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Minister for Skills, Training and Workforce Growth
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Our Ref: MIN21/24890

Hon Jo Siejka MLC
Chair
Inquiry into Disability Services in Tasmania
Legislative Council Committee Government Administration B
Email: dst@parliament.tas.gov.au

Dear Chair

Thank you once again for extending the opportunity for the Tasmanian Government to provide a submission to the Legislative Council Committee Government Administration B (the Committee) Inquiry into Disability Services in Tasmania (the Inquiry). Please see attached copy of the Tasmanian Government's submission for the Inquiry's consideration.

It has been a great privilege to take on this portfolio following the 2021 State Election, and I look forward to engaging constructively with the Inquiry as it progresses.

Members of the Committee would be aware that last week the Government released the 2021-22 Tasmanian State Budget (the Budget).

The Budget includes significant new funding commitments to improve the lives of Tasmanians with disability, delivering on commitments made during the 2021 State Election that will mean more Tasmanians are able to access the services and support they need.

The Budget will provide \$1.2 million over the forward estimates to establish the first ever Tasmanian Disability Services Commissioner. This is a top priority for the Government, and I can advise that consultation is already underway through initial feedback sought from the Ministerial Disability Consultative Group (MDCG). The Government will be working closely with the MDCG, as well as other key disability stakeholders and the community, to seek further feedback on this important role.

The Government has also acknowledged the growing demand pressures on local autism diagnostic services. To help meet this demand and ensure more Tasmanians are able to access support faster, the Budget provides \$1.4 million over four years in additional funding to boost the Tasmanian Autism Diagnostic Service. This funding will be used to recruit additional assessors, which will put downward pressure on waiting lists for this vital service.

I can also advise that the Department of Communities Tasmania has commenced a review of the *Disability Services Act 2011* (the Act), and there will be opportunities for the broader community to contribute to this process. It is the Government's view that the Act must provide a contemporary framework for a safe and inclusive Tasmania for people with disability. Specifically, the Act review will consider how the existing DSA is working, what isn't needed anymore and what needs improvement. The review will also explore how the Act could deliver better outcomes around inclusion, quality and safeguarding.

With respect to the National Disability Insurance Scheme (NDIS), as at June 2021 there are now more than 10,900 Tasmanians being supported by the NDIS, including Early Childhood Early Intervention support. This figure includes more than 6,000 Tasmanians who are receiving supports for the very first time, which is a remarkable achievement and testament to the positive difference the NDIS is making in the lives of these Tasmanians.

I have been engaging closely with State and Territory colleagues on a range of matters relating to the NDIS since taking on the portfolio, through the Disability Reform Ministers Meetings.

One of the key NDIS matters recently discussed is the Commonwealth Government proposal to implement Independent Assessments for NDIS eligibility. At the Disability Reform Ministers Meeting held in July 2021, it was agreed that this proposal would not proceed and instead a new process would be established. Importantly, per the Meeting Communique, Ministers have determined that the new process will feature *"the co-design of a new person-centred model that delivers consistency and equity in access and planning outcomes"*.

Other commitments that are currently being prioritised at a national level, having been agreed through Disability Reform Ministers Meeting processes, include:

- official-led work on improving access to housing for people with disability;
- a clear commitment from the Commonwealth to undertake appropriate consultation on draft legislation;
- work to improve legislative measures to combat NDIS fraud; and
- further financial analysis of the NDIS so that jurisdictions can more fully understand cost drivers.

Finally, it is important to note that the new National Disability Strategy is proceeding for formal endorsement by all Governments prior to an expected release later in 2021.

While noting the many positive developments and new investments being made to support Tasmanians with disability, the Tasmanian Government acknowledges there are still a range of improvements needed to ensure more Tasmanians with disability can reach their full potential. As such, the Inquiry presents a timely opportunity to investigate and consider what the next steps might be for Tasmania.

Thank you once again for providing the opportunity to make a submission to the Inquiry. If you require any further information, please do not hesitate to make contact with my office.

Yours sincerely



Hon Sarah Courtney MP
Minister for Disability Services



Tasmanian Government Submission to the Legislative Council Committee Government Administration B Inquiry into Disability Services in Tasmania

Key Messages

- The Tasmanian Government is committed to a unified, national approach to supporting people with disability to maximise their potential and participate as equal citizens in Australian society.
- The Tasmanian Government is a signatory to the *Statement of Continued Commitment: National Disability Strategy 2010-2020* which is in place until the new *National Disability Strategy* is released in late 2021.
- Collaboration across all layers of government is required to respond to the challenges of meeting the needs of Tasmanians with disability.
- This year, the Tasmanian Government will invest \$264.1 million to contribute to the Scheme and disability support services that remain outside of the scope of the NDIS.
- The Government is committed to funding disability support services, including health, education, transport, mainstream children therapy services, advocacy services and continuity of supports for people with disability who are not eligible for the NDIS.
- The *Applied Principles and Tables of Support* (APTOS) set out the responsibilities of the National Disability Insurance Scheme (NDIS) and other service systems. Tasmanian Government agencies are committed to working with their NDIS counterparts to resolve issues that may have arisen during this transition process.
- The NDIS is just one service element available to Tasmanians with disability. Service systems work together to negotiate and coordinate streamlined care for individuals and avoids duplication and people access supports to meet different needs across different service systems.
- The Tasmanian Government continues to participate in work at a national level through the Disability Reform Ministers' Meetings. It welcomes the development of national policy and ongoing improvements in areas identified in this submission.

Tasmanian Disability Framework for Action

All Australian states and territories have developed implementation plans under the *National Disability Strategy* (NDS). *Accessible Island: Tasmania's Disability Framework for Action 2018-2021* is Tasmania's current implementation plan, based on a rights-based, social model of disability. This approach the rights of people with disability as set out in the *United Nations Convention on the Rights of Persons with Disabilities*.

Each Government department has developed a disability action plan to deliver *Accessible Island*, to improve access for people with disability to agency services, facilities, employment opportunities, and communications. Work on the next stage of development of the Framework will commence after the release of the *National Disability Strategy*, scheduled for launch in the last quarter of 2021.

The *Premier's Disability Advisory Council* (PDAC) works with the Government and the broader community to promote the inclusion and participation of people with disability in community life and provides strategic advice to the Government and assists in monitoring the implementation of the Framework.

During the 2021 State Election, the Tasmanian Government announced an investment of \$1.2 million over four years to establish a Tasmanian Disability Services Commissioner. This announcement emerged as part of the review of the *Tasmanian Disability Services Act 2011*. This office will act as an independent body, providing a free and confidential complaint resolution process to continuously improve the delivery of support and services for people with disability.

The National Disability Insurance Scheme

The creation of the National Disability Insurance Scheme (NDIS) was one of the most complex and essential reforms that Australia has seen in recent years. Tasmania moved to full scheme NDIS on 1 July 2019 and is now operating under the *Bilateral Agreement between the Commonwealth of Australia and the State of Tasmania on the National Disability Insurance Scheme*. This Agreement reflects the shared NDIS responsibilities of both Governments and locks in arrangements for ongoing funding contributions to the Scheme.

The National Disability Insurance Agency (NDIA) is the Australian Government agency whose role is to implement and manage the NDIS and ensure people with disability continue to get the support they need. The NDIA works with states and territories to realise a nationally consistent approach that recognises unique jurisdictional characteristics.

This year, the Tasmanian Government will invest \$264.1 million to contribute to the Scheme and disability support services that remain outside of the scope of the NDIS, increasing to \$274.6 million in 2022-23. The Government is committed to funding disability support services, including health, education, transport, mainstream children therapy services, advocacy services and continuity of supports for people with disability who are not eligible for the NDIS.

Response to the Inquiry Terms of Reference

1. Consideration and management of the State based costs of long-term care and support for people who are not eligible for the NDIS

It is important to note that NDIS is just one element of the service system available to all Tasmanians. It operates alongside other service systems as per the *Principles to Determine the Responsibilities of*

the *NDIS and other Service Systems – Applied Principles and Tables of Support (APTOS)*,¹ which sets out that each system should not fund supports that are the responsibility of other service systems and requires other service systems to work together to negotiate and coordinate streamlined care for individuals.

Where an individual has a disability but is not eligible for the NDIS, their support needs become the responsibility of the aged care system or the Tasmanian Government as a person requiring Continuity of Support (CoS), rather than the responsibility of other systems such as health. In planning for the transition to the NDIS, the Government holds \$1.5 million per annum, and clients are currently accessing this funding, with the number fluctuating according to demand.

People assessed as ineligible for the NDIS but who have a disability related to their health condition may access long-term State Government-funded therapy and support services. Examples of this cohort might include people with chronic conditions that significantly impact function and participation, people with temporary disability, people with mild to moderate disabilities, or people with mental health symptoms without a diagnosis.

The Tasmanian Home and Community Care (TAS HACC) program remains in place following the Commonwealth assuming responsibility for the aged care sector and introducing the NDIS. TAS HACC supports eligible people living with compromised health or moderate functional impairment who require support to maintain their independence while living at home. TAS HACC does not provide supports for those requiring the highest levels of care, residential care not funded by the NDIS or aged care.

Recommendations made by the *Royal Commission into Aged Care Quality and Safety* relating to people with disability under 65 years state that residential aged care facilities are not appropriate have significant implications in Tasmania that have impacted individuals' access to accommodation alternatives other than hospital.

Department of Communities Tasmania (Communities Tasmania) representatives are participating in bilateral discussions with the Australian Government regarding the *Younger People in Residential Aged Care (YPIRAC) Strategy – Implementation Plan 2020-2025*. The Plan includes strategies and targets to reduce the number of young people in residential aged care.

Work continues in Tasmania to understand the current situation and propose options for the future. There are complexities in regional areas where alternative housing may not be available, and aged care accommodation may be an appropriate option for a small number of people. Thin markets necessitate the access of such services through residential aged care providers.

The issue of affordable housing is significant beyond the disability sector and Tasmania's *Tasmania's Affordable Housing Action Plan 2019-2023* (Action Plan 2) aims to supply 1,500 new affordable lots and homes. The Plan includes a target to provide around 600 new social housing dwellings constructed in areas of high demand with universal design features to flexibly meet housing needs. Under this plan, \$20 million is dedicated over three years to provide more suitable homes for people living with disability. The *Affordable Housing Strategy* recognises the need for supported housing for vulnerable Tasmanians in all age categories, including those older people over 65 living with disability.

¹ Council of Australian Governments (2015), *Principles to Determine the Responsibilities of the NDIS and other Service Systems – Applied Principles and Tables of Support*, [tinyurl.com/46xcy9nh], accessed 21 July 2021.

2. The range of support services available to Tasmanians who are not on, or eligible for, the NDIS

The introduction of the NDIS effectively replaced the specialist disability service system previously funded by the Tasmanian Government and has seen an additional 7,000 people in Tasmania access specialist support through the NDIS since 2013. The Tasmanian Government provides basic core support services for people under 65 years of age who are not eligible for the NDIS, including through the TAS HACC and specific mental health funding programs. This includes limited support for people who may have complex needs and require a higher level of care (such as overnight care or unscheduled medical support) which informal support structures cannot meet.

TAS HACC provides episodic and ongoing supports to support people's ability to manage their lives when living with compromised health or moderate functional impairment. Services available include (but are not limited to) domestic assistance, personal care, social support, home maintenance, respite care, counselling, allied health and transport.

TAS HACC also supports the health system to enable practitioners to divert people from avoidable hospital admission and facilitate early discharge from hospital. These services have no age restrictions but are provided in circumstances where they are not available through other programs and are short in duration, prescribed by clinicians and provide support directly related to hospital treatment.

The TAS HACC engages with the NDIS, the aged care system and Primary Health Tasmania for clients whose needs increase or who become ineligible due to age. It also funds services that can support people when they apply for NDIS access.

Another area of significance to this inquiry is psychosocial support. While the APTOS indicates that the NDIS is responsible for providing psychosocial support to eligible people with a persistent mental illness resulting in a lifelong psychosocial disability, the Tasmanian Government offers significant clinical services across the Tasmanian mental health and alcohol and drug systems.

The current Tasmanian mental health service system is focused on recovery, with a view to assisting people to live independently in a life of their choosing. However, there are people who are unable to develop the skills necessary to live independently. The NDIS provides options to facilitate long-term support for people requiring it. As the state system provides short-term recovery-focused support, this includes providing support during NDIS eligibility testing and transition to the longer term support the NDIS provides.

Beyond health, the Department of Education (DOE) provides a range of supports and services for students with disability in Tasmanian Government schools. The eligibility criteria for NDIS does not apply to DOE provision for students with disability.

For the 2020-21 financial year, \$115.2 million was provided to DOE to deliver a wide range of services and supports to students with disability in Tasmanian Government schools. These services include three specialist support schools, educational adjustments, professional support services and a range of other contracted services.

The Tasmanian Government also funds and delivers most services provided to prisoners with disability, with additional partners including NDIS service delivery providers and education providers. Where eligible, some services funded by the Australian Government and provided through the NDIS are also involved. The TPS supports those eligible prisoners to access the NDIS, including coordinating the gathering of evidence, liaising with the NDIA Justice Liaison Officer, disability service providers, and, where appropriate, the NDIA.

3. Funding for organisations that service those not eligible for the NDIS

As already noted, the introduction of the NDIS has not resulted in a change in the responsibility of other service systems to provide services and supports to people with disability in Tasmania. Those specialist disability services provided through Communities Tasmania – both Housing Disability and Community Services now the responsibility of the NDIS – are funded through the NDIS.

Through Communities Tasmania, the State retains responsibility for providing some services under the full NDIS. These services include: Continuity of Support (CoS); Tasmanian Autism Diagnostic Services; Individual Disability Advocacy supports; Children's Therapy Services (mainstream); and The Office of the Senior Practitioner.

These services are available to all eligible Tasmanians, and the expectation is that the services provided will not duplicate supports otherwise funded by the NDIS. For example, mainstream children's therapy services provide for health-related interventions (e.g. rehabilitation) and therapy for developmental support for children and young people ineligible for NDIS and Early Childhood Early Intervention Services. These services have recurrent funding allocations.

Through the TAS HACC, the Tasmanian Government funds support for people with compromised health or moderate functional disability through 36 community sector organisations (and the THS, which is also a TAS HACC provider). Similarly, the Tasmanian Government funds St Giles to provide interdisciplinary therapy services (such as occupational therapy, physiotherapy, and speech therapy) for children and young people (pre-school and up to 18 years of age) in the north and south, with THS providing interdisciplinary therapy services in the north-west.

4. Workforce development and training opportunities for the disability support sector, including allied health

Service access for participants is significantly affected by thin markets across the State, particularly in rural and regional Tasmania. Access to allied health professionals has been especially challenging. Tasmania has actively participated in projects to identify and address thin markets, particularly in rural and regional areas.

DOH has been working in partnership with the University of Tasmania to support its plans to offer a broader range of allied health programs, including physiotherapy, occupational therapy and speech pathology. The Government has also convened a new Health Staff Recruitment Taskforce that will work with professional organisations, including the Australian Nursing and Midwifery Federation, the Australian Medical Association and the University of Tasmania, to look at how to improve recruitment across the health system.

The Tasmanian Government has invested \$3 million in activities to enhance the capacity of the broader disability service system to meet demand. This investment includes supporting an additional 600 training places in Certificate III in Individual Support training, along with projects to address allied health professional skill shortages and the better uptake of technology to connect participants and providers of support and services.

Through Skills Tasmania, the Department of State Growth (State Growth) administers a range of programs supporting training of the disability workforce, with significant amounts in training subsidies being delivered to the sector under the Skills Fund, Adult Learning Fund, Tasmanian Apprentice and Trainee Training Fund and the Rapid Response – Careers in Aged Care and Disability Support program training both new and existing disability workers.

All staff working in DOE are expected to have professional learning goals relating to inclusive practice in schools and working with children and young people with disability.

5. Any other matters incidental thereto

Every day, Tasmanian public services are delivered to people with disability. As evidenced in the reports monitoring the Framework for Action, additional adjustments, amendments and supports are provided to help ensure more equitable access to services.

All current Government funded transport contracts require that all replacement vehicles used for general access bus services must be compliant with the *Disability Discrimination Act 1992*. Heavily discounted fares or free travel on public transport is available to Tasmanians with disability who hold a concession card. In some cases, this also applies to their carers.

State Growth also administers the Transport Access Scheme (TAS), which provides transport support to eligible Tasmanians with disability through three different components: Australian Disability Parking Permits (ADPPs); discounts on the cost of vehicle registration and licencing for members; and subsidised taxi travel. Members of TAS may be eligible for one or more components of the Scheme.

To ensure a nationally consistent solution, Tasmania helped establish a national transport working group to assist the NDIA in reaching a workable arrangement for students, families, and operators in relation to school transport. Until a resolution, Tasmania is continuing to deliver supported school transport on behalf of the NDIA as in-kind support.

The NDIS provides "reasonable and necessary" transport supports based on an individual's assessment of need, although some Tasmanian participants have indicated that the assessment of need concerning transport supports has resulted in a reduced capacity to travel.

While transport support is an in-scope component of the NDIS, all Tasmanian NDIS members currently continue to receive taxi subsidies through the Taxi Safety Net Program. This will continue until the NDIA develops and implements new, more comprehensive guidelines for assessing transport needs.

Another area of note relates to the issue of fire safety. The Tasmania Fire Service, as part of the Community Fire Safety Division has a Home Fire Risk Mitigation Project. This Project aims to collaborate with agencies and services to mitigate home fire injuries and fatalities. The Tasmania Fire Service is currently investigating how they can provide greater targeting of fire safety programs for people with disability, carers and trained health and home care providers.

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