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Submission in relation to National Disability Insurance Scheme Bill 2012

Submission by Mr Dale Reardon, PhD Student in Disability Anti-Discrimination Law at ANU College of Law

I wish to make some submissions in relation to the National Disability Insurance Scheme Bill 2012. I am currently undertaking PhD research for my thesis into the Australian anti-discrimination legal system in relation to the area of disabilities

and employment in particular. I am undertaking my studies at the ANU College of Law.

I am blind myself and use a dog guide for mobility and have faced discrimination personally on a number of occasions. I have also faced many challenges in my life due to my disability and I hope the NDIS will make obtaining support easier.

My first concern is to ensure that blindness and vision impairment are covered by the NDIS. It is not clear from the present Bill and supporting materials whether blindness and vision impairment will be considered a sufficient disability for the purposes of the NDIS. I urge the Committee to ensure that blindness is covered by the NDIS.

Under the currently proposed legislation there is an upper limit of age 65 for coverage. Given the retirement age has been raised to 67 I believe the upper age should match the retirement age as a minimum standard. However I believe there is room to raise the age even further. The Government is encouraging people to stay in the workforce longer, and I believe disabled people can make a valuable contribution to the workforce. The NDIS will help disabled people achieve more employment opportunities. Disabled people are going to need the support of the NDIS beyond the age of 65 in order to participate in the workforce so I strongly urge the Committee to raise the upper age limit.

In terms of the composition of the NDIS Board I believe there should be a requirement for some of the Board members to be personally disabled. This would have a number of benefits – it would empower the disabled by letting the disabled have a voice in relation to their own future. Also disabled people will have first hand knowledge of the issues involved, the support needed and the way the NDIS can help in their every day lives. I believe disabled members could provide a unique voice to the Board. I appreciate the disabled person/s would need the necessary corporate skills but there are a number of disabled people with such skills.

In a related matter I would like to see the composition of the NDIS Advisory Council altered to require a higher proportion of disabled people. This would also empower the disabled and provide a voice for the disabled. Society has moved past the paternalistic model of disability care where non-disabled people take care of disability issues. We, the disabled, should have control of our own future. The NDIS is the greatest hope for improvement to the lives of the disabled for generations and it would be wonderful if there was a higher proportion of the disabled having control over this great scheme.

A central part of the NDIS is going to be the decision making process and the avenues of appeal and review of decisions. I believe the NDIS could greatly benefit by adopting a scheme similar to that currently employed by social security / Centrelink. This would involve a tiered system commencing with review by the original decision maker, a panel for an appeal (social security appeals Tribunal), appeal to the Administrative Appeals Tribunal (AAT) and ultimately the Federal Courts on points of law. This system has proven to be fair, efficient and timely. It provides a balance between formality and ease of use and has the benefit that it is a known system, and it is known how it operates.

Very crucial decisions are going to be made by the NDIS agency and this type of review and appeal system would provide the necessary checks and balances. I submit that the NDIS should use a tried and tested system rather than inventing a new system.

In other respects I highly commend the introduction of the NDIS legislation and look forward to it progressing towards full implementation.

Yours Faithfully,

Dale Reardon

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