

11 September 2018

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

Dear Commission Members,

RE: National Disability Agreement Review

The Brotherhood of St Laurence (BSL) welcomes this opportunity to contribute to the National Disability Agreement (NDA) Review.

The BSL is an independent non-government organisation with strong community links that has been working to reduce poverty in Australia. Since the 1930s, BSL has maintained a strategic focus on building community inclusion for people experiencing social exclusion, including people with disability. This commitment is reflected in our role as a Local Area Coordination (LAC) and Early Childhood Early Intervention (ECEI) provider in the three regions across Melbourne. Operating these programs provides us with unique insight into the implementation of the National Disability Insurance Scheme (NDIS) and the need to refocus and support the ongoing existence of the NDA. The reason for this is threefold:

1. A focus on disability must be retained at a national level to ensure that both the Commonwealth and states and territories are held accountable for delivering outcomes for people with disability. Although there is a National Disability Strategy and now the NDIS, both are insufficient because they do not carry the weight of an agreement in terms of meeting obligations.
2. The NDIS is called a national scheme but most of its data capture and focus is on the people with disability who receive funded supports. This is only 10% of Australians with disability. An overarching national agreement that covers all people with a disability must be maintained to ensure comprehensive data capture and planning.
3. While the NDIS has elevated the focus on disability in Australia, the nation still has a long way to go to achieve accessible services that are inclusive to all people with disability. A National Disability Agreement is essential. The agreement not only outlines outputs, outcomes and indicators but also forces national transparency and focus on addressing issues across all service systems and jurisdictions.

These three reasons confirm the need to maintain a National Disability Agreement. Our submission addresses five key purposes of the NDA that we think require explicit focus and development within the agreement. In summary we recommend the maintenance of the NDA to:

- support and drive accountability and collaboration between the Commonwealth and States and Territories for providing supports in mainstream services for people with disability who do not gain access to the NDIS
- guarantee ongoing investment in the Disability Services National Minimum Data Set and Survey of Disability, Ageing and Carers, and publication of data to the public and to research institutions
- develop a new national research agenda for disability that takes into account the large data sets generated by the NDIS and complementary research that supports the broader experience of people with disability across Australia
- expand its scope to include transport and justice as a matter of urgency.
- ensure accountability for and transparency of the outcomes relating to carers and people with disability across Australia.

Support and drive accountability and collaboration between the Commonwealth, States and Territories

The NDA provides an essential oversight to the restructuring of the disability sector both during and after NDIS transition. However, the existing NDA requires significant restructuring to reflect the changing relationship between the States and the Commonwealth. Whereas once the NDA focused on how states and territories deployed their funding to achieve outcomes for people with disability. Although the Commonwealth is now primarily responsible for the NDIS funding distribution, there is still a need for accountability and collaboration between the Commonwealth and the states and territories. This requires specific focus for those who are not eligible for funded supports, but who nonetheless require support. The intention was that ongoing support would be maintained at a state and territory level for these groups. It is apparent this has not occurred. Instead we see countless examples of people who previously received support under state-funded systems, no longer receiving support from these *and* being ineligible for the NDIS. This is not good enough under a national agenda.

We therefore need a new NDA that ensures that the Commonwealth and the States and Territories can collaborative to uphold their obligations. The States and Territories must uphold their obligations to support people who are not eligible for NDIS funded supports, and equally the Commonwealth must drive the best outcomes it can achieve with the Information Linkages and Capacity Building investment of \$131 million that also supports this group. The NDA needs to guarantee this approach over the long term, surviving multiple governments (if required) and not shifting focus away from the ultimate outcome, to ensure all people with disability live lives as active citizens across Australia.

Recommendation: Maintain and redevelop the NDA to support and drive joint accountability and collaboration between the Commonwealth and States and Territories for providing supports in mainstream services for people with disability who do not gain access to the NDIS.

Guarantee ongoing investment, collection and maintenance of national data sets

Article 31 of the United Nations Convention for Rights of People with Disabilities (UNCRPD), to which Australia is a signatory, states:

- 2) The information collected ... shall be disaggregated, as appropriate, and used to help assess the implementation of States Parties' obligations ... to identify and address the barriers faced by people with disabilities in exercising their rights.
- 3) States Parties shall assume responsibility for the dissemination of these statistics and ensure their accessibility to persons with disabilities and others.

Consistent with this, the *Open Government Partnership Australia* (OGPA) has a clear focus on access to government information and releasing high-value data sets.

Despite this, the NDIS data is not available to the people with disability, the general public or research institutions/other interested organisation to drive the level of change, quality, innovation and transparency that is committed to under the UNCRPD or the OGPA. Not only should this be resolved as a matter of urgency, but also it highlights the need to maintain the existing disability data sets, such as the Disability Services National Minimum Data Set (DSNMDS), supported by the Australian Institute of Health and Welfare (AIHW). AIHW should also consider expanding the DSNMDS to include additional low profile data areas where significant policy and program responses need to be developed. These include:

- transport access, education, housing and violence
- unmet demand/unmet need, particularly to inform specialist service development
- community factors and how this might impact on people's lives, particularly in relation to social and economic inclusion
- finding out who isn't getting access to the NDIS and appraising states' performance in upholding their arrangements.

The NDA is a critical enabler of the work of the AIHW and must remain to ensure we do not lose the ability to track progress over time.

The NDA is also a critical enabler for the collection of the Survey of Disability, Ageing and Carers (SDAC), conducted every three years by the ABS based on contributions from the States and Territories and critical for linkage with the DSNMDS. The contributions are presently voluntary and this cannot continue to the case. The NDA must provide for the SDAC to continue in all States and Territories and provide funding to ensure this happens. Even with the NDIS data potentially being available in future, for people who aren't eligible for the scheme, the SDAC data is the best way of determining not only who they are but also how they are faring.

This data strategy needs to be supported by a comprehensive, transparent scorecard that tracks progress at a national level over time. By way of example, the Close the Gap policy and reporting has driven fundamental reform across Australia for our First Peoples. The reporting of Close the Gap provides progress against key metrics, an action plan, timelines and responsibilities. While the nation has a long way to go, this is an example of how elevating a policy with complete transparency and shared accountability can focus the minds of governments, public servants and communities alike. We should demand the same for people with disability.

Recommendation: Maintain the NDA to guarantee ongoing investment in the DSNMDS and SDAC and publication of data to the public and to research institutions.

Develop and invest in a new national research agenda for disability

A critical element of the NDA is the National Disability Research and Development agenda that supports and directs the research effort across Australia. The past agendas have had a clear focus on human rights, participation in community life and systems change. As the NDIS evolves and research efforts are often replaced by big data set analysis, there is a danger that highly individualised data collected is considered to be a substitute for good targeted research. The flaw in this is twofold. Firstly, the NDIS data will only reflect the outcomes for people with disability who are eligible for funded supports. This will not be representative of the broader experience of all people with disability. Secondly, large data sets and qualitative research need to co-exist to inform each other. Large data sets can tell you where to target your effort (such as for at-risk groups) but they can rarely tell you why and how those groups are 'at risk'. The current research agenda recognises this and emphasises the need to promote research that is responsive and diverse, inclusive, collaborative, practical and targeted. These research principles and the need for a national research agenda under the NDA must remain and be revitalised.

Recommendation: Maintain the NDA to develop a new national research agenda for disability that takes into account the large data sets generated by the NDIS and complementary research that supports the broader experience of all people with disability across Australia.

Expand the NDA to include new intergovernmental agreements related to transport and

The National Disability Agreement provides an overarching arrangement that is designed to enable service systems that are important for the lives of people with disability. This generally occurs through intergovernmental agreements that relate to Indigenous reform, school and skills and workforce development, education, health care/reform and affordable housing. These agreements, however, do not cover all areas that have a significant impact on people's lives, such as transport. Many of the key agreements can only be put into practice if someone has the transport to attend school, work, and appointments and leave one's home.

For those who are most at risk, the lack of a service system oversight that drives change is problematic. For example, the lack of an agreement with the justice system is proving to be challenging both within the NDIS and outside it. In many cases people with disability are being released into the community with insufficient supports, with Department of Justice staff having no other option within existing legislation and policy guidelines. This can be extremely risky to both the individual and the community. The NDA needs enablement architecture that covers all service systems to ensure people with disability are not disadvantaged by the points of interaction between service systems.

Recommendation: The NDA is maintained and expanded to transport and justice as a matter of urgency.

Continue to unite carers and people with disability under one national agreement to achieve outcomes

One of the benefits of the NDA is that it brings together carers and people with disability under one agreement. This is a point of unique and valuable difference because most strategies, particularly at the State and Territory level, manage these two groups separately, failing to recognise their interdependence. Perhaps the strongest rationale for retaining this as part of the NDA is the focus on carers securing employment as a result of the NDIS. This was a fundamental assumption in the cost benefit analysis

undertaken by the Productivity Commission. This requires an agreement that recognises the interdependent nature of the caring relationship to achieve the outcomes, specifically in relation to employment, we require.

Recommendation: Maintain the NDA to ensure accountability for and transparency of the outcomes relating to carers and people with disability across Australia.

The Brotherhood stands ready to assist the Commission in its work. Please contact Amanda Pagan on (03) 9483 1183 or on apagan@bsl.org.au if we can help further.

Yours sincerely

Professor Shelley Mallett

Director, Research and Policy Centre