

Victorian state disability plan 2017-2020,
Office for Disability
Department of Health & Human Services
50 Lonsdale St
GPO Box 4057,
Melbourne 3000
Via statedisabilityplan@dhhs.vic.gov.au

5 July 2016

Submission to the development of the State Disability Plan 2017-2020

We thank you for the opportunity to provide a submission to help shape the next state disability plan.

About Inclusion Melbourne

Inclusion Melbourne is a community support organisation that provides services to people with an intellectual disability, helping them to create more enjoyable and rewarding lives and participate fully in the community. Inclusion Melbourne was established in 1950 and was the sole registered disability support provider to have transformed its services during the life of a previous Victorian State Disability Plan (2002-2012), resulting in the sale of our premises and the delivery of all of our supports within the community, alongside community members, in highly individualised and personalised approaches. Inclusion Melbourne is also a Registered Training Organisation, specialising in the delivery of Foundation level courses to adults with an intellectual disability.

Our vision at Inclusion Melbourne is for people with intellectual disability to live in an inclusive community, where everyone has the same opportunities to participate in community life and to take their place in society as respected citizens.

We believe our role as a disability support provider is to encourage and enable people with disability to achieve and maintain a valued quality of life. We accomplish this by supporting people to create highly personalised and flexible lifestyles based on their needs and desires. To accomplish this we encourage people to participate in activities and develop relationships with people within their local community.

Our response

As a funded service provider with over sixty years of experience in the provision of support to people with intellectual disability, Inclusion Melbourne welcomes the opportunity to provide input to the development of the new state disability plan. Our submission has adopted the four main themes as the structure for provision of feedback.

Theme 1: Active citizenship

In relation to rights and equality, we wish to emphasise:

The need for stronger and better resourced advocacy and self advocacy supports, which would include:

- Clearly distinguishing and differentiating between advocacy and carer support groups
- Ensuring that strong, independent advocacy organisations are able to assist and support all Victorians, including those citizens also happen to be participants in the National Disability Insurance Scheme
- Supporting people with intellectual disability to build a network of self advocacy organisations across the state, including specific assistance for reinforce to lead and support this network

That Victorian planning and building regulations be updated

- To ensure that all commercial, retail and residential construction comply with the minimum standards for universal design
- To measure and implement strategies to reduce the 'trading away' of universal design elements in planning disputes at the council and/or VCAT
- To ensure that at the very least all new residential construction includes:
 - An accessible path of travel from the street or parking area to and within the entry level of a dwelling.
 - Doors, corridors and living spaces that allow ease of access for most people on the entry level.
 - A bathroom, shower and toilet that can be used by most people, with reinforced wall areas for grab-rails at a later date.

That Victoria takes a leadership position in relation to supporting the legal rights of people with intellectual disability. This includes:

- Resourcing the Victoria Electoral Commission to utilise section 23 (A) 2 of the Electoral Act 2002 to enable people with a disability who are residents in group homes to be enrolled on the register of electors, and that concurrent support be provided to relevant community support organisations to engage in public awareness and education with these people regarding their civil and political rights
- Resourcing the Office of the Public Advocate to further the development of evidence, an evidence based framework and the implementation of legal safeguards to enable the utilisation of support for decision making for people with cognitive impairments

That Victoria takes a leadership position in relation to supporting building social capital (particularly through volunteering) to support Victorians with an intellectual disability

- People with intellectual disabilities have very few meaningful relationships with people who do not have intellectual disabilities who are not relatives nor paid to support them. Further, they are less likely to be able to get help from friends or family if needed. While people with intellectual disability understand the importance of satisfying relationships to their quality of life, many do not easily develop relationship networks, and mere community presence does not result in inclusion into the community. Inclusion and the development of friendships requires opportunities for social interaction within the broad range of community activities and for this to occur, volunteers in every community group and club need to be able to access training and support so that they feel skilled and willing to include a person with a disability to become a member and meaningfully participate. Programs and supports could be undertaken by Volunteering Victoria in conjunction with other community groups and volunteer resource centres to raise awareness and provide specific education on the inclusion of people with intellectual disability into community groups

Theme 2: Rights and equality

There are a number of opportunities we see that will assist in addressing equality for Victorians with a disability. These include:

Enhance the role and functioning of the Office of Disability. This would include:

- The transfer of the Office of Disability to the Department of Premier and Cabinet to ensure greater oversight of Disability Action Plans and a whole of government approach to access for Victorians with a disability;
- Resourcing the Office of Disability to ensure that the plan is accompanied by information and training to all government departments so that all departments are familiar with the vision, objectives, and actions in the Victorian state disability plan 2017-20.

Introduce a new cabinet policy requiring an assessment of the effects of any new policy on Victorians with a disability:

- That Cabinet adopt a policy such that where appropriate, papers submitted to Cabinet must include a disability perspective, i.e. consideration of the impact of policies and proposals on people with a disability.
- That the Office of Disability prepares guidance to Government Departments to assist them to determine whether a disability perspective should be included in a Cabinet paper.

That a systematic review of legislation and regulation be undertaken to identify and repeal any section that may be discriminatory towards Victorians with a disability, including:

- That the Government revise Section 23 of the Residential Tenancies Act 1997 so that residents in group homes are eligible for residential tenancies, or alternatively gazette these properties such that they are no longer considered a 'residential service'
- That legislation, regulation and / or state government policies be updated to ensure that there are no exemptions to disability discrimination laws granted for the purchase of any public infrastructure that has a working life of greater than 10 years (eg: train, tram or bus purchases, renovations to existing public buildings, etc)
- That capital grants made by the Victorian Government or statutory authorities to support the development of public infrastructure, including recycling of existing public assets, only be provided where proposals exceed Universal Design requirements

That the Department of Health & Human Services invest in the development and delivery of specialist undergraduate and post graduate training for medical and allied health professionals

- The Victorian population health surveys of people with an intellectual disability 2013 and 2009 continue to highlight a significant disparity between the health of Victorians with and without intellectual disability. People with an intellectual disability are more likely to experience depression, mental health issues, obesity at a younger age and be less physically active than the general Victorian population; likewise they have lower participation rates in a range of preventative health screening measures. The Victorian Government should expand the remit and funding of the Centre for Developmental Disability Health Victoria to provide additional training to health care workers in community health centres.

Theme 3: Economic participation

The UN Convention on the Rights of People with Disabilities, the WHO World Disability Report and Victoria's commitment to people with disability, highlight *the need for quality research on the wide range of social, economic and legal issues affecting people with disabilities.*

- Given Victoria's leadership in its support for people with a disability, including housing the National headquarters of the NDIS, it logically follows that *Victoria take the lead in establishing an Australian Disability Research Institute, to be headquartered within or across one or more Victorian universities.*

It is proposed that the Australian Disability Research Institute is a collaborative research structure that brings together people with disability, their representative organisations (DPOs), families and carers, specialist disability service providers, universities, and government stakeholders. Ultimately the Australian Disability Research Institute would be a national organisation, headquartered in Victoria and funded through contributions from federal and state governments and participating universities.

The objectives of the Australian Disability Research Institute would be to:

- carry out research of the highest quality
- integrate existing research expertise and resources, and to focus them on areas of state and national priority
- identify research relevant to both policy formulation and implementation
- monitor current policies and developments and inform the ongoing debate on appropriate alternatives
- assess the social justice implications of current and proposed policies and processes, recognising the diversity of social need and requirements for equitable access in Australian society.

Such an approach would provide a wide range of opportunities to establish world class knowledge based opportunities in Victoria, with increased economic participation by and for Victorians with a disability through commercialisation of research and innovation.ⁱ

Theme 4: Making the most of the NDIS

The cessation of direct disability support provision by the Victorian Government offers many opportunities to provide increased opportunities, support and advice to Victorians who are participants in the NDIS, including:

- *Addressing asymmetric market information in the NDIS* by supporting people with a disability to be better informed of the performance of registered disability support providers through enabling access to information already collected by Government, including:
 - *That incident reports currently collected by the Department of Health & Human Services be publicly posted* so that this data can be reviewed by people with a disability, families, the NDIS, independent plan managers and support coordinators to enable greater transparency in making support-purchasing decisions. There are a range of mechanisms to enable this to occur through the de-identification of individual reports and posting summary data listing the number, type and location of incidents by service provider;
 - *That individual site reports prepared by Community Visitors and collated by the Office of the Public Advocate be publicly posted* following the tabling of the annual Community Visitors report in Victorian Parliament, in line with the practices utilised by the UK Care Quality Commission, and similar to those utilised in Australia to report on residential aged care providers
 - *That the DHHS establish a standard audit report format listing compliance, non-compliance and all major and minor non-conformances with the Human Services standards* to be completed by independent review bodies in relation to the external auditing of disability support providers.
 - *That use of the standard audit report form be mandated by endorsed independent review bodies and that standard audit reports be publically posted by the DHHS following the receipt of requests for registration or re-registration of disability support providers*
- *That the government support the maintenance of a vibrant not-for-profit disability support sector* in the state through a range of activities to ensure that providers headquartered in Victoria are not disadvantaged by state based regulation in comparison with providers that operate in Victoria but are headquartered in other jurisdictions. This would include:
 - *Adoption of legislation similar to the Statutes Amendment (Commonwealth Registered Entities) Act in South Australia which will exempt charities registered with the Australian Charities and Not-for-profits Commission (ACNC) from reporting separately to the State Government and the ACNC and from having to separately seek and hold a Victorian fundraising licence.* We note that similar legislation is also in place or planned in Tasmania and New South Wales
 - *That the portability of long service leave is deferred* until there is a national consensus on the matter and the costs of implementation are analysed, accepted and incorporated into the pricing for supports that are funded by the National Disability Insurance Agency
 - *That the Government consider the financial implications on the charitable sector* of any additional or modified regulation it seeks to implement in its response to the Parliamentary Inquiry into abuse in disability services to ensure that current scarce resources do not result in decreasing service hours in order to meet additional compliance costs
- *That WorkCover revise its current safe working guidelines in relation to supporting people with challenging behaviours*, focussing on the adoption of evidence based practises including positive behavioural supports and active support, resulting in greater opportunities for these people to participate in the life of their community
- *That the Office of Disability conduct an audit of currently funded State programs that will be discontinued following the full scale roll out of the NDIS* and determine which of these services may be eligible for funding under the Information Linkages and Capacity Building

policy, and those that will discontinue or be funded by the state. This list will include a number of programs currently funded under innovative respite initiatives tendered by the DHHS such as volunteer support activities that do not meet the criteria for funding under the agreed ILC policy. The Office of Disability could also provide a centralised advice and support service to assist community organisations prepare tender submissions for ILC when the NDIA commence sourcing these services.

- That the *Department of Health & Human Services undertake a review of supports for people with a disability over the age of 65* given that the aged care system is currently designed to meet the needs of frail aged people, and not the needs of younger people with lifelong disability, with a view to how and whether services can adapt to meet the needs of Victorians who comprise this cohort
- That *strategic planning be undertaken in relation to the metroaccess and ruralaccess programs*. This approach could examine opportunities such as focussing the role to one of economic participation within local communities or the potential to restructure the program to ensure that all staff are working towards a single set of goals and priorities, that may be differentially implemented across the state based on the needs of the local community

We again thank you for the opportunity to provide a submission to help shape the next state disability plan and remain available to provide further advice or clarification in relation to our submission. Our staff can be reached on (03) 9509 4266 or includeme@inclusion.melbourne

ⁱ The Productivity Commission recommended that a national independent research capacity be established alongside the implementation of the NDIS. While there is a need for research to support implementation of the NDIS, there is a clear need for a broader based approach to research supporting the lives of people with a disability. The National Disability Strategy requires the Commonwealth and States to develop a national research agenda on disability issues to inform research priorities across both mainstream and disability-specific areas. The 2014 Audit of Australian disability research found that the current disability research agenda lacks critical mass, is poorly coordinated and is disconnected from sustainable funding. Existing funding mechanisms for disability research such as the National Health and Medical Research Council (NHMRC) and the Australian Research Council (ARC) have not assigned disability research a high priority, and are under significant pressure across a wide range of research demands. These research programs and the projects they fund are often academic led and do not sufficiently address the concerns of people with disability, or their families, carers, the wider community and support providers. The last disability specific research agenda was a Commonwealth commitment of \$10M in 2011. This one-off program is now exhausted. The lack of research support coincides with a large increase in public resources devoted to support for people with a disability. NDIS expenditure for Victoria will exceed \$2.5 billion per annum during the life of the 2017-2020 state plan. Research is essential to develop cost effective supports, both to maximise the improvement in wellbeing for people with a disability and to ensure the best social and economic outcomes from the NDIS.