



**JacksonRyan Partners**

**Disability Care and  
Support**

**Response to the Productivity  
Commission Draft Report**

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27 April 2011

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**Part 1      The Paper in Perspective**

**1.      Background**

This response does not seek to address all the finite detail of the Productivity Commission's (the Commission) draft report. Instead it seeks to comment on particular matters only.

Of particular import are those aspects of the draft report, that in the writer's view in some way link to what the writer previously identified as seven essential elements necessary to address the broken system. The writer addressed these seven elements in his original submission to the Commission (2 June 2010).

Additionally, the writer does however also respond to other particular elements as detailed in the Commission's report. These elements have been selected because it is the writer's view that they should not go unchallenged.

Notwithstanding the challenging nature of this paper, the writer does stress his support for the intent that underpins the development and implementation of a National Disability Long-term Care and Support Scheme. Also, as a general statement, he agrees with the view, "that the existing 'system' of support services for those with high-level disabilities is not functioning well". Notwithstanding this however, he nonetheless believes that this statement fails to highlight the fact that the so-called system is not a single system. Instead, he argues that it is a hot-potch of state and federal funding, legislation and controls. Further, that in some jurisdictions disability services are driven by what he describes as narrow ideological and philosophically policies that contradict choice and rights and instead seek to control.

This paper will submit that the draft report fails to adequately address a number of crucial platform issues. The paper also argues that the approach taken by the Commission both in terms of some of the draft recommendations as well as recommendations that have not been made, might be described as timid. The writer argues that the approach simply reflects the gradual and tidy metamorphosis of change that is the usual way governments and appointed groups like to have things done.

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Therefore, in failing in some instances to challenge the safe protocols of diplomacy, the writer argues the report potentially misses a key opportunity to create the type of change that impacts totally.

Change like that caused by for example the eruption of a volcano; a change that not simply cause ripples, but change that actually impacts dramatically on the face of the physical environment. Change that is long lasting and all encompassing.

## **Part 2      The Challenge Factors**

The writer identifies the following matters, as what he calls platform issues. Or in other words those matters that unless addressed will act against the intent and effectiveness of the National Disability Insurance Authority (NDIA) and a single system. Some of these matters are those which the writer identified in his original submission to the Commission and which have some reference in the draft report. However, the writer suggests further comment is still required. Others issues identified in this paper are ones on which the writer has not made previous comment. However, because they have been included in the draft report, and in his opinion represent matters of significance, he has considered they require a response.

### **2.1      Establishing a Single System**

Much ado has been made about what has been defined as the 'disability support system' as it allegedly currently exists. Not only does the Commission report make reference to 'the system', but recent reports such as the Shutout Report also make reference by talking about fixing the 'broken system'. Such references suggest that currently there is a single system that provides support for persons with a disability, albeit that it is described as being "unfair, fragmented and inefficient". The facts of course not only dispute the suggestion of the existence of a single system, but indeed they clearly show that a single system does not currently exist. Further, that this is highlighted no more clearly than the fact there is no unanimity between the states, territories and the Commonwealth when it comes to legislative provisions, policy directives, ideology and funding the provision of disability supports.

While it might be argued that this is a moot point given the Commission recommends the proposed structure,

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governance and administration of a single system called the National Disability Insurance Authority (NDIA) the suggestion that the NDIA is to be an independent Commonwealth statutory authority, of itself does not address many of the issues created by the current multi-jurisdictional system. Nor does it reflect the fact that the proposed NDIA is not designed to control service functions other than the function of individual planning, budgeting and case management. Or, in other words it is not intended that the NDIA will have any jurisdiction over the critical functions of disability service provision, disability service intermediaries and disability service providers, noting that the report identifies these functions as being "controlled outside the National Disability Insurance Authority".

Thus, while it may be that the proposed NDIA will create a single system for the assessment of individual needs, planning and funding to meet such needs, the draft report does not signal any intention to create a single system that includes the governance of direct service provision. Indeed, the writer submits that it is illusionary to suggest the NDIA will in fact create an all-encompassing single system.

He therefore suggests that while the title NDIA may be legitimate to describe an insurance scheme for a single system-funding model. If the real intent is to establish an all-encompassing disability care and support system, then consideration should be given to creating a name that embraces a total system - for example something like the - National Disability Care and Support Authority or NDCSA.

The writer therefore argues that by simply creating a single insurance scheme, albeit it a positive step, the deficits that currently exist as the result of the diverse legislation, policy and ideology as existing across jurisdictions will continue to create fragmentation, limit choice and maintain the inefficiency created by the current situation of having multiple independent authorities.

This paper therefore argues it is not only desirable, but indeed essential that a single disability support system is established in order for the proposed funding scheme, in whatever its final form, to work efficiently, effectively and in order to ensure fairness. The question therefore arises as to - What are the necessary underpinnings of a single seamless system, a system that not only crosses state,

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territory and federal boundaries, but also in effect melds them?

The paper also re-emphasises the position outlined in the writer's original paper that there are seven 'must apply' requirements and as such focus on these in the context of the Commission's draft report.

## **2.2 A Single Legislation**

In his original submission to the Commission the writer argued the case for a single piece of disability legislation to be created to which all jurisdictions across Australia would be compelled to adhere. While he notes in the Commission's current draft report reference to legislation in Recommendation 7.5. Of itself this recommendation fails to capture what the writer is proposing.

Complimentary to the creation of a single all-jurisdictional piece of legislation the writer also argues the need for existing disability legislation where it exists in individual jurisdictions, to be repealed. He contends that for this not to happen will simply see a continuation of the mixed approach to decision making and the potential for individual jurisdictions to cherry-pick those elements of their own legislation that may suit individual purposes from time to time.

As noted, while the draft report recommends the creation of legislation specific to the NDIA, he also notes that the recommendation limits this to governance as related to financial sustainability and an entitlement to reasonable support. There is, in the view of the writer a necessity to ensure the inclusion of these obligations and he applauds in particular the inclusion of an entitlement to reasonable support. However, he argues that of themselves these obligations are not enough to ensure the objectives of overcoming fragmentation and inefficiency, and ensuring certainty of access.

If disability care and support, as is noted as the title of the draft report, is to be truly addressed through the NDIA, then the writer argues it is essential that the legislation created to give authority to the NDIA must incorporate the full range of activities that underpin care and support.

To principally focus on governance and funding while leaving core activities such as assessment, case management, data collection, service delivery and policy parameters to other arrangements, or indeed not under the direct legislative authority of the NDIA, is considered

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by the writer to continue to simply repeat the tidy metamorphosis that tends to be reflected in public sector change. In so doing it misses a key opportunity to create the type of change that impacts totally.

The writer therefore submits that the first order challenge for the Commission is to address the need to establish a single all-encompassing piece of legalisation that is more than simply about funding, governance and entitlement to reasonable supports.

## **2.2 Legislating an Entitlement to Service**

In his original submission the writer argued that a second essential element necessary in a single system approach to care and support for persons with a disability, is that of an entitlement to service. He notes draft recommendation 7.5 supports “an entitlement to reasonable support” and also makes reference to eligibility and the range of services to be offered. At a surface level this inclusion might be argued to meet the objective of legislating for entitlement. However, the writer is alert to the sensitivities as to how legislation might be written. Where, governments are unwilling to entrap themselves into legislative requirements that may from time to time be difficult to meet from a budget perspective.

Nonetheless, the writer urges a word of warning. He submits that legislation that tends to be open-ended and uses subjective descriptors such as ‘reasonable’ is in the end legislation that is open to abuse by governments and bureaucrats alike. An example of such open-ended legislation is evidenced in Victoria’s Disability Act 2006. Clause 8.2 (d) of Victoria’s legislation requires the Secretary of that state’s Department of Human Services, “to develop and publish criteria to enable priority of access to disability services to be determined in a fair manner”. The critical element of this clause is of course the descriptor – “a fair manner”. In an effort to support this clause the department has published what they argue is criteria that is able to make the determination of fairness.

When challenged by the writer and his business partner however, and despite meeting with senior departmental officials, the department was unable to explain how fairness could be determined. This being particularly so when an individual applicant’s assessment should by necessity be compared and contrasted with that of other

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applicants and within the criteria as published. Also given that all eight regions of the department as well as in excess of 200 registered service providers, have the authority under the department's policy to undertake assessments without the aid of a detailed assessment methodology or criteria.

Thus, while the writer applauds the Commission's recommendation to legislate for 'an entitlement to reasonable support', he also submits this is only a halfway mark. As such, he argues that this should be translated into 'an entitlement to service'. Further, that the concept of 'reasonable support' is clearly defined in the legislation in order that an unequivocal interpretation is possible.

**2.3 The Separation of Adult's and Children and Young Persons**

It is a self-evident statement that children and young persons, and adults are not the same. It is also self-evident that in terms of disability care and supports, the needs of children and young persons with a disability and their families do not necessarily reflect the needs of adults with a disability and their families. Yet, despite this self-evidence the Commission's report fails to aggressively address this critical factor.

While the draft report makes reference to 'early intervention', it ignores the concept of early intervention with children and young persons, but instead focuses on early intervention as a strategy for dealing with adults.

Not to acknowledge the needs of children and young persons as being different from that of adults with a disability, as indeed is the case in other jurisdictions such as education, child protection and health is, in the view of the writer a serious oversight.

As such, the writer submits that the Commission must review the need to distinguish between children and young persons with a disability, and adults and should recommend the establishment of a single and separate piece of legislation addressing the needs of children and young persons.

**2.4 The Concept of Real Choice**

The concept of choice is one that has in recent years been promoted as a necessary element that should also apply to

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persons with a disability. In keeping with current ideology the Commission makes reference to the importance of giving individuals with a disability much more power over what and how supports are delivered, and in so doing the right of choice in selecting the types of services they wish to access. As such the Commission proposes a 'consumer choice' model.

Individualised funding in various guises has been promoted as part of the new direction in disability services in Victoria for some ten years. Part of the promotional fanfare of this funding arrangement has been the concept of choice. It has been argued that by having their own allocation of funds the individual with a disability is then able to choose the services he or she wishes to purchase. A further alleged advantage of individual funding is based on the commercial model that the purchaser is in a position of power. The assumption underpinning this model is that only those services that represent quality, meet individual needs and are located where the purchasers requires them survive.

The proposed consumer choice model as detailed in the Commission's draft report in effect reflects the directions taken in Victoria. One option detailed in the draft report advocates the provision of a package of supports provided by service providers chosen by the client or a person assigned to represent the client. Although it seems that the client or his representative would not manage the actual dollar amount of the package, as is an option in Victoria, it seems reasonable to assume the actual support package would translate into a dollar amount. The report fails however to articulate how payment would be made to the supply agencies, although there is reference to a voucher system. The draft report argues that this approach provides the consumer with the power to choose.

The second method of allocating funds proposed in the draft report is that of allowing the individual to receive cash to the value of his support package and use the cash to assemble and pay for his own supports. It is proposed that this method would have particular restrictions in terms of the range of supports that can be purchased and that essential therapies would not be able to be cashed-out. Notwithstanding these reasonable parameters, this approach also promotes the concept of choice and power.

While the writer supports maximising individual choice and giving individuals the power to choose, he considers it important to re-emphasise, what has not been emphasised

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to the degree necessary in the draft report, that choice is not limitless. Therefore, as such he argues that it would be wrong to in any way, send a message that the NDIA will, by virtue of the purchasing power invested in individuals, create new services established in geographically suitable locations for all who seek to purchase.

The reality is, that just as elsewhere in the world of consumerism individual purchasing power is not the only dictate about the types of services created and where they are established, it is reasonable to conclude this will also be the case in terms of disability supports and services. A significant factor in modern day consumerism is that of population and what might be described as bulk purchasing power as well as the reality of geography. Thus, just as having untold wealth may be of little use to a person stranded on a deserted island without food and water, so it is for the person who lives in an area where there is no disability service provider, no other person requiring such a service and the nearest service an hour's drive away.

The writer therefore submits that while individual funding may well provide the power of choice for some individuals, for many others the situation as currently exists will continue. That is, the reality of geography, distance and the reality determined by supply and demand - Where, the supply of a service or support will only be established if indeed the demand for such services and support make it cost-effective for the supplier.

## **2.5 Funded Family Advocacy**

While for some readers the matter of funded family advocacy may not seem to be directly related to the Commission's considerations, the fact is that it should be. The Commission's report, although recognising the possible that some persons with a disability may seek or require support in terms of activating their choice, the fact is that the report does not recognise family carers as potentially having a significant role to play in advocating for those under their care. This being despite the fact, that family carers still provide the bulk of disability supports.

Although the Federal Government along with other jurisdictions fund advocacy, there has been what might be seen as a deliberate decision not to fund family advocacy.

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As families are, and will continue to be a significant part of the disability support system, the writer argues that funded family advocacy must be considered as being a desirable element of the NDIA.

Not to do so will mean families will continue to be sidelined. At the same time, those advocacy groups who have for long been funded, but who for long have failed to significantly influence improvements in disability supports, will be given priority of influence over families.

## **2.6 The Economics of Having a Disability**

In his original submission the writer made reference to the economics of having a disability. The draft report notes a number of service types that would not be funded by the NDIA. It at the same time also makes reference to access to public-funded individualised supports or systems.

Although the writer acknowledges that it would be neither possible nor desirable for the NDIA to seek to fund every need of all individuals with a disability, equally he argues that among those services and supports that should be funded, it would be folly for the Commission to ignore the significance that transport can play for many people in accessing specialist services and supports. To a major degree access to specialist services and supports is dictated by geography in terms of the location of such service. Hence, this is where transport potentially becomes a significant factor for many individuals with a disability.

While it might be anticipated that some might argue that as persons with a disability have access to the mobility allowance and therefore are already supported in terms of meeting transport costs, the reality is that for many the costs of transport far out-weight the income available through this source.

The writer therefore submits that it is essential the Commission reviews the proposed 'ins and outs' to be met by the NDIA, and in so doing ensures that the real costs of accessing services and supports in taken into account.

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**2.8 Policy Imperatives: Specialist Disability Services and Supports, Natural Supports and Community Inclusion**

While the matter of funding is obviously critical, if not the most critical factor in the provision of disability services and supports, the matter of policy is ultimately the dictator in terms of the actual delivery of services and supports. Although the matter of rights and the associated issues of how persons with disabilities should be treated has for long underpinned service delivery, the unquestionable reality is that it is the authority of government departments responsible for the allocation of funds and the setting of policy that dictate service direction. The power of authority to establish policy, where this is currently invested in individual jurisdictions is one of the key factors in maintaining the existing multi-system approach to disability services and supports.

The draft report fails to acknowledge the significance of policy, therefore in so doing the report fails to recognise that authority to set policy should be invested in a single entity, which in the view of the writer should be the NDIA.

A classic example of how policy can dictate the direction of service delivery and its relationship to funding is that which exists in Victoria. Policy such as that state's Access Policy demonstrates what can only be described as a deliberate effort to direct persons with a disability away from specialist disability services towards generic services and supports. The writer does not deny the significance that generic services can play, and the desirability of persons with a disability being encouraged and supported in being included in the broader community. He does however object strongly to policy that effectively seeks to diminish the importance of specialist disability services and puts roadblocks in the way of persons with a disability who seek such supports.

The writer argues that as long as a multi-jurisdictional approach to policy development is allowed to remain, the risk of individual jurisdictions reducing the availability of specialist services will remain high. Additionally of course, the potential for a proliferation of variable policies will work against the aim of creating a single system.

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The writer sees little point in legislating for an entitlement to service unless this right embraces the right to access specialist disability services and supports as a first order right, and that there is a single national policy that facilitates access.

## **Part 3      Some Reflective Issues**

### **3.1      Federal- State Relationship**

The current arrangement as applying to federal-state relations has, in the opinion of the writer proven over many years to have not been as influential in developing, advocating and promoting the practice of a single service system as might be thought.

The writer notes that despite the intent of the NDIA promoting a single system the draft report state, "the Australian Government would be a less important party in the NIIS than state and territory governments.

As inferred above the writer argues that for the federal government not to assume responsibility for the composite of funding, policy setting and service monitoring as components of a single system, will only see a continuation of state differences and hence a continuation of the fractured approach to the provision and delivery of specialist disability services and supports.

### **3.2      Self-directed or Self-managed?**

The draft report makes frequent reference to self-directed funding as though this is a singular activity in terms of funds or support packages allocated to individuals. The writer argues that the terminology is limiting in that it fails to embrace the real crux of individual funding, that being the over-all management of the funds, including how the individual directs them.

As such, he submits that a more accurate descriptor would be, self-managed.

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**3.3 Case Management and Intermediaries**

For long the concept and terminology of 'case management' has littered the literature of disability. The advent of individual support packages has further introduced the concept of facilitators, intermediaries or, as promoted in the draft report Disability Support Organisations (DSOs).

There are a number of comments that can be made about these concepts. The critical comment however in relation to the draft report is, what the writer considers is a lack of clarity in relation to the propositions underpinning the role of case managers and that of DSOs. Apart from the initial and important step of assessing whether or not a person is entitled to receive a package of supports, case managers and DSOs would seem to have the next most important function prior to services being accessed or delivered.

From the writer's perspective, he submits that there are three critical issues to consider in relation to case management and intermediaries. It should be noted that he does not believe any of these have been addressed to any degree in the draft report.

Issues one relates to the matter of the potential value of creating a seamless process between case management and facilitation in the case of self-directed funding. The way the writer reads the Commission's current proposal is that case management and that of DSOs are separate and undertaken through two different support streams. The question must be asked – Why?

Issue two relates to efficiency. A long existing problems with the distribution and use of funding provided for the provision of direct service support in the disability field has been, the issue of the distribution of funds. That is, the proportion of the total funds that actually go to directly servicing the needs of clients. The temptation almost invariable seems to be to create excessive bureaucratic systems somewhat at the expense of direct supports. Never in the writer's experience has he ever been aware of a government or funded sector agency detailing in a visible and easily understood way, the way funds are distributed between direct service, administration and so-called support activities.

The matter of efficiency therefore in the opinion of the writer rests on two major pillars. The first being to ensure unnecessary bureaucratic supports are not put in place and

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thus do not to take from the total disability funding. Secondly, efficiency requires the excising of duplication from the support structures.

Issue three relates to the matter of expertise and effectiveness. In the absence of a more detailed explanation, the writer queries as to why it would not be possible, in the cause of effectiveness for well trained case managers to also undertake the roles that appears to be assigned to DSOs, as detailed in the draft report.

The writer emphasise the necessity of case managers being appropriately trained and experienced. Thus, on this point he notes the comment as attributed to Wesley Mission Victoria in 6.38 of the draft report where they are cited as stating, "... that staff needed to be supported in implementing self-directed funding." While not being in a position to know the details underlining this comment, the writer nonetheless argues that it supports his point about adequate training and expertise for case managers.

Although the draft report notes what it calls "opportunities for efficiency gains" the potential for efficiency to be created through eliminating top-heavy bureaucratic structures and reducing duplication does not feature in the examples given.

The writer submits that the Commission must consider further how the NDIA can be structured so as to ensure it is streamlined so as to gain maximum efficiency. Part of this must be to again address the rationale for promoting case managers and DSOs rather than a single support type.

### **3.4 The Disability Workforce and Industrial Relations**

Workforce issues are addressed to some degree in the draft report, and the writer notes that recommendations associated with this element are that the Australian Government takes the lead role.

While the writer is generally supportive of the recommendations in this area, he is somewhat bemused by the suggestion that while the Commission recommends the Australian Government ensures for example arrangements concerning police checks, at the same time in another part of the report, and as already noted above, it suggests that the Australian Government should be the less important party to that of other jurisdictions.

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As suggested in other parts of this submission, the writer argues that for a single system to be a reality, the Australian government should not just fund but also manage the total of the system.

Therefore, in terms of disability support workers the writer argues that a single system should apply whereby employment conditions and training requirements, as well as police checks should be the role of the Australian Government.

**3.5 Guardianship, Power of Attorney and the Right to Represent**

Although the draft report highlights the importance of choice in the sense of persons with a disability having the power to choose, and it also makes reference to case management and intermediaries, it fails to draw out the matter of vulnerable individuals and the authority to represent.

The question must be therefore be asked as to what arrangements ought exist in terms of vulnerable individuals and deciding who may represent their interests? It is therefore in the context of this question that the matter of guardianship and the various Powers of Attorney, as in financial and medical, arise.

The writer notes that Victorian Law Reform Commission has recently published a Consultation Paper addressing these legal arrangements. Given that such arrangements may well already exist for some individuals and will no doubt be a future necessity for others with a disability, what then are the implications for the NDIA? Clearly, the first and foremost implication is the authority invested in the person authorised to represent the person with a disability. Given such authority, it therefore gives those people the legal right to be involved in advocating for services and supports and protecting the interest and rights of the person they represent.

Noting the work of the Law Reform Commission in Victoria brings into question of what is the situation in other jurisdictions. It therefore brings to the fore the matter of the desirability of developing a national approach to guardianship and Power of Attorney.

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The writer submits that the matter of the legal right to represent and act on behalf of a person with a disability should not be ignored. Therefore, he further submits that the Commission must address this issue as a single system issue

### **3.6 An Internal Complaints Mechanism**

The draft report details the desirability of establishing an internal complaints office, or if this is not possible the inclusion of an appeal process as a specialist arm of the Administrative Appeals Tribunal. The writer also notes the intent to establish the appeal process as being headed by an independent statutory officer.

While the writer applauds the recommendation to establish an independent appeals process, he also heralds a word of warning. He submits that while the concept of being able to appeal a decision suggests a sense of protection of the rights of individuals, he argues that having such a process does not necessarily guarantee an outcome that mandates the decision.

An example of where the intent to protect the rights of persons with a disability in terms reviewing complaints made by such persons, has not met the promotional gusto is that of the Disability Services Commissioner in Victoria. While Victoria's Disability Act 2006 has enshrined the role and authority of the Commissioner in legislation, having experienced the investigative and review process and outcomes of the those processes, the writer submits that Victoria's legislation established a process that is somewhat of a paper tiger.

Inherent problems with the Victorian model are threefold. Firstly, the process is elongated and places significant, and in the view of the writer, unnecessary pressure on the applicant or the person acting on behalf of the person with a disability. Secondly, it is based on a mediation process and thereby seeks to establish a win-win outcome rather than necessarily attribute fault, even where it is clear an agency is at fault. Thirdly, legislation does not provide the Commissioner with a determinative authority and hence there is no compulsion for activating the outcomes. Further, there is no penalty if the agreed outcomes are not activated.

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The writer submits that the real power of an appeals mechanism is its legislated ability to enforce a finding. He therefore further submits that the Commission should reconsider its draft recommendations 7.12 and 7.13 to promote the need for an appeals process to be given legislated teeth.

**PART 4      The Moral Dilemma**

**4.1      Revisiting the NDIS Objective**

The Commission's task although one requiring detailed investigation, consultation and analysis, clearly, requires it to operate within a specific scope. This scope is underpinned by three direct requirements, which in essence represent the principal drivers.

The single most important driver however is that of inquiring into "... a National Disability Long-term Care and Support Scheme". Apart from the fact that this captures the need for a single nation-wide system there is also the fact that it deliberately makes reference to care and support as the target.

It is useful to reflect on this dictate and highlight that given the focus is about care and support the writer considers the matters addressed below cannot be ignored.

**4.2      The Concept of Needs Based Funding**

The funding of services and supports necessary to address the needs of individuals with a disability in the view of the writer is the essential basis of individual funding, in no matter what form it is provided. From the writer's perspective the concept of needs can take three principal forms – needs met, needs partially meet and needs unidentified or unfunded.

The writer argues that while it is necessary and desirable that persons with a disability must have the right to enjoy the same range of opportunities available to others in the community, it is the funding of needs above all else that must always be the focus of the funding.

**4.3      Choice, Self-direction and Lifestyle**

Choice and self-direction are indisputable ideals and must, in the opinion of the writer, remain a key objective for the

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NDIA. However, he also argues that they cannot of themselves be allowed to be applied unfettered. It seems to the writer that there is a rampaging intent driven by some disability bureaucrats and advocates to have choice and self-direction become the principal drivers, even if at the expense of addressing needs.

The writer notes the suggestion of some discretionary funds being allocated to individuals where receipts may not be required. While flexibility is one thing he warns against the potential where flexibility if given too much leeway and in effect creates the potential to fund lifestyle rather than the actual assessed need.

#### **4.4 The Moral Dilemma**

Where then should the Commission sit in relation to what, based on the above would appear to represent a moral dilemma? Should need be the driver or choice, self-direction and individual power be the drivers? Or, is it possible to support the concept of choice and truly giving individuals the power to spend their funding the way that best suits them while at the same time ensuring needs are met?

While the writer is supportive of choice as being a key principle, he suggests the way it is promoted for persons with a disability there seems to be an underlying assumption that the non-disabled have an open cheque when it comes to services and supports they access, but are funded by governments. This is of course not true. The fact is that when it comes to the allocation and expenditure of public funds set criteria must be applied.

The writer argues that the draft report does not challenges the matter of accountability to the degree that might be expected, and it is the failure of this challenge that in some ways creates the moral dilemma.

The writer argues that given the needs are great, the recipients likely to be many and the ultimate cost greater than might currently be imagined, the Commission should err on the side of caution providing greater specificity as to how funds might be spent rather than less and thus ensure that inadvertently life-style does not become the primary focus.

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**PART 5      Concluding Comment**

Clearly, this submission has not sought to make comment on all elements of the draft report and its recommendations. To do so would indeed require many more pages than contained in this paper. Given the submission is contained to particular elements and issues only, it has not for example commented on significant issues such as the proposal to keep separate the NDIS from an accident compensation scheme.

Nonetheless, by addressing the issues that it has, the real intent of this paper has been to challenge the Commission to again consider the principal intent of addressing the many deficits of the current arrangements for the funding and access to services and supports for people with a disability, within the parameters of a single system, a single policy framework and a single set of legislation.

The final message therefore is, that unless the Commission challenges the niceties and protocols of the diplomacy that currently dictate and restrict federal-state relationship, a key opportunity to create one disability care and support system will be lost.

The writer concludes by submitting that if the Commission avoids challenging the power that goes with maintaining a separation of federal and state authorities and does not go beyond its current draft recommendations, it will fail to truly create the volcanic change necessary to set the direction of the next few decades.

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**End of Submission**

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