreement between the Commonwealth and the WA State Government should provide strategic policy direction, services and funding for people with disability to address key mainstream issues, particularly in relation to employment, housing and transport systems.

Suggestions for a revised National Disability Agreement

One of the roles of a revised NDA could include oversight of the NDIS, including considering performance outcome areas and other activities to support people with disability. States and Territories contribute significant finances to the NDIS and the expenditure of that money should at least deliver the service components of the current NDA. If not, jurisdictions will be increasingly pressured into operating alternative services to fill the gaps from the NDIS.

A revised NDA should be guided by The United Nations Convention on the Rights of Persons with Disabilities¹¹, which sets out the values and principles that uphold and promote rights of people with disability. A revised NDA could consider:

- focusing on funding support and services for people with disability that are ineligible for the NDIS (noting that the NDIS is still being rolled-out and there is not currently sufficient information on the non-NDIS functions of jurisdictions);

⁷ Public Sector Commission (2018). Annual Report 2017/18, p 14.

https://publicsector.wa.gov.au/sites/default/files/documents/psc_annual_report_2017-18.pdf

⁸ National Disability Services WA 2017-18: Pre-Budget Submission (2016) <https://www.nds.org.au/news/nds-wa-presents-2017-18-pre-budget-submission1>

⁹ National Disability Services WA and Curtin University's Not-for-Profit-Initiative. *The Home Ownership and Affordability for People Living with Disability in Western Australia Report*. July 2014.

¹⁰ SDAC 2015. Australian Bureau of Statistics (2015). Commonwealth of Australia (Table 22.3)

<http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/4430.02015?OpenDocument>

¹¹ UN General Assembly, *Convention on the Rights of Persons with Disabilities*, 13 December 2006

<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/convention-on-the-rights-of-persons-with-disabilities-2.html>

- integrating the inclusion of people with disability into other national agreements. Inclusion is a broad concept to encompass all vulnerable groups in the community (including people with disability, seniors, women, youth and children), should be reflected in other mainstream national agreements; and
- supporting a reinvigorated NDS, effectively broadening the context, funding and support for disability issues beyond the NDIS.

WA submits that the NDA be revised to clearly articulate the roles and responsibilities of the Commonwealth and the other jurisdictions to delineate what the NDIS and NDS will deliver to support people with disability.

WA submits that the suite of national agreements should be better integrated to ensure that the needs of people with disability are considered under those agreements. This strengthens the case that access and inclusion is a whole-of-government objective for all people in our community, not a disability-specific strategy.

Intersection with the National Disability Strategy

The National Disability Strategy is a valuable policy framework for WA, but lacks weight and visibility due to the lack of attached funding. The objectives of the NDIS and NDS could be better integrated to provide policy consistency relating to objectives, governance and reporting.

WA submits that there should be greater integration between the NDIS and the NDS to promote consistency, a streamlined governance approach and less duplication, especially regarding reporting requirements.

WA submits that the post-2020 National Disability Strategy should integrate and reflect elements of a future National Disability Agreement.

Setting and measuring outcomes for people with disability

The current NDA sets out nationally agreed objectives, outcomes and outputs for people with disability, their families and carers.

The strong focus of the NDIS on the individual means that the needs of families and carers are not adequately considered under the NDIS. Families and carers play a critical role in supporting people with disability. As recognised by the Productivity Commission in its Issues Paper, the NDA contains a performance benchmark that ‘families and carers are well supported.’¹² The agreement specifies that further work was to be undertaken to develop a quantifiable target, but no target has yet been established for this benchmark.

To measure outcomes for people with disability, it is essential to look beyond the high level numbers. For example, when measuring economic participation for people with disability, measurement needs to look beyond the simple question of whether a person has employment, to

¹² COAG (Council of Australian Governments), 2009, *National Disability Agreement*, Canberra, p 3.

qualitative aspects such as career mobility, and whether employment is commensurate with level of education.

As aforementioned, streamlined service delivery is an issue for people with disability within and across mainstream systems. Outcome indicators under the NDA could also be better aligned with the outcome indicators under the NDS to improve consistency.

WA submits that outcomes under a revised NDA should be:

- sufficiently broad to capture positive and tangible outcomes for people with disability, their families and carers;
- based on quality-of-life indicators across different mainstream service systems (e.g. employment, housing and transport) and the interface between those systems to strive for streamlined service delivery; and
- better aligned with outcome indicators under a revised NDS.

Reporting under the National Disability Agreement

Multiple reporting requirements under the NDA, the NDS and the NDIS can lead to reporting ‘fatigue’ and lack of comparable information due to differences in reporting parameters. Duplication and lack of streamlining of reporting is an issue for WA and may likely be an issue for other jurisdictions.

Current reporting under the NDA is very broad and is framed by what data was available at the time the original NDA was drafted. New data sources and approaches should be considered.

The NDIA collects data, but this collection covers only those eligible for the NDIS. Data collected by mainstream agencies usually pertains to the matters relevant to that agency, for example Department of Health’s data on hospital patients’ length of stay. Mainstream agencies have a limited role in reporting under the NDA and NDS. It is appropriate that a revised NDA have an ongoing role in data collection, which is complementary to other collection avenues, and covers all people with disability.

Reporting performance against the NDA objectives and outcomes, and against those of the NDS and the NDIS is preferred and achievable. This will lead to a clearer understanding of what should be measured for each. The quality and scope of data for measurement is significantly dependent on the Survey of Disability, Ageing and Carers (SDAC), which provides data on people with disability (both inside and outside the NDIS). WA has committed to contribute to the funding of the SDAC to 2019/20. However, the SDAC’s future is uncertain without ongoing funding commitments from all jurisdictions, as the NDIS is rolled out.¹³

Consideration should be given to reviewing the SDAC in the context of the NDIS. Essentially the NDIS should contribute towards the outcomes of the NDA by providing the disability specialist services that allow a person with disability to achieve outcomes strived for by all governments under the NDA.

¹³ Productivity Commission 2017, *National Disability Insurance Scheme (NDIS) Costs*, Study Report, Canberra.

WA submits that there should be:

- better integration of mainstream agency roles and greater responsibilities under the NDA and NDS to strengthen and streamline reporting; and
- performance measures linked to those of the NDS and the NDIS. Existing reporting measures may still be valid although the mechanisms for collecting this data are all in need of review.

Advocacy

In recent years, the focus in WA has moved from systemic advocacy to individual advocacy. However, there is strong support in WA for both individual and systemic advocacy, and promotion of the role of the independent voice in formalised intervention.

Advocacy can act as a mechanism to measure access and inclusion indicators for people with disability in the NDIS and those outside of the Scheme. There is potentially a key role for coordinated monitoring and analysis of individual issues and wellbeing, and this data can become an evidence base that is collected and interrogated in a consistent way across jurisdictions, and thereby inform national policy and funding of advocacy service delivery.

While the Commonwealth currently funds advocacy through its National Disability Advocacy system, there are ongoing national reforms regarding advocacy funding underway. Advocacy provided under the National Disability Advocacy Program and State-based advocacy programs does not yield enough information that can be used to investigate systemic issues.

WA submits that evaluation and reporting of both individual and systemic advocacy data be linked to quality-of-life indicators for people with disability, (i.e. measure the health of the community across various mainstream systems and cover factors like inclusion, participation, fair and equitable treatment).