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Secretary
Senate Standing Committees on Community Affairs
PO Box 6100
Parliament House
Canberra ACT 2600
Email: community.affairs.sen@aph.gov.au

Dear Secretary,

Inquiry into the National Disability Insurance Scheme Bill 2012

Deaf Australia appreciates the opportunity to comment on the National Disability Insurance Scheme Bill 2012.

Deaf Australia believes that the Bill has enormous potential to change not only how disability services are funded and delivered, but also the culture of how people with disabilities are included and valued in Australian society. It is therefore important that the Bill not only sets out how disability services will be delivered, but that it also puts these provisions into the context of people with disabilities genuinely being in control of their own lives, the services they receive, and how they are included in the mainstream society.

Deaf Australia is a member of the Australian Federation of Disability Organisations (AFDO) and has had input into the submission prepared by AFDO. We support the views and recommendations in that submission and believe all of its recommendations are important for people with disabilities.

Deaf Australia specifically represents the interests of Deaf people who use Auslan, and as such we would like to stress the following matters as of particular concern to our constituents:

Reasonable and necessary supports

Deaf Australia is concerned that the requirement that the CEO be satisfied that the criteria set out in this section must be met may lead to Deaf people being refused some supports if they do not accept other supports.

As an example, it is very common for health and allied health professionals to take the approach that hearing aids and cochlear implants are an essential and cost effective support and express the view that deaf people who have these supports do not need Auslan, interpreting or other supports.

Many deaf people reject this view and prefer not to have hearing aids or cochlear implants. In addition, even when they do have these hearing technology supports, many people still need to use Auslan and other supports as well.

Deaf Australia is very concerned that the criteria in section 34 of the Bill could lead to a situation where deaf people are refused supports such as interpreting, note-taking and real time captioning because they have chosen to not have hearing assistance supports.

We believe that the provision for people with disabilities to have control over choice of supports needs to be strengthened in the Bill.

Registered providers of supports

While Deaf Australia understands the need to require that providers of supports be registered, we are concerned that the requirements to register as a provider and the requirements with which providers must comply may be so onerous that they (a) limit people with disabilities as to who they can choose as their support providers and (b) make it too difficult for people with disabilities themselves to be providers of supports.

In many cases, the best support person for a deaf person and their family is another deaf person and another family of a deaf child. The criteria need to be flexible enough for deaf people and their families to have the right to choose support providers outside formal institutionalised supports such as those provided by the health, allied health, education and disability support systems.

Disability Support Organisations

In its report, the Productivity Commission set out the role that Disability Support Organisations (DSO) should take. Deaf Australia believes that the role of DSO as envisioned by the Productivity Commission will be pivotal for many people with disabilities both as they transition to a new system and as they enter the system for the first time. However, this role is not specifically included in the NDIS legislation and many of its functions have been absorbed into the NDIA itself.

Many Deaf people need support to reimagine their lives with a 'can do' approach and to develop the capacity to take control of their own choices and decisions and engage with their local communities. It is not in the interests of disability service providers to provide this type of support if it ultimately leads to these people using other community supports and other disability support providers.

Deaf Australia strongly believes that the role of the DSO and the role of fund managers must be separate from the role of providers of support because of this potential conflict of interest.

In addition, allowing providers of supports to also provide planning and fund management mean that for many people with disabilities nothing much will change, they will still be going to the same organisation for all of their needs, as they do now. This will not lead to increased independence, choice and control for people with disabilities. It will also not provide incentives for service providers to reimagine their services and develop new types of services to meet new needs, or for new support providers to emerge in a more mature market.

We believe that the NDIS legislation needs to clearly state the role of the DSO, and that some of the functions given in the Bill to the NDIA should be transferred to the DSO instead. The NDIA should focus on high level planning in the form of accepting the individual's goals and allocating funds, and should leave the more specific planning related to the achievement of goals to the individual with assistance from the DSO when assistance is needed.

This may mean that DSOs should be block funded.

We understand that in regional and remote areas it may not always be feasible to have separate DSO and providers of supports. In these cases an exception could be made whereby the NDIA could take on the DSO role, but we do not believe the DSO role should be undertaken by providers of supports in any location.

Age restrictions

Deaf people who use Auslan and other supports do not cease to need them when they reach age 65. Likewise people who lose their hearing after age 65 require supports specific to their hearing loss. These support needs are not generally provided by the aged care system and there is no

indication that they actually will be provided by a re-styled aged care system. There are, for example, already many Deaf people who use Auslan currently in aged care facilities where staff are unable to communicate effectively with them.

Deaf Australia strongly supports the recommendation from AFDO that the cap on supports at age 65 be removed.

As the national organisation that has represented the interests of Deaf people who use Auslan for the past 26 years, Deaf Australia looks forward to the changes that the NDIS will bring for people with disabilities. We believe the NDIS Bill needs to be strengthened as outlined in this submission and the AFDO submission.

We would be happy to provide further information if requested.

Yours sincerely,

A handwritten signature in cursive script that reads "Karen Lloyd".

Karen Lloyd AM
Executive Officer