

Friday, 25 January 2013

Committee Secretary
Senate Standing Committees on Community Affairs
National Disability Insurance Scheme Bill (2012)
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Dear Sir/Madam

Community Safeguards Coalition (CSC) welcomes the opportunity to present its Submission in relation to the NDIS Bill 2012 to the Senate Standing Committee on Community Affairs Inquiry.

Attached please find the CSC Charter and the membership list. The feedback being provided to you in the Submission represents the interests and concerns of the people with disabilities and their families who members of CSC represent.

Yours sincerely

Carol Holt
Chairperson
Community Safeguards Coalition

NATIONAL DISABILITY INSURANCE SCHEME BILL 2012

SENATE STANDING COMMITTEE ON COMMUNITY AFFAIRS INQUIRY

COMMUNITY SAFEGUARDS COALITION

BACKGROUND

The Community Safeguards Coalition (CSC) is a network of people with a disability, families, friends, advocacy agencies, service providers and allies of people with a disability.

OUR MISSION

To promote people with disability having the equal right, together with the appropriate support and resources to the same range of lifestyles as other people by safeguarding against legislation, policies and practices that limit or deny their fundamental rights.

OUR AIMS

- To provide a mechanism for a collective of like-minded people to undertake united and rights-based action
- To examine and analyse government policy and practice which dictates the ways that people with disability are supported in Queensland
- To raise awareness of any negative impacts that government legislation, policy and practice have on people with disability

OUR BELIEFS

We believe that people with disability have a right to:

- Live in the community with choices equal to others
- Be included and participate in the community
- Choose their place of residence on an equal basis with others and not be obliged to live in any particular living arrangement

SUBMISSION

The focus for this submission is mainly around accommodation options for people with a disability. CSC has been advocating to government in Queensland for many years now to change the dominant model of service provision in this area from group homes/large residential to more individualised responses. People with disability are disempowered in many ways: mostly through being part of a low socio-economic grouping where there is less participation in all areas - such as school, further education and workforce participation, low income, low home ownership and lower weekly income than the rest of the Australian population. This disempowerment is heightened when the choice to live where and with whom one wishes is severely narrowed.

CSC has a particular interest in the practice of 'forced co-tenancy' and we have been advocating for many years to have this practice changed. Forced co-tenancy can be described as:

- A person is denied the fundamental right to choose where and with whom they live

- A vacancy in a group home is the only option
- A person's basic care needs will not be met unless they "agree" to another person with disability moving into their home so support can be shared
- Funding programs (block funding) are delivered in ways that force individuals to live in group situations, making them ineligible to access individual funding to move out of the group situation.

This practice is a direct contravention of Article 19(a) of the CRPD which has been ratified by the Australian Government and states:

Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement.

It is only people with disability who are organised into group homes by funding bodies and service providers and who remain in such situations for life. No other Australian citizen is subject to this.

CSC is optimistic that the NDIS will reverse this situation and bring positive changes to people's lives. However, the Objects and Principles of the Legislation need to be strengthened to fully articulate what are the obligations of the Federal government and all States and Territories under the Convention on the rights of People with Disabilities (CRPD) in order that the tenets of the CRPD are not breached. This is happening in Queensland.

Chapter 2

Investment in capacity building for people with a disability and their families is crucial and should begin now in order to educate and empower people to make decisions that will enrich their lives. Without this knowledge and inspiration, people will tend to stick to the 'same old, same old' service types and won't dare to dream that things can be better and tailored made for them. Many people with a disability or their families have rarely had the opportunity to take control of their own lives or make their own decisions so this is a big leap and people need to know what is possible. If this capacity building does not occur and occur thoroughly, then the **concept, the essence** of the NDIS will not succeed.

Chapters 2 and 3

CSC acknowledges that what can and cannot be purchased with the funding received poses a dilemma. Some people will want to know exactly what is allowable and what isn't and some would not want the legislation to be that prescriptive. CSC believes that it is far better to leave the legislation on this issue broad: along the lines of **people with a disability and their families should be able to purchase whatever is required to enable them to have the same opportunities as other non-disabled citizens in the community**. This then leaves it open for negotiation about what are 'necessary and reasonable' supports. There should not be a list of what can and cannot be purchased as this could lead to a risk that people with a disability may be denied certain items which may support their quality of life: each person has different, individual needs. A person with a disability and/or the family are those best placed to determine what supports need to be purchased to enhance a person's quality of life.

Chapter 3 Section 29 (1) (b)

A recipient of the NDIS should have the option to stay in the NDIS regardless of turning 65. People should have the choice between staying in the NDIS or changing to the supports offered by the Department of Health and Ageing.

Chapter 3, Part 2, Division 1, Section 31 (e)

The wording “availability to the participant of informal supports” is of concern. Any informal supports need to be considered outside of any heavy reliance of partners or family of people with a disability. The wording needs to ensure it is clear that a recipient’s relationship status should not affect the level of support the individual will receive. Informal supports for a person with a disability are highly desirable but should be developed as part of the package of support.

Chapter 3, Part 2, Division 1, Section 34 (f)

This Section appears to be saying that an individual’s plan and therefore their funding should be used to “support communities to respond to the individual goals and needs of participants”. A person may choose to engage someone to assist them to develop a network of friends and acquaintances in the community, but not fund the community to take up this role. This is ‘community development’ and needs to be funded separately.

Chapter 3, Part 2, Division 2, Section 33 (1)

The word “planner” here should be more clearly explained. It appears to read that an allied health professional will be the planner: this should not be mandatory. The person with a disability should have choice about who assists him/her with their plan. Often health professionals take a very conservative approach and have limited expectations of a person with a disability. CSC want to see people being encouraged and empowered to ‘think outside the box’ and ‘dare to dream’ what their lives could be like.

Chapter 3, Part 2, Division 2, Section 33 (4)

No timeframe has been placed on the approval of participants supports. CSC feels this is a crucial part of the whole process. People, once approved, will be anxious to receive their support funding. A reasonable timeframe needs to be developed and made clear to participants so that they know what to expect.

Chapter 3, Part 2, Division 2, Section 34 c

What is ‘value for money’? What does this mean? This phrase needs to be clarified. If a support is absolutely essential to a participant and leads to wellbeing, community participation and belonging, then that represents ‘value for money’ for that person: it may not be ‘value for money’ in another person’s life.

Also, CSC believes that ‘reasonable and necessary supports’ needs further clarification and explanation. It is a very vague statement, has little meaning and is open to interpretation and dispute. This is the area that will have the greatest impact on people’s lives and therefore should be explored more carefully in the legislation. CSC understands that there will be ‘rules’ forthcoming, but the legislation gives people protection: an example may be “reasonable and necessary supports for people with disability will align with the expectations of other Australian citizens” (quote from Queenslanders with Disability Network).

Chapter 3, Part 2, Division 2, Section 35

The ‘rules’ of the NDIS provide a mechanism for putting the legislation into operation. The rules should therefore have safeguards around them so that the power of the legislation is not diluted by

external considerations: for example, economic downturn. Safeguards need to be put in place to ensure any changes are subject to consultation and debate.

CSC has serious concerns about Sections 35(2) and 35(3) which state the provision of supports with criteria regarding the “manner in which the supports will be funded and by whom the supports so funded are to be provided”. This opens up the possibility that funding could be attached to specific service providers: in other words ‘block funding’ or funding only to ‘approved’ disability service providers which would take the flexibility and autonomy away from each individual. In other words, they could lose the option of using local generic services to provide the support. This is not acceptable to CSC as it would undermine the whole concept of individualised, person centred support. With regard to block funding: in Queensland, block funding has led to group homes where people with a disability are placed under a system called ‘vacancy management’ – in other words, where there is a spare bedroom in a house, then a person can be placed there. It does not seem to matter that they don’t want to live there or they are not compatible or even do not like the other 3 or 4 residents living there. Often people are required to relinquish their individual funding package to the service provider in order to receive support in a group home. Once that occurs, the person has very little chance of moving out of this situation. The only way out is to move to another group home. CSC would be very concerned if we continued with this model.

CSC would like to see NDIS funding ‘rules’ allow people the same choices that other people in the community have. CSC is not against people with a disability sharing their home together, as long as this is their choice and not the only option available to them. If an individual’s personal care support funding is always linked to where they live, this breaches Article 19 of the CRPD which states:

Parties to this Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community...

The current funding structure of accommodation and support services is in a deathly embrace. This nexus must be broken! People with disabilities have the right to choose their place of residence and choose their support services. The NDIS legislation must ensure protection for people with disabilities from this indirect form of discrimination. The legislation must enshrine the right of people with disabilities to live where and with whom they wish and it must not be based on financial considerations or a very broken system will be perpetuated.

Community Safeguards Coalition appreciates your consideration of this Submission.

Carol Holt
Chairperson
Community Safeguards Coalition

CHARTER OF THE COMMUNITY SAFEGUARDS COALITION

Who we are:

The Community Safeguards Coalition is a network of people with disabilities, families, friends, advocates and allies of people with disabilities in Queensland.

Our mission:

To promote people with disabilities having the opportunity to pursue the same range of lifestyles as other members of the community and to safeguard against policies, practices and legislation that limit or deny these opportunities.

What we believe in:

	This means:
A good life with relationships with others	People with disabilities being part of families, having friends, neighbours, and work mates. Sharing interests, passions, life events, and everyday moments through these relationships.
Being part of the community in real and meaningful ways	Living in the community, being educated in regular schools, having a job or meaningful things to do during the day, having friends, being members of church or clubs, getting involved in local events, using the neighbourhood shops etc. Doing ordinary things along with everyone else.
Relevant and helpful supports	Recognising that people with disabilities are individuals and one supports size does not fit all. Having the right supports to help people to be authors of their own lives and to grow and develop
Focusing on people first	Making sure that the needs of services and systems are not more important than people. That people get to choose where they live, who they live with and how they will be supported.

Our Aims:

- To provide a vehicle for a collective of likeminded people, for collective and values based action
- To influence the ways that people with disabilities are supported in Queensland through influencing Government policy and wider practice
- To raise awareness of the impacts of changes to Government policy and legislation

Our Activities:

The Community Safeguards Coalition will:

- Encourage wide membership of the Coalition
- Draw on the combined knowledge, wisdom and experience of the network
- Make sense of "what is going on"
- Tell it like it is, to those who need to know
- Gather information from as broad a base as possible
- Widely disseminate information
- Offer an analysis of reforms and direction of disability services

Principles for Community Living

PEOPLE WITH DISABILITIES, REGARDLESS OF ABILITY, SHOULD HAVE THE RIGHT AND OPPORTUNITY TO LIVE IN A HOME OF THEIR OWN IN THE COMMUNITY.

- People with disabilities should have the right and opportunity to live in typical, decent, safe, accessible housing in the community.
- People with disabilities should have choices about the neighbourhood they live in, the style of community housing, and the people with whom they will live.
- The preferences of each individual should guide all aspects of the selection of housing, including whether the individual will live alone, with their family, roommates, extended family, spouse or friends.
- People with disabilities should have the same tenant and ownership rights and opportunities as other citizens, including the option to own or lease their own homes or apartments.
- Housing and support services should be provided by separate organisations so the individual's home is not jeopardized by a change in their relationship to the service provider.
- People with disabilities should have the opportunity to create a home of their own, reflective of their personal routines, values and lifestyles.

ALL INDIVIDUALS SHOULD BE ENTITLED TO THE SUPPORTS NEEDED TO LIVE IN THEIR OWN HOME AND PARTICIPATE FULLY IN COMMUNITY LIFE.

- People with disabilities should receive whatever supports they need to live fully in their own home and community with dignity, autonomy and respect.
- People with disabilities should have the option to live in their own homes in the community without risking the loss of support.
- People with disabilities should not be required to live in an agency facility or to become impoverished to obtain support services.
- People with disabilities should have maximum control over their support arrangements, with advocacy and support, independent of services, in making these decisions.
- People with disability have a right to determine who will provide supports including hiring, firing, evaluation and training of support workers.

ALL ADULTS SHOULD HAVE OPPORTUNITIES TO PARTICIPATE IN COMMUNITY LIFE.

- People with disabilities should have opportunities to be involved with ordinary people on a partnership basis and to develop relationships with neighbours, co-workers and community members.
- People with disabilities are entitled to decent, safe, and affordable housing; education; financial security to meet basic needs; health and medical care; and community transportation, employment and recreation.
- People with disabilities should have opportunities to contribute to the diversity and strength of communities.

Organisations. Signatory in brackets.

1. Nyinda Park Co-Op (Jacinta Bishop)
2. Buckler Services (Kathy Buckler)
3. FSG Australia (Vicki Batten, CEO)
4. Uniting Care Centre for Social Justice (Greg Mackay)
5. Uniting Care Centre for Social Justice (Tilly Igras)
6. Mamre Association Inc. (Kathryn Treston)
7. Parent to Parent Association Queensland Inc. (Julie Simpson)
8. Kyabra Community Association (Sarah Duce/Gemma Scott)
9. Spinal Injuries Association (Mark Henley)
10. Crossroads Gold-Coast (Alan Banks)
11. Spiritus Care Services Toowoomba (Peter Kinson, Co-ordinator)
12. Innisfail District Flexi Respite Association Inc (President)
13. Queensland Parents of People with Disability Inc. (Jan Steffan, Manager)
14. Queenslanders with Disability Network (Anthony Baguley - President)
15. Gold Coast Advocacy (Anna Comuzzo - President)
16. Independent Advocacy Townsville (Marnie Coombes)
17. Phoenix Lifestyle Support Incorporated (Manager)
18. Access Arts Inc. (Sally Josephson)
19. Real Living Options Association Inc.
20. L.I.S.A
21. Sequal Association Inc. (Kellie Bagent)
22. Lifeline Community Care Queensland (John Pini)
23. Queensland Advocacy Inc. (Kevin Cocks)

Organisations. Signatory in brackets.

24. Connie & Jim Young – Conjas Pty Ltd
25. Carol Thorne – Elements Lifestyle association
26. Judy Richardson – Gold Coast Advocacy/PwMS
27. Gulay Isler – Gold coast advocacy
28. Capricorn citizen advocacy – staff and management committee
29. Community living association Inc
30. Catherine Hogan
31. Kay Cavanagh & Lari Degney – Frontier Services Nth West isolated care
32. Homelife Association

Co-Signatories to “My Life, My Home, My Solution” – Position paper by
Community Safeguards Coalition

Individuals

1. Julie Stuart	2. Mary Ranke
3. Margaret Graham	4. Pauline Summers
5. Anna and Keith Coventry	6. Madonna Nicoll
7. Barbara Page-Hanify	8. Jeff Hore
9. Diane Bates	10. Jean and Mike Reynolds
11. Terry and Carol Stewart	12. Judy Collins
13. Hugh Rose-Miller	14. Carol Holt
15. Curt Singleton	16. Leeann Milne
17. Annette Justin	18. David Verschur
19. Shane Pay	20. Sheree Jackson
21. Susanne Tuttle	22. Jeanette Micallef
23. Vanessa Van Ballegooyen	24. Diana Andrews
25. John Andrews	26. Susette Hume
27. Carol Weston	28. Jill Merritt
29. Fran Vicary	30. Simon Burchill
31. Bob Whittaker	32. Colin MacKereth
33. Joan Rooney	34. Sally Banone
35. Don Studhome	36. Sally Healy
37. Naomi Edwards	38. Martina Salovac
39. Michael Steven	40. Ray Myatt
41. Julia Lyons	42. Unternaehrer
43. Margaret Lyons	44. Jan Dyke

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Community Safeguards Coalition

Individuals

45. Pamela Gray	46. Josie McMahon
47. Anna Comuzzo	48. Joanne Myatt
49. Pam Baggot	50. Matthew Spencer
51. Alan Goury	52. Robert Nichols
53. Jane Warner	54. J Morrish
55. Margaret Watson	56. Jo-Ann Hoare
57. Larry Laikind	58. Jenny Speed
59. Rebekah Bradshaw	60. Margaret Ward
61. Ken Wade	62. Meriel Stanger
63. Tony Tregale	64. Heather Tregale
65. Lisa Bridle	66. Don Dias-Jayasinha
67. Maria McCaffrey	68. Donna Best
69. Kevin Cocks	70. D. Bryzak
71. Bozena Kleinova	72. Holly Terrace
73. Bentry Phiri	74. Emily Phiri
75. Hedy Stevenson	76. Blair Terrace
77. Clare Johnson	78. Kayla Nichols
79. Brenda McDowell-Jackson	80. Graeme Jackson
81. Sharon Rae	82. Anna Vencnl (not sure of spelling)
83. Anna Zalega	84. Vatalia Zalega
85. Gosia Skalska	86. Jayne Czzopaido
87. Dieter Woelfle	88. Ary Jean levers
89. Mike & Jean Reynolds	90. Kristen Jefferies

Co-Signatories to “My Life, My Home, My Solution” – Position paper by
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93. Cathie Rogers	94. Les & Julie Scott
95. Nora King	96. Mary Rose Miller
97. Virginia Howie	98. Pam Termont-Schenk
99. Liz Martyn-Johns	100. Robyn Chinchin
101. Michelle Boles	102. Peter Exton
103. Pam Maram	104. Anneli Santala
105. Margaret & Bianca Bailey	106. Valda Rumsey
107. Catherine Hogan	108. Barbara Best
109. Kay Shaw	110. Ann-Marie O'Brien
111. Jennifer Barrkman	112. David Swift
113. Jeff Hore	114. Diane Bates
115. Deborah Bryzak	116. Kevin Cocks
117. Jenny Speed	118. Meriel Stanger
119. Ken Wade	120. Melinda Ewin
121. Mike Duggan	122. Rob Scagliotti
123. Mary Olivea	124. Larry Murchie
125. Melisa Stradman	126. Geoffrey Silver FSGA
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129. Tracey Simpson (FSGA (contact as above))	130. Peita Farrah Hadley (FSGA)
131. Rhys Harnell (FSGA)	132. Jane Sherwin (Sherwin & Associates)
133. Priscilla McCulloch (FSG)	134. Ben Radford (FSG)

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Community Safeguards Coalition

Individuals

135. Wade Manthey (FSG)	136. Eugene Ewers (FSG)
137. Larry Lurchie	138. Mary Olivea
139. Pam Maram	140. Gregory Allie – FSGA
141. Luke Wallis – FSGA	142. Tony Bavissnett – FSGA
143. Linda Powell – FSGA	144. Ben Bailey – FSGA
145. Tim Martin – FSGA	146. Vikki West – FSGA
147. Debra Tew	148. Ann Greer
149. Zane Jackson	150. Noel Rae
151. Tara Nichols	152. Rochelle Steven
153. Ricky & Mary Spencer	154. James Hurtley
155. Annette Osborne	
156. Dorothy Pratt	