

**Submission to the Ageing and Disability Commission on
the establishment of a Standing Review**

**Spinal Cord Injuries Australia Policy
and Advocacy Team Submission
November 2020**

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NSW Ageing and Disability Commission

Via email to Commissioner@adc.nsw.gov.au

Introduction

Spinal Cord Injuries Australia (SCIA) welcomes the opportunity to offer a submission to the NSW Ageing and Disability Commission (ADC) on the establishment of a Standing Review to Monitor, Assess and Report on the implementation of the National Disability Strategy (NSW) in NSW. SCIA is committed to ensuring that the new NDS is successfully and sustainably implemented in NSW in order to advance the rights, choices and entitlements of all people living disability in NSW. Further, SCIA supports the promotion and protection of accessible, equitable and high-quality services for people living with disability in NSW, which should be enshrined in the NDS.

About Spinal Cord Injuries Australia

SCIA is a for-purpose organisation working for people living with spinal cord injury (SCI) and other physical disabilities. SCIA was founded by people with SCI over fifty years ago; people with disability make up over 25% of our staff, and the majority of our Board live with SCI. SCIA is a national, member-based organisation that serves 2,500 members made up of people living with disability, their family, carers, researchers, and other professionals in the sector.

SCIA's Policy and Advocacy Team provides individual and systemic advocacy, and supports self advocacy, with the aim of ensuring that people living with SCI and other disabilities do not face barriers in exercising their independence and realising their human rights. The team strives to achieve inclusivity and change for people with disability, their family members or carers.

SCIA supports the ADC's plan to establish a Standing Review. The following submission outlines SCIA's responses to some of the ADC's position paper questions and addresses some of the underlying issues related to monitoring, assessing and reporting on the implementation of the NDS in NSW.

1. The approach

The approach outlined in the position paper generally reflects the ADC's purpose in establishing a Standing Review. However, SCIA is concerned that several areas need to be clarified and re-considered in light of the ADC's proposed timeframe for completion of the Standing Review's first report. It should be remembered that there should be uniformity between Federal, state and territory governments' approach to implementation of the NDS. Additionally, SCIA promotes a more thorough approach to collecting research to inform the Standing Review's reporting, that truly engages and involves direct participation of people with disability, which may involve more consultation periods.

Timeframe

The position paper proposes a biennial timeframe for public reporting. This does not align with SCIA's current position nor with other stakeholders involved in the first consultation on the development of

a new NDS in 2019.¹ It was also not supported by people with disability and disability organisations consulted in a 2018 review by the Social Policy Research Centre on the implementation of the NDS.² Annual changes to funding and policy amendments to services and programs can dramatically affect the daily lives of people with disability and their family and informal carers. As such, the ADC, in its role as an independent monitor, should be acutely aware of these changes, and reporting annually to allow for immediate action to be taken to address issues that have arisen. Additionally, while it has not yet been determined, if reporting on the NDS at a Federal level occurs on an annual basis it seems more appropriate for the ADC to align its reporting with this timeframe to allow for greater efficiency in information sharing arrangements.

Methodology

SCIA also wishes to raise some questions related to the proposed methodology of the ADC in its collection of evidence and research.

Considering that the existing NDS does not have a detailed outcomes framework, and the proposed outcomes framework is still in the consultation phase:

How does the ADC propose identifying the relevant quantitative data sets in its initial desktop literature review and quantitative research stage?

Additionally, will the ADC identify its own set of measurable indicators by which to assess the NSW government's performance to date? If so, will it be informed by the proposed shared indicators recently published by the Department of Social Services?³

SCIA suggests that establishing a set of measurable indicators for the purposes of assessment in the Standing Review's first report would fail to take due account of the Federal position on the new NDS's specific outcomes framework, which as already mentioned, are still under consultation.

It has already been widely acknowledged in past reviews of both the NDS and NDA that there remains significant uncertainty between Federal and state and territory governments' responsibilities, particularly in the areas of housing, education, justice, aged care, transport, advocacy and access to assistive technology.⁴ This will obviously affect the preliminary assessment of NSW government's performance as measured against the current NDS's outcome areas, in the ADC's first Standing Review report, if it is to be published by mid-2021. Consequently:

How does the ADC propose to address this lack of clarity, while still providing empirical assessment of the NSW government's performance?

¹ *Right to Opportunity: Consultation report to help shape the next national disability strategy – Summary Report*, December 2019, p. 6.

² Social Policy Research Centre, 'Review of implementation of the National Disability Strategy 2010-2020 Final Report', August 2018, p. 37 and Department of Social Services.

³ Department of Social Services, 'Improving outcomes for people with disability under the National Disability Strategy and the National Disability Insurance Scheme', October 2020.

⁴ See Social Policy Research Centre, 'Review of implementation of the National Disability Strategy 2010-2020 Final Report', August 2018, p. 34 and Productivity Commission, 'Review of the National Disability Agreement: Productivity Commission Study Report Overview', January 2019, p. 2; Assistive Technology for All, 'Why current funding arrangements are failing', Council on the Ageing Victoria, <https://assistivetechforall.org.au/why-atfa/at-funding-outside-the-ndis/> (accessed 9 October 2020); NSW Disability Advocacy Alliance, 'StandByMe: Position Paper Long term funding for disability advocacy', May 2019, p. 1.

In light of the uncertainty surrounding the methodology to be employed for the purposes of the Standing Review's first report, SCIA believes that it is appropriate for the Standing Review to consider reports on other states and territories' past and current implementation of the NDS as a relative comparator. While the scope of the Standing Review should be limited to the implementation of the NDS in NSW, at the very least, at this early stage in its development it should consider datapoints and reports from other states and territories.

In its approach, the ADC proposes making invitations to government to demonstrate how the Strategy has been implemented. Again, considering the relatively short timeframe before completion of the first report, SCIA hopes to clarify:

Which governments (including NSW government and local governments) or government agencies will provide information in the Standing Review's initial research project stage?

Considering the changing disability governance arrangements in NSW, particularly the appointment of the Department of Communities and Justice (DCJ) as the lead agency in mid-2020, it is important in its first report that the Standing Review captures a sufficiently broad range of evidence from different levels of government and across different portfolios. DCJ may be able to provide a high-level overview of the current state of affairs, however considering the recency of the agency's appointment, it may not have the appropriate resources or expertise to report on NSW's performance. As such, the consultation period to gather evidence and information from government should be lengthy, particularly as the NDS demands a whole of government approach to implementation. Further, the impact of the COVID-19 pandemic should be considered as this may extend consultation periods.

2. Standing Review Framework

The ADC should be guided in all its functions by the provisions of the new NDS, keeping in mind the principles of the *Conventions on the Rights of Persons with Disabilities*. Further, considering that disability policy at all levels of government is under review and re-negotiation, the ADC should ensure that the Standing Review Framework and Stakeholder Engagement Framework are living documents that are sufficiently flexible to respond to developments, including the establishment of a new NDS, and possibly a newly negotiated NDA. More importantly, the Standing Review should be guided by ongoing input from people with disability, their families, carers, other supporters and disability sector stakeholders.

SCIA reiterates that a good indicator of accountability and transparency in the Standing Review's reporting involves annual reporting to the public. Additionally, this will raise the profile of the NDS within NSW. Further, the ADC will best add value to the implementation process of the NDS in NSW if it recognises that it should cooperate with all stakeholders, including an independent body, Federal Agency or particular Minister, that may be established to report on all governments' progress in implementing the NDS. This should be strengthened by firm information sharing arrangements between bodies tasked with assessing implementation across all governments in Australia.

3. Stakeholder Engagement Framework

Consultation and engagement with people with disability, their supporters and the broader disability sector

Consultation and engagement must be ongoing, thorough and accessible by establishing platforms and opportunities for the Standing Review to engage with as numerous and diverse individuals and organisations as possible. SCIA has received feedback from some of its members that there is enthusiasm for greater engagement through surveys and interviews (face-to-face and virtual) with

bodies like the Standing Review. These surveys could be circulated through social media, existing membership of disability organisations or through the ADC website. Additionally, the disability sector should be engaged through regular consultations with the ADC. These may include peak disability organisations, disability advocacy organisations and reference groups. Outreach to individuals in regional and rural areas and to people in priority populations. These include Aboriginal and Torres Strait Islander people, people from a culturally and linguistically diverse background, people experiencing homelessness, the LGBTQ+ community, people aged over 65. This could be facilitated by developing relationships with existing disability advocacy organisations or service providers working with these priority populations.

Duplication

The position paper raised concerns regarding minimising duplication and consultation fatigue in engaging with stakeholders and this should certainly be a concern. As the new NDS proposes to integrate an Engagement Plan, the development of the Standing Review's Stakeholder Engagement Framework should complement this Plan. It is hoped that feedback and information obtained through consultation at a national level with stakeholders can be disaggregated to allow the Standing Review to directly consider input from members of NSW in its reporting.

Ways to communicate

Any communication with stakeholders must be made available in all formats (including in spoken word documents, Easy English and multiple translations).

4. Focus areas

SCIA firmly believes that there are specific areas and service gaps that the Standing Review should focus on its reports. These include: access to assistive technologies and equipment and supports for over 65s; community access; and public transport.

Access to assistive technologies and equipment and supports for people aged over 65

SCIA is greatly concerned that people with disability in NSW are facing barriers to accessing much-needed assistive technologies and equipment, due to gaps and interfacing issues. Some SCIA members have provided feedback that they have been unable to access assistive technologies and equipment as EnableNSW have failed to provide interim support before funding from other government schemes has been received. For example, one SCIA member was approved for a Home Care Package in January 2020, however they are yet to receive funding (as of November 2020). In the interim, they have received support through the Commonwealth Home Support Program (CHSP). While, according to a NSW Government policy directive, “[they] are still eligible for some EnableNSW services” while they are on CHSP,⁵ EnableNSW have argued that they are in ‘exceptional circumstances’ and the service is not responsible for replacing some of their vital equipment. As such, this SCIA member is patiently relying on funding from their Home Care Package to arrive. This is a simple example of the glaring discrepancies between Federal and state initiatives that fail to fulfil universal access to assistive technologies and equipment for all people.

To be clear, there needs to be greater clarity for cohorts not eligible to the NDIS, including those eligible for My Aged Care, in getting ongoing access to aids and equipment through EnableNSW; the current gaps that exist continue to cause disadvantage and financial hardship.

⁵ NSW Government, ‘Assistive Technology’, Policy Directive, 18 August 2020, p. 3.

Community access and public transport

The Standing Review should obtain reports from Local Councils to assess the current levels of access to public buildings (government, commercial and retail); and open spaces, parks and other community infrastructure. Additionally, the Standing Review should collect data from Transport for NSW on the current state of accessibility to public transport in metro, regional and rural areas.

Generally, SCIA is concerned that the Standing Review focus on and promote data collection related to people with disability, from different stakeholders in NSW. There currently exists a dearth of relevant information to assess NSW's performance and this will certainly impact the Standing Review's initial report.⁶ As such, it would be appropriate to analyse data from the past five years, to truly extrapolate meaningful trends in NSW's performance against the outcome areas of the current NDS. Data should capture information including: demographics, access to services, participation in economic and social activities, political agency, education and accessibility to and diverse representation in the media.

If the ADC requires further information or has any queries about the content of this submission, please do not hesitate to contact SCIA's Policy and Advocacy Team.

Kind regards,

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⁶ See, for example, the findings from *Review of the NSW Disability Inclusion Plan 2018: Final Report*, Sax Institute, June 2019, p. 8.