

Senate Inquiry – National Disability Strategy 2010 – 2020.

30 October 2017

**Dear Senators,**

**My name is Herman ODIJK. I am a Member of the Toowoomba Regional Council – Regional Access & Disability Committee (RADAC). I was appointed to be the spokesperson and deliver this submission on their behalf.**

**Senators please note that the RADAC submission is NOT necessarily the view of Toowoomba Regional Council but that of Members of RADAC. RADAC advises Council on issues relating to and of concern to people with a disability.**

The Toowoomba Regional Council – Regional Access & Disability Committee (RADAC) thank you for providing the opportunity to speak further to the submission dated 24 March 2017.

However, I would like Senators to note that since the submission, there have been considerable changes.

At the time of writing the submission the RADAC members and its Chairman Councillor Joe Ramia, had little or no idea as to NDIS specifics. The reason being that NDIS commenced to roll out sometime in January 2017. This gave RADAC members at best one-and-a-half month to consider the NDIS Senate Inquiry Terms of References.

As a result, the submission may be somewhat vague and, perhaps, not directly addressing NDIS issues as they now stand.

Since the 24 March 2017 submission, the RADAC Chair Councillor Joe Ramia and the Committee Members have had an opportunity to gather further NDIS related evidence and that is what I would like to bring to the attention of the Senators.

The Chair, Councillor Joe Ramia mentioned, among other things, that “a review of building standards should be undertaken...” (Paragraph 2, page 1 submission)

It should be noted that the new building standards applying to people with a disability are set out in [“The federal legislation is the Disability Discrimination Act \(DDA\). The trigger for upgrading to meet the DDA is a building approval.](#)

The Australian Standard is AS1428 which is reference within the National Construction Code Building Code of Australia (BCA). The updated standard has been called up in the BCA since 2010.”

New buildings; public spaces; amenities; transport services; and infrastructure now take in to consideration the needs for people with a disability.

On the advice of RADAC, Toowoomba Council has made great improvements to, for example, city tram ramps, wheelchair, mobility scooter ramps to footpaths, footpaths themselves, and parking spaces; park access; and toilet facilities.

However, Council IS NOT able to make, for example, owners of older buildings – built prior to “The federal legislation is the Disability Discrimination Act (DDA). The trigger for upgrading to meet the DDA is a building approval.

The Australian Standard is AS1428 which is reference within the National Construction Code Building Code of Australia (BCA). The updated standard has been called up in the BCA since 2010.”

**RADAC Members suggest to the Senate Inquiry that changes be made to “The federal legislation is the Disability Discrimination Act (DDA). The trigger for upgrading to meet the DDA is a building approval.**

The Australian Standard is AS1428 which is reference within the National Construction Code Building Code of Australia (BCA). The updated standard has been called up in the BCA since 2010.”

**suit people with a disability. This, of course within reason. For example, Toowoomba is a 100-year-old city and that should be taken in to consideration. We also understand that this is an added cost to owners of the older buildings / facilities.**

# Other NDIS related issues

## 2) Ms Jessica Harris – RADAC member

Jessica has a 29-year-old twin brother – Luke who has “an intellectual disability.” The disability makes Luke act as an 18-month-old. His family cares for him with the assistance of NDIS carers.

The Harris family NDIS experience is as follows:

Feedback on the NDIS, which I have outlined below, is largely based on my family's experience with the NDIS. However, anecdotally I have heard from clients and colleagues in the human services sector this also reflects other peoples' experiences as well, particularly those with complex needs:

- \* NDIS Readiness Planning was insufficient in preparing families and participants with what to expect post-planning meeting.

- \* Service providers have expressed confusion regarding their role/responsibilities once the plan has been approved and have asked families/participants how they go about accessing approved funds.

**This contradicts information provided by the NDIA during the planning meeting whereby the 'chosen' service would assist families/participants with enacting the plan.**

- \* When the NDIS was first rolled out in Toowoomba, clients, and representatives from the NDIA were contacting registered persons to ask questions. The NDIA was not direct enough in communicating this, specifically the 'planning meeting' which was meant to lead to a plan which would then be assessed for approval.

It seems that the above steps taken by the NDIA were driven by their own time-management agenda rather than a commitment to ensuring people were adequately supported to have their needs heard and addressed.

- \* Where plans have been approved this has often been for a 3-month period whilst further assessments are completed. Where people have had allied-health assessments (e.g. incontinence, speech, occupational therapy, behaviour etc) completed just prior to their planning meeting (i.e. 6 months beforehand), the NDIA have requested these again. The time needed to locate, contact, interview and facilitate assessment times with allied health

professionals has largely fallen to families/participants, rather than service providers, even in cases where a supports coordinator has been approved. Support services no longer being able to fund case workers/ managers under the new NDIS model of funding.

Significant barriers have arisen for participants not being able to access professionals to complete approved assessments. These barriers include 1) Finding suitably qualified professionals who can do assessments for those with complex needs, 2) Registered with the NDIS, 3) Having the capacity to do the assessment (i.e. small pool of professionals comparative to demand, 4) Willing to complete assessments.

The NDIA requested we get several assessments completed within a 3-month period for brother Luke. Asking families and/or participants to acquire an assessment, which no one is registered to provide, and within a short time frame, is an unrealistic expectation and only serves to disempower people further. It should not be the sole responsibility of 'disadvantaged' people to engage in 'systems advocacy' to change what services can be accessed. The NDIA's lack of flexibility in setting time frames to acquire assessments is inadequate. The NDIA needs to work collaboratively with families and/or participants in setting realistic time frames.

\* Services are claiming 'top-dollar' whilst effectively doing 'less work', and at the same time being evasive in providing detailed invoices as to where these costs go in supporting NDIS participants.

\* Prior to the NDIS, depending on their service package, people with a disability were able to access consumables and/or services through DSQ which are no longer covered by the NDIA. For example, personal care consumables (e.g. gloves), paper & stationary (e.g. reporting/communication materials) and access to a vehicle for transport were previously covered by funds provided by DSQ to the service provider. These costs are now the responsibility of the participant. In some instances, consumable costs (e.g. gloves) may exceed what the NDIA is willing to budget for in the person's plan. The costs can be significant. For example. due to personal care my brother's support staff use 90 gloves per day. At \$13.00 a box for gloves, this cost is significant.

As for access to a vehicle, access to a fleet car/service vehicle will not be funded by the NDIA. Where a person with a disability experiences incontinence and/or behavioural issues or is geographically isolated, they may not be able to access public transport and subsequently may become more socially isolated and have a worse quality of life. With

access to a vehicle it enables people with a disability to be able to move large distances, as and where needed, if they are feeling distressed and/or have incontinence issues.

Participants have also been disadvantaged by some services no longer provide access to a case worker or case manager. Consequently, there is a smaller pool of workers to assist with administrative duties which need to be completed. For example, where restrictive practices are in place there is significant observation/reporting time which must be done to ensure the service is adequately adhering to the corresponding legislation.

\* Overall, NDIA staff have shown a lack of understanding around restrictive practice legislation in QLD. Restrictive practices can only be approved by QCAT and the use of these, was previously monitored by a team attached to DSQ. With the roll out of the NDIS, this team has dissolved except for 2 clinicians (Quality Safeguards Team) in Toowoomba who will monitor restrictive practices for those where only containment and seclusion is used. Their role being to observe and monitor 'staff' in using restrictive practices in accordance with the PBSP, and to support a reduction in restrictive practice use where possible, through training staff, and reporting this back to QCAT annually.

Where other approved forms of restrictive practice are still in place, the legislation still requires observation and monitoring occur to ensure the PBSP is followed, and restrictive practices are being reduced where possible. As the Quality Safeguards Team are no longer able to provide this service, it will fall to families/carers/services to nominate a guardian of restrictive practices and to negotiate with the NDIA to acquire funds for a behaviour therapist.

Without the consistent weekly support of a clinician, I hold concerns for those where restrictive practices are in place and the service to implement these practices is also the guardian. People with a disability, particularly those with an intellectual disability, are vulnerable to abuse and exploitation. It is a conflict of interest for services to observe and monitor their own conduct in implementing and reducing restrictive practices.

For those families who have chosen to apply for guardianship around restrictive practices, it has meant an additional responsibility and an increased work load in trying to ensure the needs of their loved one are met.

### **3) Mrs Irene (who did not want her full name disclosed) contacted a RADAC Member with the following NDIS comments:**

The Irene family have been working hard to try to support daughter Leisl - an intellectual disability person, with transition to living independently in her own home. Their NDIS experience is as follows:

The family became involved with the NDIS transition in about January 2017. They contacted the organisation to find that they received confusing advice and when they completed the first set of application forms were told that approval or non-approval would be given within 7 days. After several telephone calls; new application forms; and visits from NDIS staff they received approval for their daughter's plan after 7-weeks.

The family's main concern was:

- Lack of information;
- Conflicting statements;
- Wrong application forms;
- and that "the bureaucracy was a nightmare!"

**However, they would like Senators to know that now that all is in place "they sing praises about NDIS."**

#### 4) Ms Linda Rossow is the Principal of Focus on Futures and a Member of RADAC.

Ms Rossow has been working with the rollout of the NDIS since October 2016 firstly with pre-planning (assisting participants to gather their supporting evidence to present for approval) and since the rollout she has been working as a Support Coordinator for a Toowoomba organisation and now works as a sole person, offering coordination of supports to rural and remote communities.

Generally in Ms Rossow's words: -

There are 2 major concerns which I would like to put forward for discussion and these are concerns which are impacting across the entire remote network that I work within (southwest Queensland).

1. Support and funding are vastly inadequate for the needs of the recipients
2. Support is often limited due to the remoteness of the participants, which undermines the NDIS core principle of increased choice and control.

Some examples:

- A) A visually impaired and epileptic person living on her own in a fairly remote area of South West Queensland (NDIS service from Toowoomba) received a reduced level under NDIS. As a result of this, this person now lives **again** with her family on a remote property / farm.
- B) Several people with young children who have profound disabilities and extensive daily care needs, are now funded just 7.6 hours per week support.
- C) Many (of Ms Rossow's clients) are at least 1.5 hours from Toowoomba and about 4 hours' drive from Brisbane **AND because of this**, access to service providers is extremely limited.

Service providers are convinced that they should visit these people and offer a deal, but the organisation reduces the number of hours will NDIS support by travel time to cover this travel time.

This could mean, for example, that support for a family supporting an autistic child on an NDIS plan is for, say, 550 hours per year. The 550 hours per year are reduced, by the service

provider, by, say, 200 hours to cover travel time to / from the client leaving the client with 350 hours of support per year. This is not an improvement at all.

It should be noted, Ms Rossow states, that this is NOT the fault of the service provider. If the service provider does not recoup these hourly costs, they cannot offer the service.

**The question RADAC Members are seeking answers to are:**

- **The NDIA is responsible for the delivery to NDIS. Should NDIS rules / guidelines be amended to take care of the above-mentioned issues?**
- **Should an NDIS / NDIA ombudsperson be appointed to oversee the NDIA? So that clients can lodge complaints/concerns about NDIS plans and the like?**
- **Should a State based non-NDIS / NDIA information service be set up to provide independent advice to enable clients to find answers to their inquiries which are perceived as unbiased?**

**In other words,** how accountable are service providers to the NDIA regarding their conduct?



# Submissions made by Invitation

[In reverse order - i.e. most recent submission listed first.]

\* Short-Term or Long-Term Benefits for Teachers? Submission to the Queensland Teachers Union (QTU) for Enterprise Bargaining (EB) 7 **based** on a submission dated 25 May 2009 made to The Minister for Education the Honourable Rod Welford MP and the Honourable State Member for Ferny Grove Minister for Education & Training Mr Geoff Wilson MP stated sometime in 2009, when the QTU was negotiating EB6, that “(they) wanted better educated teachers.” 5 August 2011.

\* Personal eLeadership Plan prepared for the Stanthorpe State High School Leaders as part of the *Certificate Smart Classrooms e-Learning Leaders*. Department Education and Training, Education Queensland. (Awarded August 2011.) Smart Classrooms e-Learning Leaders Programme. Education Queensland. May 2011.

\* EB 6 – Better Educated Teachers? Teacher pay levels to be based on relevant qualifications - Submission prepared for The Honourable State Member for Ferny Grove Minister for Education & Training Geoff Wilson MP. 25 May 2009.

\* Distance Education Review. Discussion Paper issued August 2009. Based on the \* Brisbane School of Distance Education (BSDE) Staffing Allocation Methodology Review. 10 November 2008. (See entry below.)

Ms Lyn Mc Kenzie A/Deputy Director-General Education Queensland and Mr John Battams General Secretary Queensland Teachers’ Union invited stakeholders to submit feedback on the Discussion Paper. I submitted a 4-page feedback on 4 September 2009 together with a copy of Reflecting on Professional Practice. Virtual Schooling Service i-School Information Processing & Technology (IPT) Teaching and Learning 2004 - 2006. Possible interpretation(s) of data collected from various sources. 14 July 2007. Education Queensland. Stanthorpe Qld. p.52.

Receipt of the submission was acknowledged via e-mail on 4 September 2009 by Andrew Beattie of the QTU and Sian Jones on behalf of Gary Kirby Education Queensland on 9 September 2009.

\* Fix it request. Re: EB 6 – Better Educated Teachers? The Honourable State Member for Ferny Grove. Minister for Education and Training. Geoff Wilson MP. 26 May 2009. Acknowledged 29 May 2009.

\* Brisbane School of Distance Education (BSDE) Staffing Allocation Methodology Review. Virtual Schooling Service (VSS) Curriculum Coordinator Mr Richard Kelly was invited to attend the review meeting on **10 November 2008** to represent VSS IPT. The reviewer was Ms Christine Woolley – Ex-

Principal Charleville SDE in the 1990s. Ms Woolley requested teachers to make a submission based on: “What we (teachers) do on a day-to-day based on standards which involved answering 12 points (in summary) as follows:

1. Structure flexible and innovative learning experiences for individuals and groups 2. Contribute to language, literacy and numeracy development 3. Construct intellectually challenging learning experiences 4. Construct relevant learning experiences that connect with the world beyond school 5. Construct inclusive and participatory learning experiences 6. Integrate information and communication technologies to enhance student learning 7. Assess and report on student learning 8. Support the social development and participation of young people 9. Create safe and supportive learning environments 10. Build relationships with the wider community 11. Contribute to professional teams 12. Commit to professional practice.

I submitted a copy of my Virtual Schooling Service (VSS) 2004 – 2006 Reflecting on Professional Practice and a 4-page Words Document addressing (explaining) the 12 points “What we (teachers) do on a day-to-day basis.”

The result of the review seemed to be that BSDE West End was to be moved to Cavendish Road some time in 2010 and all BSDE teachers were to teach one (1) Face-to-Face class. VSS was to serve as an example as to the Mode of Delivery to be used in future.

\* Prime Minister Mr Kevin Rudd re: “Schools will be able to apply for grants of up to \$1 million to revolutionise their classrooms with new or upgraded ICT equipment ...” as per Election 07 Policy Document. Letter to the Prime Minister – dated 22 May 2008, via his web site. Reply received from Hon Julia Gillard MP, Minister for Education dated 17 July 2008.

\* Stanthorpe Shire Council. Discussion Paper: “Waste Not Want Not – Recycling for the benefit of the community.” 13 page submission dated 26 October 2005. Acknowledged 12 April 2006 – Chief Executive Officer T.P. Brennan.

\* Senate Employment, Workplace Relations, Small Business and Education References Committee **"Inquiry into the quality of Vocational Education and Training in Australia"**. 5 page submission dated 23 October 1999. Acknowledged 8 November 1999.

\* Department of Treasury the Honourable Rod Kemp Assistant Treasurer of the Commonwealth of Australia **"Tax Law Improvement Project - Non-cash benefits; Deductions for Company Bad Debts; Intellectual Property - Exposure Draft No.12"** September 1997. 1 page submission dated 26 October 1997; acknowledged 29 October 1997.

\* Department of Treasury the Honourable Rod Kemp Assistant Treasurer of the Commonwealth of Australia "**Tax Law Improvement Project - Capital Gains Tax Part 2 - Exposure Draft No. 11**" September 1997. 2 page submission dated 26 October 1997; acknowledged 29 October 1997.

\* Department of Treasury the Honourable Rod Kemp Assistant Treasurer of the Commonwealth of Australia "**Tax Law Improvement Project - Capital Gains Tax Part 1 - Exposure Draft No. 10**" June 1997. 1 page submission dated 11 September 1997; acknowledged 16 September 1997.

\* 50 something National Seniors Association "**Should seniors support a GST? GST Draft Position paper**". 3 page submission dated 13 June 1997; acknowledged 13 June 1997.

\* 50 something National Seniors Association "**Should seniors support a GST?**" June 1997. 8 page submission dated 2 June 1997; acknowledged 3 June 1997.

\* Federal Member for Longman the Honourable Mal Brough MP "**Proposal for Tax Reform**" May 1997. 8 page submission dated 31 May 1997; acknowledged 17 June 1997; 20 October 1997.

\* Department of Treasury the Honourable Rod Kemp Assistant Treasurer of the Commonwealth of Australia "**Tax Law Improvement Project - Horticultural plants, Primary producers - smoothing of income, Environment provisions, Above-average special professional income. Exposure Draft No. 9**" March 1997. 5 page submission dated 28 May 1997; acknowledged 6 June 1997.

\* Australian Law Reform Commission 4 page submission to "**Who should pay? A review of the litigation costs rules**" Draft Recommendations Paper 1 June 1995 "Litigation Cost Rules" ISBN 0 642 22914 7. Submission dated 22 June 1995. Acknowledged 6 July 1995.

\* Australian Law Reform Commission 16 page submission to "**Who should pay? A review of the litigation costs rules**" Issues Paper 13, October 1994. Submission dated 24 January 1995; acknowledged 30 January 1995.

\* Senate Employment, Education and Training References Committee 13 page submission to "**Inquiry into Long Term Unemployment**" January 1995. Submission dated 7 January 1995; acknowledged 18 January 1995.

\* Australian Senate Economics References and Legislation Committee 10 page submission to "**Improving the Tax Treatment of Small Business**" 18 December 1994. Submission dated 30 December 1994; acknowledged 6 January 1995.

I was invited by the Australian Senate Economics References Committee to give evidence to the Committee in Brisbane on 19 April 1995. Following this I was invited to provide detailed costing based on my proposals. A 4 page costing submission was forwarded to the Committee on 16 May 1995; Verbally acknowledged 5 June 1995. Formally acknowledged 3 November 1995.

\* Australian Taxation Office 6 page submission to "**Taxpayers' Charter**" November 1994. Submission dated 29 December 1994; acknowledged 10 January 1995. 2 page submission to "**Taxpayers' Charter - Discussion Draft**" November 1995. Submission dated 8 December 1995.

\* Department of Treasury the Honourable George Grear MP Assistant Treasurer of the Commonwealth of Australia "**Tax Law Improvement Project - Assessable Income; Trading Stock - Exposure Draft No. 5 and Deductions: Particular Items; Building Write-Offs Exposure Draft No. 6**" July 1995. 6 page submission dated 25 September 1995; acknowledged 5 October 1995.

\* Department of Treasury the Honourable George Grear MP Assistant Treasurer of the Commonwealth of Australia "**Tax Law Improvement Project - The New Act - Exposure Draft No. 2**" April 1995. 6 page submission dated 12 June 1995; acknowledged 19 July 1995.

\* Department of Treasury the Honourable George Grear MP Assistant Treasurer of the Commonwealth of Australia 7 page submission to "**Tax Law Improvement Project - Substantiation -Exposure Draft No. 1**" August 1994. Submission dated 9 September 1994; acknowledged 10 October 1994.

\* Australian Taxation Office 4-page submission to "**National Review of Standards for the Tax Profession**" Discussion Paper issued by the Steering Committee, 20 December 1993. Submission dated 20 January 1994; acknowledged 7 February 1994.

\* Federal Attorney-General the Honourable Michael Lavarch MP

2-page submission to "**Judicial Appointments - Procedure and Criteria**" Discussion Paper September 1993. Submission dated 1 December 1993; acknowledged 7 July 1994.

\* Australian Law Reform Commission 8 page submission to "**Compliance with the Trade Practices Act 1974**" Discussion Paper 56, November 1993. Submission dated 13 January 1993; acknowledged 29 June 1994.