



Joy Burch MLA

MINISTER FOR DISABILITY, HOUSING AND COMMUNITY SERVICES
MINISTER FOR CHILDREN AND YOUNG PEOPLE
MINISTER FOR AGEING
MINISTER FOR MULTICULTURAL AFFAIRS
MINISTER FOR WOMEN

MEMBER FOR BRINDABELLA

Ms Patricia Scott
Commissioner
Productivity Commission
GPO Box 1428
CANBERRA CITY ACT 2601

Dear Commissioner

Thank you for the opportunity to provide comment and feedback to the Draft Report on Disability Care and Support released on 28 February 2011. Thank you also for allowing the ACT Government an additional 10 days within which to consolidate its advice on this matter.

While the full impact of the reforms cannot be assessed until the Australian Government presents its response, the ACT Government welcomes the intent of the draft report to improve consumer choice and increase care and support funding for people with lifelong disabilities across Australia. This accords with the strategic direction being taken in the ACT to improve the equitable access of people with high and complex needs to effective, appropriate and economically sustainable support.

The ACT has a long history of building individualised options for flexibility in the way services are delivered for people with disabilities, their families and carers. In promoting access and choice into mainstream service providers the proposed schemes will need to ensure that quality and accountability is safe-guarded and incentivised. Not to diminish the strength of market generally to drive service quality, the market in this circumstance includes our community's most vulnerable citizens.

The States and Territories will continue to play an important role in the maintenance of viable and appropriate community services, and the development of quality mainstream community infrastructure. I also highlight the role of the States and Territories as major advocates and drivers of the rights, value and contribution of people with disabilities. The ACT's strategic framework for its response to disability matters *Future Directions: Toward Challenge 2014* focuses action to enhance inclusive practice across business, sports, arts, recreation and community generally. I urge careful consideration of the potential impact on existing efforts toward systemic and community change through shifting funding away from States and Territories.

The proposed recommendations as set out by the Commission represent a major change to the way all levels of Government will support people with disabilities. The logistical challenges of transition will require detailed analysis and obviously very careful management if a new system is to achieve efficiency, quality services and deliver on the promise of a simplified and streamlined process of assessment.

While I welcome the report and support its overall intent, there are areas where I make specific comment or recommend additional detail be provided in the final report:

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- Clarify the funding model under which States and Territories will continue to provide services as the provider of last resort and of services that cannot viably be funded under an insurance model; and the additional funding to be provided under the National Disability Agreement (NDA) during the implementation phase including the timeframes and specific purposes of the funding.
- Recognise the ongoing role of States and Territories in early intervention and their capacity to leverage continuing change to mainstream systems and supports including under the National Disability Strategy.
- Clarify the roles and responsibilities of States and Territories under the proposed governance arrangements; it will be important that these arrangements do not add confusion for people with disabilities, families, carers, providers and governments at all levels.
- Specify the disability support arrangements available to people with a mental illness, medical and age-related interventions and veterans of war and ensure the new system includes appropriate safeguards to avoid inadvertent cost shifting and unintended disadvantage; for example for people with dual diagnosis. In addition provide information about the administration of the Home and Community Care (HACC) program as some users with disabilities will be eligible for NDIS and other would not.
- Clarify the assessment and allocation processes, and provide detail on workforce requirement, capacity and training required to achieve the assessment of all people to be supported under the new schemes. Outline the timeframes for the assessment and allocation phases and the support measures which will be in place for people awaiting assessment.
- Outline the systemic supports needed to ensure the move to individualised funding maximises outcomes, minimises administrative burden and improves quality care and support opportunities for people with disabilities. In addition it is recommended that the transition for people already receiving individualised funding within the State and Territory system be seamless.
- Ensure that safeguards and evaluation mechanisms are in place for both specialised disability service providers and mainstream providers who will be offering disability services.
- Address the potential for conflict should the proposed National Disability Insurance Agency be responsible for both oversight of the schemes and complaints processes related to service providers.
- Calculate legal costs and disbursements arising from personal injury claims to address existing shortcomings currently preventing transparency around the full cost and efficiency of personal injury claims under compulsory third party legislation and other statutory insurance schemes.

We look forward to reviewing the Commission's final report of the inquiry into lifelong disability care and support.

Yours sincerely

Joy Burch MLA
 Minister for Disability, Housing and Community Services
 16 May 2011