

Disability Care and Support Inquiry  
Productivity Commission  
GPO Box 1428  
Canberra City ACT 2601

Dear Commissioners

I am pleased to have the opportunity to provide feedback to the Commission about the Draft Report into Disability Care and Support.

Life Without Barriers (LWB) supports the Productivity Commissions inquiry into disability care and its aims of enhanced service delivery that better caters to the needs of Australians with a disability and their families.

The draft report released is a valuable development in reshaping the nature of disability services into one with greater equity and transparency. LWB strongly supports the direction of the PC draft report and the recommendation to establish an entitlement based system to achieve equity for all Australians with a disability.

The key service delivery components which are pivotal to the success of a sustainable long term national disability scheme and those which are supported by LWB as a service provider are explored in this submission.

For Questions or comments in relation to this submission please direct your enquiries to Ms Kylie Gwynne, National Director, Partnerships and Strategy.

### **The assessment, funding and planning process**

The current system has been identified as unfair and fragmented with too much emphasis placed on disability classification and causality. The need for a standardised simple assessment tool that relates to a person's functional needs rather than disability type, has been advocated by the Commission. The focus on functional needs rather than diagnosis or causality will help ensure fair and appropriate support to people with disabilities and their families.

Related to the above point is the fact that LWB does not recommend that the term "intellectual disability" is used as a label to determine eligibility as this is a diagnosis, and does not reflect support needs and excludes people with acquired cognitive impairment. Rather the focus should be to the support needs the individual has as a result of their disability. This ensures the provision of support that is both reasonable and necessary.

The draft report argues that "governments should not delay implementation of the scheme in the absence of "perfect" tools" (Overview, page 18). LWB strongly supports adoption of a single functional needs assessment tool, similar to the tool used by Aged Care Assessment Teams across the country to determine eligibility/access for community-based and residential aged care services.

### **Disability support and terms**

The draft report has highlighted a number of services and functions which have a complex relationship with the work of the NDIS. These include education, employment, health, housing, income support and public transport (Overview, page 22).

LWB recommends that the Commission consider the complex interface issues that extend to other service areas including Out-Of-Home Care (OOHC), corrective services and immigration. There are a number of individuals with disabilities who find themselves lost in the boundaries between systems and it is important that the functional needs of these individuals can be met by the NDIS.

For example, there is a strong incentive in providing support and treatment services to a person with a disability exiting corrective services or at risk of entry. These provisions will work to reduce rates of recidivism and build community connectedness and engagement.

Aged care is another system that coincides with the NDIS. The impact of supporting people with a disability presently funded via disability services who are 65+ and would under the future NDIS transition to aged care funding is worthy of detailed consideration. This is significant given the

high proportion of ageing Australians and the effects of early ageing on many people with a disability.

### **Giving people power and choice**

The 'consumer choice' model proposed by the Commission is strongly supported by LWB. This is consistent with the desire to move towards a system that maximises fairness, self-determination and independence.

Self directed services are significant in providing people with disabilities and their families a choice in how to best meet their needs. Placing this decision in the hands of those who know and understand their own capabilities, informal support network, opportunities and issues is much needed change in the direction of disability services.

To further protect the interests of people with a disability, LWB recommends that in cases of self-directed funding used to employ family members there be an oversight function (e.g. case management) to ensure that the rights of the person with a disability are first and foremost and dependencies/conflicts of interest are avoided. This oversight function may also be appropriate for other vulnerable people who may be at greater risk of exploitation.

The proposed reform will also act to change the entire nature of service delivery with agencies under pressure to perform and better meet the needs of their clients. Agencies will be judged on their history and how prepared they are to meet their challenges which will have a large impact on the quality of disability service provision. Ensuring people have access to the right information about the various supports that are available and ensuring that proper planning is administered is fundamental as is the role of regulators to ensure people get the best services possible at a reasonable price.

### **Financing the NDIS**

LWB supports the Commission's recommendation of a transition to a federal arrangement with the preference for covering NDIS through existing revenue schemes. The funding model proposed in the draft report is consistent with creating more certainty and diversity of options for people with disabilities and their future.

LWB recommends that the final report of the Commission should include data about the return on investment for the National Disability Insurance Authority in terms of increased productivity

of family members freed up from the caring role and increased productivity of people with disability contributing to community and workforce. This argument plays a valid role in justifying the Government funding that will be diverted towards the NDIS by demonstrating cost avoidance and savings that are achieved through the scheme.

### **Governance Arrangements**

Governance plays an important function in the overall delivery of the scheme. The Commission's recommendation of the establishment of the National Disability Insurance Agency will go some way to addressing the current fragmentation within the system and promote cohesiveness and sustainability of the new scheme.

LWB recommends the Commission provide further clarity about roles and responsibilities within the proposed new system, particularly with respect to DSO's and Disability providers as there is likely to be considerable cross-over in roles and responsibilities and clear mechanisms will be required to ensure transparency and accountability for all parties.

### **Workforce Issues**

Disability support staff provide valuable skills and empathetic care in their work with people with disabilities and their families. In addressing the workforce issues that extend for disability service delivery, the language used in the draft report is concerning to an agency like LWB who invests in workers. It is thus recommend that the Commission consider softening the language to emphasise the importance of training workers as a strategy to attract workers to the sector on the part of DSO's and Disability providers. This reinforces the hard work and dedication of workers in the disability services and the role they play in supporting people with disabilities.

### **Reform of service delivery**

The Commission has identified the greater difficulties in meeting the needs of people with a disability who are Indigenous. It is important that work is continued in ensuring the focus on building support that better meet the needs of culturally and linguistically diverse (CALD) and Australian Torres Straight Islanders (ATSI). With this, contention regarding issues that may not respond simply to a reliance on market forces such as remote communities, dual diagnosis,

CALD and ATSI is still evident. Options for pooled and block funding options may be necessary in some instances to enable viability and service provision.

Furthermore, LWB would like to recognise the community building work of NFP providers. Whilst these efforts may not be costed in the report and will be difficult to quantify, this capacity may be impacted in the future under an NDIS.

To ensure the proposed NDIS does not become part of what is currently a dysfunctional disability services system, there needs to be significant emphasis placed around strategic planning of a successful implementation of a new disability scheme.

Currently, there is some concern over how to federalise what is essentially a state based "lottery". The recognition of the inequities in the current system is a significant step in the administration in a fairer equitable system.

An integrated federal system has benefits for government; with an opportunity to shift taxes to a federal level by cutting those at state level. Whilst this may create tension among states/territories in giving up part of their budget, there will be greater efficiency in its collection and the overarching concept of a fairer national system. State and territories attempt to use various single points of entry tools can be analysed or assessed for their worth based upon their ability to meet the needs of people with a disability. Ensuring uniformity across the nation is strongly recommended in the implementation of the NDIS.

The need for a new national insurance arrangement is paramount. The work of the Commission in the development of the NDIS is strongly supported by Life Without Barriers. The draft report has demonstrated promising developments in disability services and the transition to a fairer, transparent and cohesive system. LWB eagerly anticipates the next stages of this venture.

Yours sincerely

Ray Dunn  
**Chief Executive Officer**