

Disability Care and Support Inquiry
Productivity Commission
GPO Box 1428
Canberra City ACT 2601

Dear Commissioners

Productivity Commission Disability Care and Support Inquiry

Thank you for the opportunity to comment on the draft report from the Commission's Disability Care and Support Inquiry.

Overall, we support the proposal put forward by the Commission for a National Disability Insurance Scheme (NDIS) and a National Injury Insurance Scheme. Our comments in this submission are focused on the proposed NDIS.

There are significant strengths in the proposed model for an NDIS and associated National Disability Insurance Agency (NDIA), including:

- a clear focus on supports being tailored to, and driven by, the person with a disability;
- simple and accessible means for people with disabilities and their families to find information and to access services and supports – including the benefits of a central agency to contact combined with the expertise and grassroots assistance of case managers and disability support organisations;
- consistent and portable support through a national disability system and national standards; and
- maintenance of support across key life stages, including the option for people with disabilities to maintain NDIS-funded supports after pension age.

In relation to specific points in the draft report, we offer the following comments for the consideration of the Commission.

Chapter 3: Who is the NDIS for?

We note that the Commission is seeking feedback on where the boundaries between the mental health sector and the NDIS might lie, including which system would be best placed to meet the daily support needs (not clinical needs) of people with a disability arising from long lasting mental health conditions.

The issue of exclusion of people with mental illness from disability services and support is one that we are currently examining. In NSW, people with psychiatric disability are part of the target group for services and supports funded under the *NSW Disability Services Act 1993*. However, they are currently ineligible for supported accommodation funded under the Act (unless they were in a licensed boarding house that has closed), as the health system is considered to be responsible for providing support to people with a primary diagnosis of

mental illness. Leading peak agencies in the disability and mental health sectors have raised concerns with us about the resulting inequitable provision of support to people with equivalent support needs – depending on whether they have a primary diagnosis of mental illness or a different disability.

As noted in the Commission’s report, while mental health conditions do not necessarily result in disability, some do – and people with more severe and enduring mental illnesses sometimes need daily supports that are the same or similar to those of people with a disability generally. In our view, these individuals should be able to access disability services and supports in tandem with the health system for clinical services as needed.

The mental health sector has the clinical expertise and is best placed to provide clinical treatment and acute or ambulatory mental health care. However, there are many services that are currently provided by the mental health sector that are the same or similar to those provided to people with other disabilities and that are included in the scope of the NDIS, including day programs and supported accommodation.

We consider that people with mental illness should not be excluded from NDIS-funded services and supports. In our view, if they meet the proposed assessment criteria, they should be included.

Chapter 7: Governance of the NDIS

Complaints and dispute resolution

In our first submission to the Commission, we said that any national disability scheme should include a clear complaints and appeals process, and that people with disabilities should have access to a rigorous internal complaints process as well as recourse to an external, independent agency that can handle complaints relating to the operation of the scheme.

We note that the Commission has proposed that an internal complaints office be established in the NDIA to handle complaints about the agency, disability services and disability support organisations, and to reassess contested NDIA decisions on a merit basis.

The decisions of the NDIA are likely to have significant consequences for people with disabilities and their families. In this context, we consider that all efforts should be made to ensure that the NDIS complaints and appeals mechanisms are at least as robust, transparent, and procedurally fair as those available in the current disability system.

Yours sincerely

Bruce Barbour
Ombudsman

Steve Kinmond
**Deputy Ombudsman
Community and Disability Services Commissioner**