**OHCHR Questionnaire on “Support systems to ensure community inclusion of persons with disabilities” – HRC resolution 49/12**

***Response from the Government of Australia***

## ****1(a) Does your country have laws, policies, plans, strategies or programmes at any level of government relating to individualized support for persons with disabilities?****

Approximately 1 in 6 Australians has a disability (17.7 per cent, around 4.4 million people in 2018). This includes around 518,000 active participants in the National Disability Insurance Scheme (NDIS) as of March 2022.

**Australia’s Disability Strategy 2021-2031**

*Australia’s Disability Strategy 2021-2031* (the Strategy), was launched on 3 December 2021, with the support of first ministers of all state and territory governments and the President of the Australian Local Government Association. The Strategy sets out where governments across their portfolios will focus on improving outcomes for people with disability over the next 10 years.

The Strategy provides Australia’s overarching policy framework to improve outcomes for all people with disability. It was developed in close consultation with people with disability and the disability sector over a two-year period, with more than 3,000 people and organisations providing input into the consultation process. Feedback from consultations was central to the development of the Strategy.

The Strategy is based around seven outcome areas, which people with disability have identified as important to them:

* Employment and Financial Security
* Inclusive Homes and Communities
* Safety, Rights and Justice
* Personal and Community Support
* Education and Learning
* Health and Wellbeing
* Community Attitudes.

This Strategy has a significantly stronger focus on implementation and reporting compared to the previous *National Disability Strategy 2010-2020* (NDS). This was done to address findings from previous reviews of the NDS and concerns from stakeholders.

**This 10-year Strategy aims to improve the lives of people with disability in Australia and consists of two key elements. The first element sets out policy priorities, based around the seven outcome areas, and the second element sets out implementation commitments.**

**Policy priorities are the areas where people with disability indicated change is needed to deliver on the vision – to have an inclusive Australian society that ensures people with disability can fulfil their potential, as equal members of the community.**

**The implementation section sets out how governments will change how they operate to deliver on commitments in the Strategy. This includes guiding principles for program and policy development, time-limited Targeted Action Plans, Roles and Responsibilities for the different levels of government in Australia, and an Outcomes Framework to track progress.**

Australia’s Disability Strategy and supporting documents are available on [Australia’s Disability Strategy Hub](https://www.disabilitygateway.gov.au/ads). Australia’s Disability Strategy documents are available in [Easy Read](https://www.disabilitygateway.gov.au/ads/easy-read-strategy) and [community languages](https://www.disabilitygateway.gov.au/ads/languages), including [Auslan](https://www.disabilitygateway.gov.au/ads/auslan).

**The National Disability Insurance Scheme Act**

The *National Disability Insurance Scheme Act 2013* provides the legislative framework for the delivery of the Scheme. As a scheme designed ‘from the ground up’, it incorporates objects and principles that guide the National Disability Insurance Agency (NDIA) in its actions and interactions with people with disability and sets out a comprehensive framework for the making of decisions in relation to participant supports. The legislation aims to support the independence and social and economic participation of people with disability and clearly recognises, at multiple points, the right of people with disability to exercise choice and control over the planning and delivery of their supports.

The legislation is designed to ensure that people with disability can access reasonable and necessary supports, that there is an assurance of support over a person's lifetime, and that the scheme remains sustainable over the long term. It has facilitated the development of a national approach in access to, and planning and funding of, supports to people with disability, and was designed to promote innovation and quality in the provision of those supports.

Importantly, the legislation clearly states the rights of people with disability within the Scheme, and gives effect in part to Australia’s obligations under the Convention on the Rights of People with Disability (CRPD).

**The Disability Discrimination Act**

**The *Disability Discrimination Act 1992* (**[DDA](https://www.legislation.gov.au/Details/C2016C00763)**) makes it unlawful to discriminate against a person in many areas of public life, including education, because of their disability.**

**The DDA covers people who have temporary and permanent disabilities; physical, intellectual, sensory, neurological, learning and psychosocial disabilities, diseases or illnesses, physical disfigurement, medical conditions, and work-related injuries.**

**It extends to disabilities that people have had in the past and potential future disabilities, as well as disabilities that people are assumed to have.**

**The Disability Standards for Education**

**The *Disability Standards for Education 2005* (**[Standards](https://www.legislation.gov.au/Details/F2005L00767)**) are subordinate legislation made under the DDA to clarify the obligations of education and training providers and seek to ensure that students with disability can access and participate in education on the same basis as students without disability.**

**All education providers in Australia are required under the Standards to provide reasonable adjustments for students with disability so they can access and participate in education on the same basis as their peers.**

## ****In particular initiatives related to:****

### *Communication: Support to overcome barriers that limit the ability to communicate and be understood (e.g., sign language interpretation, tactile interpretation, assistive technology and software, easy-to-read and plain language, captioning, augmentative and alternative communication, among others);*

**Print Disability Services Program (PDSP) supports organisations to produce print material in alternative formats for people with print disability who are unable to read standard print with ease due to vision impairment, a physical disability or a learning disability.**

**PDSP provides accessible information and materials that will assist users in independent living, participation in education, gaining employment and participation in their local community.**

**Organisations funded under the PDSP produce digital masters that can be converted to a number of alternative formats including Braille, Audio, Large Print, Tactical Graphics, E Text (downloadable format), Easy English, Accessible PDF, DAISY and MP3.**

**All digital masters produced by PDSP from 1 July 2018 are required to be uploaded onto a central online database (Trove) with the National Library of Australia.**

**PDSP is free to eligible people and is available nationally.**

**Postal Concessions for the Blind Program (PCB Program) provides concessional or no-cost postal rates for the cost of posting articles for people who are blind or vision impaired. Articles include:**

* correspondence, documents or literature written completely in embossed characters as used by the blind, such as Braille or Moon Aids for the teaching of Braille
* devices for accessing literature, or producing or displaying tactile information, including software for the translation to/from Braille or Moon
* plates for embossing literature for the blind
* special paper intended solely for the blind
* any form of speech recording for use by the blind.

**The Disability Gateway service is a central point of connection and referral to help people with disability, their families and carers to easily find trusted information, supports and services across Australia.**

**It is a website and 1800 phone service with social media channels that includes disability-specific information about COVID-19 supports and vaccines.**

**This free national service spans many areas of life, including:**

* income and finance
* education and employment
* aids and equipment
* housing and transport
* health and wellbeing
* everyday living and leisure
* rights/advocacy and legal services.

**Auslan interpreter supports are provided through the Disability Gateway, including Auslan translation videos on each area of life.**

**Callers who are deaf and/or hard of hearing can contact the 1800 service via the National Relay Service, or the Disability Gateway can organise video conferencing for Auslan translation or lip reading.**

**Information is available in Easy Read, including an Easy Read function toggle.**

Callers to the 1800 service who speak languages other than English can access translators through the Translation and Interpreter Service.

**Information is also translated into multiple languages (Arabic; Greek; Italian; Simplified Chinese; Traditional Chinese; and Vietnamese).**

**The Strategy contains the following relevant outcome areas:**

* **Inclusive Homes and Communities, which includes the policy priority:**
  + *Information and communication systems are accessible, reliable and responsive* – to support provision of communication in accessible formats.
* **Personal and Community Support, which includes the policy priorities:**
  + ***People with disability are able to access supports that meet their needs* – recognising disability services and mainstream services need to be universally available and accessible to people with disability.**
  + ***The NDIS provides eligible people with permanent and significant disability with access to reasonable and necessary disability supports* – the NDIS enables people with disability to receive the reasonable and necessary package of flexible supports that help people pursue their goals and aspirations.**
  + ***People with disability are supported to access assistive technology* – to support inclusion, participation, communication and engagement in family, community and all areas of society, including political, economic and social spheres.**

**The National Disability Insurance Scheme** (NDIS) provides funding for a range of supports for participants who experience barriers to communication. Types of supports that may be funded include:

***Speech Pathology***

The NDIS may provide funds for assessment, recommendation, therapy or training by a speech pathologist. Supports may also be delivered to a participant by therapy assistants operating under the delegation and supervision of a speech pathology professional.

Speech pathology may also be used for the assessment, planning, and delivery of Disability Related Health Supports where these supports directly relate to a participant’s significant and permanent functional impairment and assist them to undertake activities of daily living. For example, a speech pathologist may be funded to undertake a dysphagia assessment for participants who have trouble eating, drinking or swallowing on a daily basis.

***Sign language training, interpretation, and hearing supports***

Where appropriate, the NDIS funds Auslan (Australian sign language) or signed English training, interpreting and translating, and telephone or video interpreting. In addition, the NDIS has a specialised hearing stream for children newly diagnosed with permanent hearing loss, which prioritises applications to ensure children receive supports earlier.

***Assistive Technology***

The NDIS funds a range of assistive technology to support participants to overcome barriers to communication. For example:

* Amplifiers
* Computer interfaces
* Electronic and non-electronic communication devices, including augmentative and alternative communication
* Software to convert tablets or computer devices to communication devices
* Eye or EMG/neural Control access methods
* Hearing devices
* Braille devices
* Image enlargement software.

Please see the NDIS Assistive Technology, Home Modifications and Consumables Code Guide for more information.

### *Decision-making: Support to make decisions and exercise legal capacity. This includes assistance to: (a) obtain and understand information, (b) evaluate the possible alternatives and consequences of a decision, (c) express and communicate a decision, and/or (d) implement a decision (e.g., support agreements, peer support, self-advocacy support, advance directives, crisis support, financial management assistance, among others);*

The Australian Government is committed to supporting Australians with a disability to make their own decisions and to exercise legal capacity. Australia seeks to provide supports to assist people with a disability to make choices in their lives.

The Strategy is the broad national strategy that informs all Australian practice, policy, strategy and programs that involve people with a disability. The Strategy plays an important role in protecting, promoting and realising the human rights of people with disability. Specific actions underway related to support for decision making, including in relation to the NDIS, are detailed in the strategy’s Safety Targeted Action Plan (disabilitygateway.gov.au). The Targeted Action Plan, released on 3 December 2021, aims to improve cross-system supports for decision making, including supported and substitute decision making arrangements for people with disability engaging with service systems (including guardianship).

The NDIS is a world-first social insurance scheme that delivers funding for disability supports to people with permanent and significant disability. It was established in 2013 through the *National Disability Insurance Scheme Act 2013* (NDIS Act), and following initial trials and a phased roll out has been available in all parts of the country from 1 July 2020. At its core, the NDIS takes an individualised and rights-based approach to disability support, empowering participants with true choice and control in accessing support. It provides individualised funding to people with significant and permanent disability so they can purchase supports to help them realise their aspirations, and participate in the social and economic life of the community.

The NDIS Act is a key mechanism to give effect to Australia’s obligations under the Convention on the Rights of Persons with Disabilities, and to improve the lives of people with disability in Australia. Provisions in the NDIS Act and Rules inform principles and expectations related to decision making and supporting the exercise of choice and control by a person with disability, including recognition of the role of informal supporters. Choice is a fundamental element of the NDIS, with support for decision making inferred in the NDIS responsibility to enable people to exercise choice and control in the pursuit of their goals and in the planning and delivery of supports (Object 3(1)(e) of the NDIS Act).

Support for decision making is further operationalised in the general principles of section 4 of the NDIS Act, especially Principle 4 (support to take reasonable risks), Principle 8 (ability to determine own best interests and engage as partners in decisions), and Principle 9 (dealings and communications with the National Disability Insurance Agency (NDIA)). The emphasis on the rights of people with disability to make their own decisions and exercise choice and control under the NDIS is a paradigm shift.

Supported decision-making is encouraged over substituted decision-making whenever possible. However, the NDIS Act makes provision for nominees to be appointed when necessary. The NDIS operates in conjunction with existing state and territory-based safeguarding mechanisms for people with significant cognitive impairments or mental illness, such as guardianship tribunals and public advocates.

The NDIS recognises the importance of people with disability being supported to make decisions, if they are unable to make decisions without support. The NDIA has in place processes to ensure people with disability are heard and have the right supports in place. To strengthen this, the NDIA has commenced work to co-design a policy on how the NDIS supports people with disability to make decisions. This includes connections to guardianship appointments. More information about this can be found at Support for Decision Making consultation | NDIS.

The Australian Government’s Department of Social Services (DSS) also fundsa number of programs and pilot programs related to support for decision-making for people with a disability. These include the National Disability Advocacy Program, the NDIS Appeals Program, the Decision Support Pilot and the Disability Advocacy Support Hotline. There are also a range of projects focussed on supporting choice and decision making by people with disability in a number of states and territories across Australia, funded under Information, Linkages and Capacity Building grant rounds.

The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Disability Royal Commission) held two policy roundtables on 31 May and 1 June 2022 on supported decision-making and guardianship. These roundtables consisted of government and non-government representatives, regulators, people with disability and their representative organisations, policy experts, academics, and advocacy groups. Further information is available from the Disability Royal Commission’s website at Supported decision-making and guardianship – proposals for reform roundtable.

**Support for Decision Making**

The NDIA is currently undertaking a co-design project on a new support for decision making policy for participants. The policy is intended to improve how the NDIA supports people with disability to make decisions that affect them, so that they have more opportunities to exercise choice and control in their lives. This project will build on a three-month consultation project undertaken in 2021, and advice provided by the NDIS Independent Advisory Council (IAC) in June 2021 ‘Choice and control to safely live a good life of belonging and citizenship’. The outcomes of the 2021 project can be viewed on the NDIS website at [Support for Decision Making consultation summary report | NDIS](https://ndis.gov.au/community/we-listened/support-decision-making-consultation-summary-report), and the IAC advice can be viewed at [Advice — Independent Advisory Council (ndis-iac.com.au)](https://www.ndis-iac.com.au/advice).

**Capacity Building and Training in Self-Management and Plan Management**

This support item focusses on strengthening the participant’s ability to undertake tasks associated with the management of their supports. Providers of these supports are expected to assist the participant to develop their skills for self-management in future plans, where this is possible.

This support assists the participant to strengthen their abilities to self-manage their funds and supports them to build capacity to undertake all aspects of plan administration and management. This includes building organisational skills; engaging providers; enhancing the participant’s ability to direct their supports; developing service agreements; building financial skills; maintaining records; paying providers; and claiming payments from the NDIA.

It is intended to complement other capacity building supports to help participants to develop skills to have choice and control over their plan.

**Assistance in Coordinating or Managing Life Stages, Transitions and Supports**

This support can be used to fund mentoring, peer-support and individual skill development, in order to establish volunteer assistance within the participant’s home or community to develop skills. For instance, assistance in attending appointments, shopping, bill paying, taking part in social activities and maintaining contact with others.

**Local Area Coordinators and Early Childhood Partners**

To support participants to access the NDIS, prepare for planning meetings, and implement approved plans, the NDIA has funded Partners in the Community, community organisations who can help participants to create, implement and review their plans, and provide advice about support available in local communities. Local Area Coordinators work with participants to help them find and start receiving services using their NDIS plan, and also to understand how the NDIS works with other government services.

For children aged under seven, the NDIA funds Early Childhood Partners, who support families with young children with developmental concerns, developmental delay or disability. Early Childhood Partners work with families to help them understand their child’s needs, and provide practical information about child development and best practice early childhood intervention, connections to mainstream and community services such as child health centres and playgroups, and, where necessary, support parents to apply to the NDIS.

**Plan Management Supports**

Plan management is a type of disability service funded through the NDIS. The overarching function of plan management is to assist and support NDIS participants to manage their NDIS plan funding.

Plan management can support participants by managing and monitoring a participant’s budget and NDIS claims and disbursing funds to providers for services delivered. Plan managers also provide regular statements to a participant to show the financial status of their plan including prompt notification of over or under-utilisation, and offer increased choice and control to a participant over plan implementation and utilisation through additional plan financial assistance.

Participants can also receive advice from plan management providers about how to best utilise their NDIS plan funding which can assist in building a participant’s financial capacity and knowledge.

**Support Coordination**

The NDIS can fund support coordination as a capacity building support in participants’ plans. Support coordination helps participants to make the best use of their supports in plan, by building their capacity to understand and use their NDIS plans to pursue their goals, and connecting participants with NDIS providers, community, mainstream and other government services. Support Coordinators can also work with participants to build their confidence and skills to use and coordinate their own supports.

Support coordination can be funded at three levels, depending upon a participant’s level of need, with the highest level of funding - specialist support coordination - provided to participants with complex situations, and who require specialist support to overcome barriers to service delivery. Support Coordinators also play a critical role in crisis planning, prevention, mitigations and action.

**Information and support for participant decision-making**

The NDIA has begun developing a series of Guides for Understanding Supports (the Guides) as a resource to help support NDIS front-line staff and partners deliver a quality experience and better outcomes and NDIS participants make informed decisions about the services and supports available to them and what will deliver the best outcomes. Good quality research evidence underpins each of the Guides, which is supplemented with participant experience and expert recommendations.

Each Guide is being developed in consultation with participants, who have provided feedback on the type of information that should be included and how it should be presented. The Guides cover a broad range of topics, including (but not limited to) employment, deaf or hearing loss in children, and community participation, which are due for release within the next six months, and assistive technology and rehab supports due for release within the next year. The first Guide, on employment is available at https://ourguidelines.ndis.gov.au/understanding-supports.

**Transitional Life Stage Supports**

School leaver employment supports help participants move from school to work and are available in the final years of school and directly after leaving school.

Providers who deliver school leaver employment supports help young people prepare, look for and gain employment. They provide meaningful, individualised capacity building activities so young people can achieve their employment goals.

As part of managing a participant’s employment barriers, providers can support a participant’s unique pathway to employment, help foster partnerships and goodwill in the local community and use their professional networks to engage and connect with employers.

School leaver employment supports funding builds a participant’s ability and confidence to enter the workforce.

The NDIS can fund school leaver employment supports for up to two years, depending on the participant’s circumstances and each school leaver’s employment supports will be different. Participants work with providers to develop an individualised program of supports, which can include funding to help them develop skills that support employment and decision making, such as money handling skills, time management skills, communication skills and personal development skills.

**The National Disability Advocacy Program (NDAP) provides people with disability with access to effective disability advocacy directed to promoting, protecting and ensuring their full and equal enjoyment of full and equal enjoyment of all human rights enabling community participation.**

**NDAP organisations provide individuals with assistance on a range of issues, including communication, decision making, housing and accommodation, as well as assistance with general daily living activities.**

The purpose of the NDIS Appeals Program is to ensure people with disability, and others (such as parents and carers), affected by reviewable decisions of the National Disability Insurance Agency (NDIA) have access to support when seeking review of those decisions at the Administrative Appeals Tribunal (AAT).

There are two main types of assistance available via the NDIS Appeals Program:

* access to a skilled advocate who acts as a support person
* access to legal services where there is wider community benefit and/or disadvantage that would substantially benefit from legal representation.

The NDIS Appeals support is provided by NDAP disability advocates. They are available in every state and territory. An NDIS Appeals advocate can help by:

* explaining the review process, including what is involved in appealing to the AAT
* helping to prepare documents
* providing advice and skills so people can better represent themselves
* attending AAT conferences and hearings to help people put their case to the AAT.

Legal Aid Commissions (LACs) are funded in each state and territory to provide legal services for the program. LACs operate under a merits-based assessment process to determine eligibility for legal representation. LACs can help eligible applicants by:

* providing advice on applications for review
* providing legal counsel throughout the AAT process.

The purpose of the Decision Support Pilot is to provide decision making support to potential and current National Disability Insurance Scheme (NDIS) participants who have limited decision making capacity and no other appropriate decision making support options with key interactions with the NDIS, including support with testing eligibility, seeking NDIS access and planning.

The Disability Advocacy Support Hotline (DASH) is a national telephone advocacy service, commencing Oct 2022, that is expected to help address unmet demand for individual advocacy services, and expand access to individual advocacy in regional and remote areas for people with disability. The DASH will provide people with disability access to advocacy support over the phone, and refer to in-person NDAP providers and other community and government agencies if required.

**When developing policies, programs, services and systems, all governments in Australia have agreed to use the Strategy’s Guiding Principles. This includes: Principle One - Respect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons. To support the application of this principle, governments developed a prompting question asking people to consider if the action proposed gives action to supported decision making as required.**

### *Mobility: Support for personal mobility and access to affordable and available quality mobility assistance (e.g., mobility aids, assistive technologies and products (prostheses, orthotics, wheelchairs), animal assistance, point-to-point and paratransit transport, among others);*

The NDIS funds an extensive range of supports to assist participants with their personal mobility. Types of supports that may be funded include:

**Transport funding**

A participant will generally be able to access funding through the NDIS for transport assistance if the participant cannot use public transport without substantial difficulty due to their disability.

Transport supports include supports that enable participants to build capacity to independently travel, including through personal transport-related aids and equipment, or training to use public transport.

A participant’s transport supports may also include the reasonable and necessary costs of taxis or other private transport options for participants who are not able to travel independently, as well as transport to and from school for students.

Transport supports only relate to participants and do not relate to travel for families, carers or providers of supports. However, providers of supports may claim reasonable travel time when delivering reasonable and necessary supports in the home, or when accompanying participants to access the community.

The NDIA may also consider what options may be available for the participant in their local community, or whether funding other supports has the potential to build a participant’s capacity to engage in local community activities.

Transport funding is available to participants who are adults, and in some limited circumstances, to participants that are children.

**Therapeutic supports**

The NDIS may provide funds for assessment, recommendation, therapy or training by a range of suitably qualified and registered therapists, such as:

* physiotherapists
* exercise physiologists
* occupational therapists
* orthotists/prosthetists
* podiatrists.

These funds may be provided as Early Childhood Intervention Supports for children under seven years of age or Capacity Building supports to participants over seven years of age.

In addition, the NDIA may provide funding for specialised driver training support to increase a participant’s personal independence, where required due to the impact of a participant’s disability.

**Assistive Technology**

The NDIS funds a range of assistive technology to support participants with their mobility. For example:

* Hoists
* Wheelchairs, including manual, power, standing, recreational (basketball, rugby etc.)
* Strollers/Prams/buggies
* Postural support systems
* Walking frames
* Adapted bicycles/tricycles
* Prostheses
* Orthoses
* Vehicle modifications
* Visual navigation assistive devices or software
* Dog guides.

For information regarding capital supports to increase mobility in the home, please see ‘(v) Housing and Accommodation’ below. Further detail is included in the NDIS Assistive Technology, Home Modifications and Consumables Code Guide on the NDIS website.

**Assistance Animal provisions in the *Disability Discrimination Act* 1993 (DDA) provides protection for everyone in Australia against discrimination based on disability, including accessibility requirements. This includes a definition for assistance animals as including any animal which is trained to assist a person with disability to alleviate the effect of the disability, which meets standards of hygiene and behaviour appropriate for a public place. Commonwealth, state and territory governments are working towards national consistency in the regulation of assistance animals.**

**The Strategy contains the following relevant outcome areas:**

* **Inclusive Homes and Communities, which includes the policy priorities:**
  + transport systems are accessible for the whole community – supporting transport and its entry points to be accessible for everyone, including options such as point-to-point transport.
* **Personal and Community Support, which includes the policy priorities:**
  + ***People with disability are able to access supports that meet their needs* – recognising disability services and mainstream services need to be universally available and accessible to people with disability.**
  + ***The NDIS provides eligible people with permanent and significant disability with access to reasonable and necessary disability supports* – the NDIS enables people with disability to receive the reasonable and necessary package of flexible supports that help people pursue their goals and aspirations.**
  + ***People with disability are supported to access assistive technology* – to support inclusion, participation, communication and engagement in family, community and all areas of society, including political, economic and social spheres.**

### *Assistance with daily living activities: Support to assist persons with disabilities in a one-to-one human relationship to perform daily life activities like getting up, bathing, dressing, grooming, going out, cooking, cleaning, guiding, shopping, or doing laundry (e.g., full or part time professional personal assistance, third person support allowance, informal personal assistance, household cleaner, among others);*

**People with disability are able to access the NDIS if they meet the requirements set out in the NDIS Act, including the age, residency and disability or early intervention requirements. To meet the disability criteria, an individual must have a permanent disability attributable to one or more intellectual, cognitive, neurological, sensory or physical impairments, and the disability must result in substantially reduced functional capacity, affecting the individual’s ability to communicate, get around and engage in self-care activities.**

**The level of funding provided to participants for their supports is individualised according what is reasonable and necessary for each person. There is no minimum or maximum level of funding a participant can receive. Rather a participant will receive an NDIS plan and funds developed upon assessment of what supports are considered reasonable and necessary given a person’s functional capacity and their current access to formal and informal supports.** **Examples of the support available under the NDIS include: therapy, home and vehicle modifications, assistive devices and equipment, assistance with household tasks, personal care and transport and assistance for family and carers.**

**The legislative framework for the NDIS needs to be considered alongside other policies and legislation such as the Strategy, the *Disability Discrimination Act 1992*, the *Carer Recognition Act 2010*, the *Disability Services Act 1986* and the ‘Applied Principles’ agreed by the Coalition of Australian Governments that guides the interaction between the NDIS and other programs and services.**

**The Strategy contains the following relevant outcome area:**

* **Personal and Community Support, which includes the policy priorities:**
  + ***The NDIS provides eligible people with permanent and significant disability with access to reasonable and necessary disability supports* – the NDIS enables people with disability to receive the reasonable and necessary package of flexible supports that help people pursue their goals and aspirations.**
  + ***The role of informal support is acknowledged and supported* –recognising the importance of informal support to people with disability.**

### *Housing and accommodation: Support in relation to housing and living arrangements in the community, including home modifications (e.g., housing information and assistance, home support, supported living services, financial support for housing, among others);*

The NDIS can assist participants to live independently, by providing a reasonable and necessary level of funding for supports to help participants live in a home of their choosing.

**Home and Living Policy Co-design**

The NDIA is co-designing a new overarching home and living policy, in partnership with participants and the sector, to help inform the way the Agency supports participants to pursue their home and living goals. The policy is intended to give participants more choice and control over where they live, who they live with and the supports they use, and guide the provision of supports to help participants to build the skills they need to live independently.

**Assistance with Accommodation and Tenancy Options**

The NDIS may fund supports for service providers to guide, prompt, or undertake activities to ensure they can obtain or retain appropriate accommodation. This may include assisting a participant to apply for a rental tenancy or to undertake tenancy obligations in line with the participant’s tenancy agreement.

**Supported Independent Living**

The NDIA may fund Supported Independent Living (SIL) to participants living in shared settings. SIL includes assistance with, or supervision of, tasks of daily life in a shared living environment, with a focus on developing the skills of each individual to live as autonomously as possible. The support is provided to each person living in the shared arrangement in accordance with their need. SIL does not include rent, board and lodging, or other day-to-day usual living expenses such as food and activities. It also does not include the capital costs associated with a participant’s accommodation (seem Specialist Disability Accommodation below).

**Individualised Living Options**

The NDIS may fund Individualised Living Options (ILOs) to fund participants to live in a home and with a support arrangement of their own choosing. ILO funding is intended to drive innovation in the delivery of home and living supports and give participants greater control over where they live, with who, and how their supports are delivered. ILOs are an alternative to SIL and provide greater flexibility over the delivery of supports than most shared living arrangements.

ILO support packages are built by holistically considering the preferences, strengths, assets, support requirements, informal and community supports of each participant. An ILO is not determined by a participant’s residential tenancy situation (e.g. home ownership or lease), and is not tied to eligibility for Specialist Disability Accommodation funding. ILOs provide funding for supports provided and not accommodation costs.

ILO supports include funding for exploration and design and the preparation of a service proposal for the delivery of supports, which takes into account things such as:

* where a participant wants to live and who they want to live with
* their strengths, capabilities, and opportunities for skill development
* how supports from friends and family, community supports, and paid supports will play a role in the ILO
* what is possible, having regard to a participant’s individual capabilities and any risks and legal requirements.

ILOs can be used to fund a variety of living arrangements, such as shared arrangements with friends or housemates or host family arrangements where participants live full time with a person or family who is not related to them. A participant’s supports may be delivered flexibly by a range of people including a participant’s housemates or their host family, as well as staff from outside the home. Supports can be paid directly to host families for the support they provide, while housemates may receive benefits such as reduced rent.

Types of supports that may be included in an ILO package (either funded or not) include:

* companionship and role modelling
* physical assistance with personal care and prompting with household tasks, along with help to manage emotions and behaviours
* drop-in or on call support, regular time with family, or formalised assistance from a neighbour
* Monitoring and limited re-design of support packages.

The delivery of ILO supports is overseen by an ILO provider, whose role is to support participants to explore and design different home living arrangements, prepare a service proposal, build, organise and implement the ILO supports package, undertake home assessments to ensure safety and wellbeing, and monitor the ILO package and arrangements. ILO providers work with participants to co-author agreements between the participant and the people providing their support (such as their host family or housemates) that clearly set out their respective roles, responsibilities and expectations.

**Specialist Disability Accommodation**

Specialist disability accommodation (SDA) is a range of housing designed for people with extreme functional impairment or very high support needs. SDA dwellings have accessible features to help residents live more independently and allow other supports to be delivered better or more safely.

Participants eligible for SDA:

* have an extreme functional impairment or very high support needs
* meet the specialist disability accommodation needs requirement and the NDIS funding criteria

SDA funding does not cover the cost of a participant’s rent or other day to day living expenses, but rather the capital cost associated with the building itself, and may also include funding for on-site overnight assistance.

**Home Modifications**

The NDIS may provide funding for the design and construction of modifications to a participant’s home to provide safe access and comfortable mobility in frequently used areas. Home modification design and construction includes installation of equipment or changes to building structures, fixtures or fittings to enable participants to live more independently and safely at home. A range of modifications may be provided, such as the construction of a ramp to enable access to the home, widening of doorways, bathroom modifications, and kitchen modifications.

**The Strategy contains the following relevant outcome areas:**

* **Inclusive Homes and Communities, which includes the policy priorities:**
  + *Increase the availability of affordable housing* – supporting Access to affordable, safe and long-term housing.

*Housing is accessible and people with disability have choice and control about where they live, who they live with, and who comes into their home* - Accessible and well-designed housing supports independence and social and economic participation.

### *Family and household support: Support to families and households with members with disabilities (e.g., informal support for persons with disabilities, including care-related work leave and capacity building for informal care and support, community-based network and community mobilization programmes, peer-support groups, localized intervention programmes, circle of support, early childhood support, respite care, among others); and*

**NDIS Early Childhood Approach**

Early Childhood Intervention supports are those provided to children under seven years of age with developmental delay or disability and their family or carers in home, community and early childhood education settings, to work towards increased functional independence and social participation. The early childhood approach was developed based on evidence-based research with the help of leading experts in early childhood intervention.

The approach supports best practice in early childhood intervention because it helps the child and family to build their capacity and supports greater inclusion in community and everyday settings, meaning each child is provided with opportunities to grow and learn. The approach provides children and their families with the right supports to support their development and growth.

**Sustaining informal supports**

The informal support provided by parents, siblings and other family members is vitally important to people with disabilities. In addition to the support provided, the close relationships that participants have with the people who provide this informal support can also be highly important.

Therefore, the ongoing capacity of family members and carers to provide these informal supports can often be critical to the wellbeing of participants.

Support loads and other factors such as illness or ageing can place a carer’s wellbeing at risk and compromise their capacity to continue in their caring role. Accordingly, the NDIA recognises that sustaining these informal supports can often be an integral component of meeting a participant’s needs.

The NDIS is intended to increase the social and economic participation of people with disabilities within the context of their families and existing support networks. Through the planning process, an understanding of a participant’s overall support needs is built, which includes identifying the range of informal supports that are available, and how they can be sustained.

Supports that are available to sustain informal supports may include:

* funding for assistance with daily living tasks (see assistance with daily life above)
* short term accommodation (respite)
* specialised home-based assistance for a child

**Short Term Accommodation**

The NDIS may fund Short Term Accommodation (STA) for participants who need to live out of their home for a short period. STA provides integrated support for self-care, accommodation, food and activities in a centre or group residence for short periods. They recognise that, from time to time, participants may require temporary comprehensive supports that are different from their usual arrangements. STA may also be funded to provide a period of respite, which aims to support ongoing caring arrangements by providing carers with short-term breaks from their usual caring responsibilities.

**Specialised home-based assistance for a child**

The NDIA may provide funding for specialist assistance in the home, where support is required due to the additional requirements of a child’s disability. The support may be provided to strengthen the sustainability of informal supports.

The Australian Government’s Integrated Carer Support Service (Carer Gateway) provides supports and services for informal carers, including carers of people with disability.

The Australian Government has committed over $770 million over four years to support informal carers through Carer Gateway - a free, Australia-wide dedicated carer support service. Carer Gateway provides services in-person, online and over the phone so carers can access the support they need, when they need it.

Through Carer Gateway, carers have access to:

* tailored support packages with a focus on respite, education, and transport
* in-person and phone-based counselling
* in-person and online peer support and coaching
* emergency respite
* online skills courses
* information and advice, and
* assistance with navigating relevant services, including local services available to carers through government and non-government providers, and the National Disability Insurance Scheme (NDIS) and My Aged Care.

These services aim to improve carer wellbeing, increase capacity and support carer participation socially and economically, as well as reinforce resilience through preventative support services.

Additionally, the Young Carer Bursary Program is available to assist eligible carers aged 25 years and under to continue or return to study by offering bursaries of $3,000 per young carer per year through an application process, in recognition of the challenges young carers face in balancing study and caring responsibilities.

**The Strategy contains the following relevant outcome areas:**

* **Personal and Community Support, which includes the policy priority:**
  + ***The role of informal support is acknowledged and supported* –recognising the importance of informal support to people with disability.**
* **Education and Learning, which includes the policy priority:**
  + *Children with disability can access and participate in high-quality early childhood education and care* – recognising high-quality, affordable, inclusive, and accessible early childhood education and care equips children and their families to succeed throughout life.
* **There is also an Early Childhood Targeted Action Plan that has these objectives:**
  + **Enable early identification of disability or developmental concerns and develop clearer pathways and timely access to appropriate supports.**
  + **Strengthen the capability and capacity of key services and systems to support parents and carers to make informed choices about their child.**
  + **Encourage a stronger sense of inclusion and provide opportunities for parents, carers and children to build peer networks, including for Aboriginal and Torres Strait Islander and culturally and linguistically diverse parents and carers.**

### *Disability-related extra costs: Financial support to pay services and goods, including personalized budgets and direct payments (e.g., cash transfers beyond income replacement, additional funds to cover support services, among others).*

The NDIS:

* takes an insurance approach that shares the costs of disability services and supports across the community
* funds reasonable and necessary services and supports directly related to an eligible person’s individual ongoing disability support needs
* enables people with disability to exercise more choice and control in their lives, through a person-centred, self-directed approach, with individualised funding.

The NDIS is now considered to be fully implemented across Australia.

NDIS participants work with the NDIA to develop personalised, goal-based plans. The plans outline the reasonable and necessary disability supports for which funding is provided to participants. Participants choose for themselves who will provide their care and support, and how they want to manage their supports.

**The Strategy contains the following relevant outcome areas:**

* **Employment and Financial Security**
  + Strengthen financial independence of people with disability - the income support system provides an important safety net for people with disability who are unable to work or cannot find employment.
* **Personal and Community Support, which includes the policy priorities:**
  + ***The NDIS provides eligible people with permanent and significant disability with access to reasonable and necessary disability supports* – the NDIS enables people with disability to receive the reasonable and necessary package of flexible supports that help people pursue their goals and aspirations.**
  + ***People with disability are supported to access assistive technology* – to support inclusion, participation, communication and engagement in family, community and all areas of society, including political, economic and social spheres.**

## ****1(b). What are the government institutions, departments and ministries in charge of budgeting, financing and implementing the above?****

**The Department of Social Services is responsible for services to unpaid carers, including carers of people with disability.**

|  |  |  |
| --- | --- | --- |
| **Question 1(a) reference** | **Program** | **Responsible Government Institution** |
| **1.a.i. Communications** | **Print Disability Support Program (PDSP)** | **Department of Social Services** |
| **1.a.i. Communications** | **Postal Concessions for the Blind (PCB) Program** | **Department of Social Services** |
| **1.a.i. Communications** | **Disability Gateway service** | **Department of Social Services** |
| **1.a.ii. Decision-making** | **National Disability Advocacy Program** | **Department of Social Services** |
| **1.a.ii. Decision-making** | **NDIS Appeals program** | **Department of Social Services** |
| **1.a.ii. Decision-making** | **Decision Support Pilot** | **Department of Social Services** |
| **1.a.ii. Decision-making** | **Disability Advocacy Support Hotline** | **Department of Social Services** |
| **1.a.iii. Mobility** | **Assistance Animal provisions in the *Disability Discrimination Act* 1993 (DDA)** | **Attorney-General’s Department is responsible for the DDA. Department of Social Services is leading work towards national consistency, in conjunction with other Commonwealth, state and territory departments.** |

**The Strategy recognises** that all levels of government continue to play a role in providing mainstream and targeted services, supports and infrastructure systems to people with disability. Governments have obligations to provide services to all citizens and are responsible for making reasonable adjustments to accommodate people with disability so they can access and use those systems and services.

To assist with understanding which level of government is responsible for the systems that may be used by people with disability, the Strategy includes a table on government roles and responsibilities (reproduced below). This table shows where one level of government holds *primary responsibility* for the delivery of a system. There is also a section in the table showing systems where responsibilities are shared to an extent that primary responsibility for delivery cannot be assigned to one level of government.

Table on Government Roles and Responsibilities

|  |  |
| --- | --- |
| Primary responsibility for delivery lies with the Australian Government | Primary responsibility for delivery lies with state and territory governments |
| * NDIS\* (administration) * Information, Linkages and Capacity Building * NDIS Quality and Safeguards Commission * Employment services * Income support payments * Federal justice system * Australian Federal Police * Child Care Subsidy * Medicare Benefits Schedule * General practitioners * Pharmaceutical Benefits Scheme * Aboriginal Community Controlled Health Organisations * Aged Care system * My Aged Care * Veterans’ Care system * Universities * Hearing Services Program * Commonwealth Ombudsman * Australian Human Rights Commission | * Public, social and community housing * Public hospitals * Community health services * Home and Community Care programs for under 65s * Public transport services * Public primary and secondary schools * TAFE/Vocational Education and Training ( * Kindergartens and pre-schools * Jurisdictional court systems and correctional centres * State and territory Police * Guardianship, Public trustees and Ombudsman * Child protection * Community visitors programs for disability\*\* * Domestic and family violence services * Major sporting facilities * State and territory human rights/anti-discrimination bodies |
| Primary responsibility for delivery lies with local governments\*\*\* | Responsibility for delivery is substantially shared across levels of government |
| * Urban planning/design of the built environment * Accessible buildings * Local development planning * Local roads, bikeways and footpaths * Local parks and recreational facilities * Local sports grounds * Public toilets * Playgrounds * Council-run childcare and aged care centres * Municipal services * Parking regulation * Public libraries and community halls | * NDIS\* (funding and shared governance) * Mental health supports and services * Disability advocacy services – individual and systemic * Concessions for government services * Community infrastructure * Arts and cultural funding and support * Public museums, galleries and performance facilities |

**Note**: This listing of roles and responsibilities is not comprehensive and some responsibilities may change over time.

\* The National Disability Insurance Scheme (NDIS) is a nationally based scheme jointly governed and funded by the Australian, state and territory governments. Delivery of the NDIS is the responsibility of the National Disability Insurance Agency, a Commonwealth Corporate Entity.

\*\* Not all states have community visitors programs for disability (e.g. Tasmania, Western Australia).

\*\*\* Local governments are established by state and territory governments (except the ACT) to deliver a range of municipal services and infrastructure, which is determined by each state and territory government. Listed examples of key responsibilities of most local governments are not representative of the responsibilities of all local governments.

The Australian, state and territory, and local governments make and uphold laws, rules and regulations, and agreements that play a role in supporting people with disability and upholding their rights. Examples include:

* The *Disability Discrimination Act 1992* (Commonwealth) and the Standards made under this Act
* The *National Disability Insurance Scheme Act 2013* (Commonwealth) and NDIS Rules
* Bilateral Agreements on the NDIS
* NDIS Applied Principles and Tables of Support
* National guidelines for safety, employment, and disability access
* Agreements between the Australian Government and state and territory governments under the Intergovernmental Agreement on Federal Financial Relations
* State and territory disability services Acts and disability inclusion Acts
* State regulations on planning, development and management of state-based infrastructure and resources
* Local government planning and regulation.

The *National Disability Insurance Scheme Act (2013)* provides the statutory basis for the NDIS and for the government agency which administers the scheme (the National Disability Insurance Agency) and the commission that regulates provision of supports under the scheme (the NDIS Quality and Safeguards Commission).

**The NDIA is governed by a Board whose function is to ensure the NDIA functions efficiently and effectively. The Board determines the objectives, strategies and policies of the Agency. The Board is advised by an Independent Advisory Council. The Independent Advisory Council consists of people with disability, carers and people with skills, experience or knowledge in providing disability services.**

**The NDIS Quality and Safeguards Commission is an independent agency established to improve the quality and safety of NDIS supports and services. The NDIS Commission is headed by a single Commissioner who is responsible for the investigation, management, conciliation and resolution of complaints relating to the supports and services of providers from whom participants purchase their supports, as well as promoting nationally consistent approaches and higher standards.**

**The Commonwealth, state and territory governments fund the NDIS. The NDIA holds all funds contributed by the Commonwealth, states and territories in a single pool, manages scheme funds, administers access to the scheme and approves the payment of individualised support packages.**

The projected costs of the NDIS are informed by the NDIS Scheme Actuary’s Annual Financial Sustainability Report and are reflected in the annual Australian Government Budget (Budget Paper No.1). The states and territories financial contributions to these costs are set out in bilateral agreements with the Commonwealth Government. States and territories pay their contributions directly to the NDIA. The Commonwealth contributes the balance of costs of the scheme over and above the state and territory contributions.

Since its introduction there has been support for ensuring the NDIS is fully funded regardless of which political parties form government.

While the NDIA is responsible for administering the NDIS, the Department of Social Services is responsible for broader disability policy, including areas that may impact the NDIS. The NDIA and the policy functions in the department relating to the NDIS report to the Minister for the National Disability Insurance Scheme, the Hon. Bill Shorten MP.

**The governance framework of the NDIS is set out in the NDIS Act which recognises a Ministerial Council, and establishes the NDIA, the NDIA Board, the NDIA Board’s Independent Advisory Council and the NDIS Quality and Safeguards Commission.**

**The Ministerial Council is Commonwealth, state and territory ministers with responsibility for policies and programs for people disability as established by all Australian governments from time to time. It includes the Commonwealth Minister for the NDIS (the Commonwealth Minister), the Commonwealth Minister for Social Services who has responsibility for disability policy and programs other than the NDIS, and state and territory ministers responsible for disability policy. The Ministerial Council considers policy matters relating to the NDIS, provides advice to the Commonwealth Minister for the NDIS and makes recommendations to the National Federation Reform Council (previously known as the Council of Australian Governments (COAG)).**

**The Commonwealth Minister for the NDIS is responsible for administering the NDIS Act, and exercises statutory powers with the agreement of states and territories, including powers to make: the NDIS Rules; NDIA Board and Independent Advisory Council appointments; strategic advice for the NDIA Board; and directions to the NDIA about the performance of its functions. The Commonwealth Minister is supported by the Department of Social Services.**

## ****1(c). How is the social and solidarity economy (third sector, non-profit sector), particularly the disability sector, involved in budgeting, financing and implementing the above (1(a))?****

**PDSP and PCB Program**

**A review of PDSP and the PCB Program in 2017 included consultation with five representatives of advocacy organisations.**

**The purpose of the review was to identify factors that would facilitate the re-design of the programs so they would be more effective in reaching a wider audience of people with print disability. Several recommendations from the review were incorporated into the design of the programs, which may have impacted upon budgeting, financing and implementing the programs.**

**The Disability Gateway service is a Commonwealth-funded resource. The disability sector is not involved in the budgeting, financing and implementing of the service.**

**A recently completed independent evaluation found:**

* **the majority of respondents viewed the Disability Gateway as a trusted source of information that was relevant, up-to-date and easy to understand**
* **nearly two-thirds of respondents reported being highly satisfied in using the information or services they had found, with the vast majority of these indicating it had made a difference to them in improving access to support and information, increasing connections and improving confidence to make decisions about supports and services.**

**Suggestions for improvement to the Disability Gateway service include improvements to data collection and improving the search capability of the website. The Department of Social Services has taken steps to implement these suggestions by October 2022.**

**National Disability Advocacy Program**

Disability advocacy organisations are funded through grant agreements to deliver the NDAP.

**NDIS Appeals**

Disability advocacy organisations and legal aid commissions are funded through grant agreements to deliver the NDIS Appeals program.

**Decision Support Pilot**

Disability advocacy organisations are funded through grant agreements to deliver the Decision Support Pilot.

**Disability Advocacy Support Hotline**

An approved third-party provider is funded through a grant agreement to deliver the DASH. The DASH is at the design, development and consultation phase with commencement of the service in Oct 2022.

**Assistance Animal provisions in the *Disability Discrimination Act* 1993 (DDA) - A public consultation was held in 2021 which informed the development of draft national principles for the regulation of assistance animals**

**Australia’s Disability Strategy 2021-2031 (the Strategy), as a national strategy, recognises, in addition to governments,** businesses, the community and the non-government sector all play a role in supporting people with disability to enjoy their human rights on an equal basis with others.

The Outcome Areas in the Strategy set out where governments at all levels, working with the community and business, and people with disability will focus on delivering the needed changes.

**The response to 1(d) below outlines the wide consultations that were undertaken in developing the Strategy, particularly with the disability sector, and the ongoing consultations that will occur over the 10 year life of the Strategy. This consultation and involvement will assist these sectors to contribute to improved outcomes for people with disability.**

The social and solidarity economy, and particularly the disability sector, are significantly engaged in the operation of the NDIA and broader policy development and implementation.

In early 2022 the NDIS Act was amended to include as a principle “People with disability are central to the National Disability Insurance Scheme and should be included in a co-design capacity.”

Australia’s Disability Strategy 2021-31 (the Strategy) outlines a vision for a more inclusive and accessible Australian society where *all people with disability* can fulfil their potential as equal members of the community. An Advisory Council plays an important role in providing advice to Australian, state, territory and local governments, and to disability ministers, reflecting the views of people with disability in implementing and monitoring the Strategy. More broadly, the Good Practice Guidelines for the Engagement of People with Disability will support future policy development and implementation with people with disability.

In relation to the NDIS, the Australian Government committed in the recent Commonwealth election to put people with disability at the centre of the NDIS, ensuring any future changes to the scheme are evidence based and are co-designed with people with disability and their families, carers, disability service providers and workers. Further, there will be a focus on ensuring people with disability are appointed to the NDIA executive and Board, ensuring the voice and experience of participants is enhanced in the scheme.

## ****1(d). How are persons with disabilities and their representative organizations involved in the design and monitoring of the above (1(a))?****

**PDSP and PCB Program**

**A review of PDSP and the PCB Program in 2017 included consultation with 50 people with a print disability as well as five representatives of advocacy organisations.**

**The purpose of the review was to identify factors that would facilitate the re-design of the programs so they would be more effective in reaching a wider audience of people with print disability. Several recommendations from the review were incorporated into the design of the programs.**

**Disability Gateway Service**

**Co-design and development of the Disability Gateway website was informed by consultations with people with disability, their family and carers, and the disability sector.**

**The website was co-designed using feedback from people with disability who participated in user experience testing at all stages of development.**

**Decision Support Pilot**

**The department has engaged a specialist consultant to conduct an independent evaluation of the Decision Support Pilot in 2022-23. This evaluation will involve consultation with persons with disabilities and their representative organisations.**

**Disability Advocacy Support Hotline**

**The department engaged a specialist consultant to facilitate targeted consultations and service design workshops informing the initial design of the DASH.**

**As the DASH is undergoing design and development, a specific plan on how people with disability and their representative organisations will be involved in the design and monitoring of the DASH is still being defined. Ongoing consultation with the sector is expected. Commencement scheduled for Oct 2022.**

**Assistance Animal provisions in the *Disability Discrimination Act* 1993 (DDA) - A public consultation was held in 2021 which informed the development of draft national principles for the regulation of assistance animals.**

**Development of Australia’s Disability Strategy 2021-2031 (the Strategy)**

In 2018, the Department commissioned the Social Policy Research Centre, University of New South Wales to conduct a review of the implementation of the National Disability Strategy 2010 – 2020 (NDS). The aim of the Review was to examine effective implementation processes and measures of the NDS to inform the development of the new Strategy.

The Review included consultation with the disability sector and considered future policy areas. The Review found that, in general, participants did not think the policy areas of the NDS needed to be revised. However, participants identified some implementation gaps that could be prioritised.

From 2019 to 2020, the Department held consultations on the development of Australia’s Disability Strategy 2021-2031 in 2 stages to enable people with disability to have a say during all phases of developing the new Strategy. This included working closely with people with disability, their families, carers, and representatives. The consultations for the Strategy were a key factor in ensuring an inclusive process and to enable people with disability to have a say on a forward plan for issues that affect them. Feedback from the consultation periods described below were central to the development of the Strategy.

Stage One consultations were held in 2019. In Stage One, 17 community workshops were held over various metro and regional locations across Australia, in Brisbane, Perth, Townsville, Sydney, Newcastle, Canberra, Hobart, Devonport, Geelong, Melbourne (two workshops), Adelaide, Berri, Alice Springs, Darwin, Campbelltown, and Bunbury. A total of 599 people with disability, their families and carers, advocates and service providers attended the 17 workshops. There was also a survey that captured user’s views on issues. For example, respondents were asked to rate the extent to which a range of different areas are an issue for them, or someone they know who has a disability.

Stage Two consultations were held in 2020. They included public submissions on a position paper which outlined the proposed structure of the new Strategy. Responses were received from a variety of organisations related to people with disability (submissions were received from 146 organisations). A range of targeted consultations were also held involving people with disability.

Collectively, consultations reached more than 3,000 people with disability, their families, carers, and representatives. Reports on the consultations are available through the Australian Government [Department of Social Services](https://www.dss.gov.au/how-we-consulted-on-the-development-of-australias-disability-strategy-2021-2031) webpage.

**In addition, the Strategy notes that people with disability will play a central and active role in the Strategy over its life and commits to their continued and active involvement in informing implementation, monitoring and reporting, and the future direction of policy; including through:**

* **an Advisory Council**
* **regular forums**
* **public consultations.**

The approach to co-design is multifaceted involving NDIS participants, their families and carers, stakeholders from the disability sector, providers, and other government agencies including the states and territories.

Given the government’s focus on placing people with disability at the centre of the scheme, co-design with people with disability will essential for the government in considering and implementing any changes to the scheme.

The government has committed to a review of the NDIS. Support by the disability community is essential to its success and credibility. Providers are also key stakeholders for the review – they support NDIS participants and interface frequently with the NDIA and NDIS Quality and Safeguards Commission. Ensuring funding, processes and quality and safeguarding arrangements are appropriate for NDIS participants will also need to focus on providers.

The NDIA increased its engagement in co-design in late 2021, guided by a Co-design Advisory Group, with an inward focus on six priorities:

* Information Gathering for Access and Planning
* Home and Living
* Supported Decision Making
* Participant Safety
* Culturally and Linguistically Diverse strategy refresh
* First Nations strategy refresh.

## ****2(a). Does your country have legislation or policies, at any level of government, regulating and coordinating a care and support system that considers the areas mentioned in 1(a) above? Please provide references to the documentation.****

**The NDIS is established by 2 tiers of legislation. The first is the NDIS Act which is essentially a framework. In addition to establishing the bodies mentioned at paragraph 1(b), the NDIS Act sets out the broad criteria to satisfy for eligibility and individualised funding. The second tier is the NDIS Rules which are legislative instruments that sit under the NDIS Act. The NDIS Rules set out further laws that provide greater detail on matters relating to the operation of the NDIS. The NDIS Act and Rules must be read together.**

**Sitting underneath the NDIS Act and Rules are Operational Guidelines (OGs) in the NDIA that set out operational information. The (OGs) explain what the NDIA needs to consider and how decisions are made to comply with the NDIS Act and Rules. The OGs are publicly available and can be accessed at** [www.ndis.gov.au/about-us/operational-guidelines](http://www.ndis.gov.au/about-us/operational-guidelines)**.**

**PDSP and PCB Program - The PDSP and PCB Program are regulated and coordinated via their respective grant agreements, which outline key terms and conditions that the organisations funded to deliver the programs must adhere to.**

**Disability Gateway service - The Disability Gateway website was designed using the Commonwealth Digital Transformation Agency’s Service Standards.**

**The website development was undertaken through an agile project management process by a multi‑disciplinary team in Services Australia ensuring that best practice security, accessibility and usability standards were met or surpassed.**

**The Disability Gateway website has been designed specifically with accessibility as a priority for people with disability, their families and carers.**

**Independent testing has verified the website meets and in most cases exceeds the minimum Web Content Accessibility Guidelines (WCAG) requirements and accessibility and usability standards for Australian Government websites.**

**NDAP, NDIS Appeals, Decision Support Pilot, DASH - The NDAP, NDIS Appeals program, Decision Support Pilot, and the DASH are regulated and coordinated via their respective grant agreements, which outline key terms and conditions that the organisations funded to deliver the programs must adhere to.**

**Assistance Animal provisions in the *Disability Discrimination Act* 1993 (DDA) - The DDA is Commonwealth legislation. Any individual can raise a complaint with the Australian Human Rights Commission (AHRC) in relation to potential breaches of the DDA.**

## ****2(b). If yes, please describe how the care and support system is financed and what is the percentage of the eligible population covered.****

In 2018, there are 4.4 million Australians with disability, with 2.5 million Australians with disability aged under 65. Out of the 2.5 million Australians with disability aged under 65, approximately 700,000 have a severe or profound disability. (Australian Bureau of Statistics (ABS) Survey of Disability, Ageing and Carers (SDAC) 2018).

The care and support system comprises of the following programs to service the people with disability:

* National Disability Insurance Scheme (NDIS)
* Disability supports provided outside of NDIS such as Disability Employment Services
* Disability supports delivered through mainstream services administered by state and territory governments
* Other
  + Income support such as disability support pension, carer payment and carer allowance
  + Disability Australian Apprentice Wage Support
* For those who acquire disability when aged 65 or older, aged care.

National Disability Insurance Scheme (NDIS)

The NDIS provides reasonable and necessary supports to people with a permanent and significant disability who need assistance with everyday activities, who apply for support before reaching the age of 65. For those 65 and over, support is available through Australia’s aged care programs. Participants who age past 64 while in the NDIS can continue to be supported by the NDIS if they wish.

* The Australian, state and territory governments have shared responsibilities for NDIS policy, funding and governance. Participating governments provide funding based on intergovernmental agreements, with Australian Government funding coming from both general government tax revenue and the DisabilityCare Australia Fund (DCAF).
  + The DisabilityCare Australia Fund is funded from the July 2014 increase to the Medicare levy (from 1.5 per cent to 2.0 per cent of taxable income), and is used to partially reimburse the Australian and state and territory governments for expenditure incurred under the National Disability Insurance Scheme Act (2013).
* In 2021-22, total government contributions to the pool of funding for the NDIS is estimated to be $29.3 billion.
* As at 30 June 2022, there are 534,655 participants in the NDIS, which represents 76.4% of the Australian population with severe and profound disability aged between 0 and 64.

## ****3. Does your country have a strategy to develop legislation, policies and programmes to enable the development of support systems as described in 1(a) above which includes targets, indicators and an accountability mechanism? Please provide references to the documentation.****

[Australia’s Disability Strategy 2021-2031](https://www.disabilitygateway.gov.au/document/3106) (the Strategy), provides Australia’s overarching policy framework to improve outcomes for all people with disability and sets out where governments across their portfolios will focus on improving outcomes for people with disability over the next 10 years.

**The** [Strategy](https://www.disabilitygateway.gov.au/document/3106) **also includes Guiding Principles which governments have agreed to use when developing policies, programs, services and systems.**

**The Strategy includes** strengthened governance, reporting and engagement processes compared to its predecessor.

**The improved reporting and accountability processes under the Strategy include:**

* **an** [Outcomes Framework](https://www.disabilitygateway.gov.au/document/3121) **- providing improved data to track progress against the Strategy’s outcomes, and support evaluations and policy development, and will lead to improved outcomes for people with disability. Information will be available through a public website and annual reports.**
* **Targeted Action Plans – providing commitments from Australian and state and territory governments to an intensive focus on, identified actions over a time-limited period, to make headway.** The five Targeted Action Plans launched with the Strategy are focused on improving [employment](https://www.disabilitygateway.gov.au/document/3151), [community attitudes](https://www.disabilitygateway.gov.au/document/3141), [early childhood](https://www.disabilitygateway.gov.au/document/3146), [safety](https://www.disabilitygateway.gov.au/document/3176), and [emergency management](https://www.disabilitygateway.gov.au/document/3181). Annual reports will be published on the progress against the identified actions.
* Implementation reports – produced every two years, these reports will include progress against the disability initiatives at all levels of government and include consultation with people with disability, the Australian Human Rights Commission, and key stakeholders, including the Strategy’s Advisory Council.
* Evaluation Reports - two Major Evaluation Reports (2025 and 2029) will provide analysis and findings from independent evaluations of the Strategy, including recommendations for improvement.
* [Roadmap](https://www.disabilitygateway.gov.au/document/3116) - providing an overview of the key work being done under the Strategy and showing when these will happen.

Reports developed under the Strategy will be available on the Strategy’s website and will be in accessible formats.

Australia’s Disability Strategy [Advisory Council](https://www.disabilitygateway.gov.au/ads/advisory-council) has also been established to provide regular advice to all levels of government and disability ministers on the progress governments are making on implementing their commitments in the Strategy. All members of the Advisory Council are people with disability.

Australia’s Disability Strategy and supporting documents are available on the [Australia’s Disability Strategy Hub](https://www.disabilitygateway.gov.au/ads).

## ****4. Please provide data on persons with disabilities and families and households accessing care and support systems as described above in 1(a) and 2(a).****

**Service providers funded by PDSP are required to reach target numbers of digital masters created. These are uploaded to the National Library’s digital database, Trove. Individual-level data about their use is not available.**

**PCB Program provides a concession to allow items to be posted for free, or at a subsidised postal rate. No data is collected on the number of persons with disabilities who benefit from PCB.**

**The Disability Gateway is a free national service that assists all Australians with disability, their families and carers to receive an effective, accessible and people-centred information service.**

**From the commencement of the Disability Gateway service on 27 January 2021 to 31 July 2022, there have been over:**

* **860,558 website visitors**
* **44,987 calls (40% COVID‑related) to the 1800 information service for assistance.**

**National Disability Advocacy Program - A total of 13,579 individual clients received support under the NDAP in 2021-22.**

**A total of 4,266 individual clients received support under the NDIS Appeals Program in 2021-22.**

**Approximately 254 individual clients received support under the Decision Support Pilot in 2021-22.**

**Disability Advocacy Support Hotline - The DASH will commence delivering client services in Oct 2022.**

**Assistance Animal provisions in the *Disability Discrimination Act* 1993 (DDA - Nil / fragmented – each state and territory with an accreditation scheme holds data in relation to that scheme, and the AHRC holds data about to the number of complaints made in relation to assistance animals.**

Since Carer Gateway commenced, 105,900 carers have registered and accessed support with local Carer Gateway service providers.

National Disability Insurance Scheme (NDIS)

|  |  |
| --- | --- |
| Number of people | As at 30 June 2022, there were 534,566 participants supported in the NDIS. An additional 11,686 children are accessing early connections as part of Early Childhood Approach program without becoming participants with individualise funding in the NDIS. |
| Profile of People | Approximately 41% of the NDIS participants are children aged 0 to 14. The top 3 primary disability groups of the NDIS population are autism (34%), intellectual disability (18%) and psychosocial disability (11%) |
| Types of support they received | The NDIS funds a range of supports and services to assistance NDIS participants with everyday activities including education, employment social participation, to support independence, people’s living arrangements and health and wellbeing. |
| Average support per person | In the year to June 2022, the average annualised[[1]](#footnote-1) cost of supports per participant is $55,200. The median annualised payment per participant in the year to June 2022 is $18,500. The average payment is higher than the median payment because payments reflect need, with for example, the 10 per cent of participants receiving the highest cost supports incurring a little over half the total expenditure in the scheme.  Average payments are much higher for participants in supported independent living (SIL) than those not in SIL ($340,900 versus $39,500 respectively, in the year to 30 June 2022). SIL is for people with higher support needs, who need some level of help at home all the time. |

**The Nationally Consistent Collection of Data on School Students with Disability (**[NCCD](https://www.nccd.edu.au/)**) collects data about the number of students with disability in schools across Australia, and the different levels of adjustments they receive. The NCCD enables schools, education authorities and governments to better understand the needs of students with disability and how they can be best supported at school.**

**Data from the NCCD is used as an evidence base to give teachers, schools and sectors information about students with disability and the level of educational adjustment being provided. The impact of the COVID-19 Pandemic may be reflected in the types and number of educational adjustments being reported in the data.**

## ****5. Please provide data on the impact of the COVID19 pandemic on persons with disabilities and families and households with members with disabilities (death rates disaggregated by disability status, death rates in institutions compared to those living in the community, impact on income as a consequence of disruption in support or increased support and care demands, disruption in support services, among other care demands, disruption in support services, among other).****

**The Australian Government Department of Education is conducting a review of the impact of COVID-19 on school students with disability.**

## ****Attachments****

**Attachment A: Data responding to Q1(a)i-iii**

**Attachment B: Data responding to Q1(a)iv-vii**

**Attachment C: Data responding to Q4-Q7**

1. Annualised figures adjust for those people who were in the scheme for only part of the year. [↑](#footnote-ref-1)