

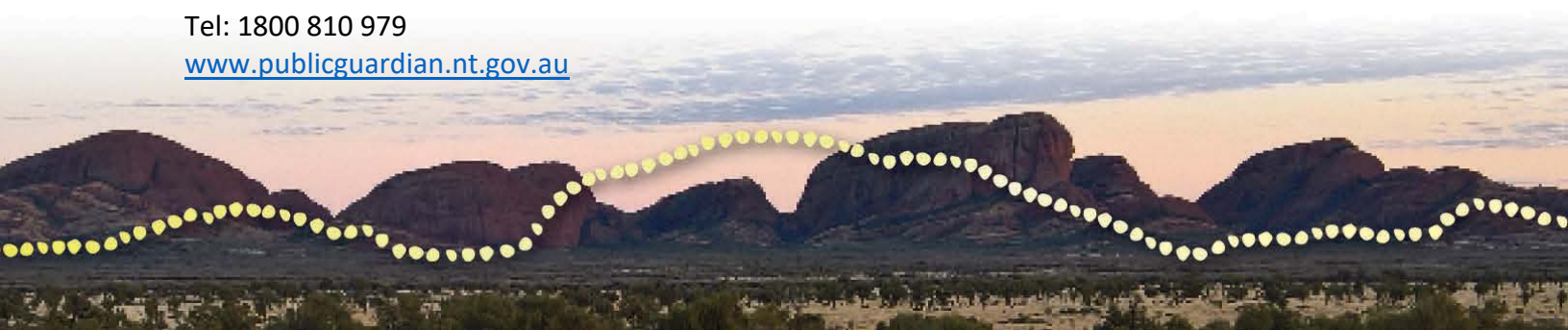


# Northern Territory Office of the Public Guardian Submission to the Joint Standing Committee on the National Disability Insurance Scheme

## WORKFORCE INQUIRY

April 2020

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## **Introduction**

The Northern Territory Office of the Public Guardian welcomes the opportunity to provide a submission to the Joint Standing Committee on the National Disability Insurance Scheme (NDIS) Workforce Inquiry.

The Office of the Public Guardian was established under the *Guardianship of Adults Act 2016*, which provides for the statutory appointment of an independent Public Guardian. The core functions of the Public Guardian are set out in section 61 of *the Guardianship of Adults Act 2016*, and include, but are not limited to:

- being a guardian for an adult when appointed by a guardianship order or acting under section 44 or 45;
- promoting access to support services for adults with impaired decision-making capacity and the guardians, families and carers of those adults;
- encouraging providers of support services to monitor and review the delivery of those services; and
- advocate for adults with impaired decision-making capacity generally, including by promoting understanding and awareness of relevant issues.

The Office of the Public Guardian teams are located in Darwin and Alice Springs and are responsible for providing guardianship services to approximately 570 adults represented by the Public Guardian. Compared to other jurisdictions, the Northern Territory has the lowest number of adults under guardianship orders, however, has the highest percentage of the population under guardianship.

Since the inception of the NDIS the Office of the Public Guardian has assisted 351 represented adults become participants (figure as at 30 June 2019) and has attended at many, if not all initial and review planning meetings. This involvement by the Office of the Public Guardian has provided significant insight into the challenges experienced by the NDIS workforce in meeting the support, cultural and emotional needs of NDIS participants in the Northern Territory.

It must be noted that as guardianship orders come into effect when a person reaches the age of 18, all experiences of the Office of the Public Guardian in relation to NDIS is with participants between 18 to 64 years of age.

## **The Northern Territory context**

The Northern Territory's situation is unique and poses challenges for service delivery to a small population spread across vast distances. The sparse population, harsh climate and rough terrain mean health and other supports and services in many parts of the Territory are limited. The Northern Territory's transient population impacts the retention of the skilled workforce as individuals have many alternate options elsewhere in Australia. The high cost of living in the Northern Territory is an additional challenge for those in the low socio-economic circumstances.

The Northern Territory population is comprised of many culturally and linguistically diverse groups. Approximately 78 per cent of people involved with the Office of the Public Guardian identify as Aboriginal<sup>1</sup>. Many speak English as a second or third language with a significant number living in remote and very remote communities. The Office of the Public Guardian has observed a disconnect from country and culture, with a high level of represented adults that identify as Aboriginal experiencing significant difficulties in receiving appropriate support services in remote and very remote communities.

### ***The human services industry in the Northern Territory***

The Office of the Public Guardian was a proud contributor to the Northern Territory Human Services Industry Plan 2019-2020<sup>2</sup> (the Plan) and supports the themes and priorities contained in it to achieve the Industry Plan Vision of “strong and inclusive organisations; supporting our people, our cultures and our communities through high-quality human services”. Informed by the Northern Territory human services industry the Plan provides a comprehensive strategy for the human services workforce development over the next 10 years in the Northern Territory.

#### **a. The current size and composition of the NDIS workforce and projections at full scale**

With the rollout of the NDIS in the Northern Territory the human services industry has faced challenges associated with moving to individualized funding models underpinned by user choice and control. As a result, the current NDIS workforce in the Northern Territory is not adequate in both size and skill set to meet the needs of Territorians receiving NDIS supports. This inadequacy is not unique to the NDIS workforce and is experienced across the whole of the Northern Territory human services industry.

Specific concerns regarding the size and composition of the NDIS workforce include:

- A territory wide declining and transient population means members of the NDIS workforce often move between providers or adjacent sectors but there is no or very minimal growth in the industry as a whole.
- The Northern Territory population comprises many people from culturally and linguistically diverse backgrounds. There is often a disconnect between the cultural background of the workforce and that of participants, which may negatively impact the communication and cultural needs of participants.
- The attractiveness of the human services industry, including rates of remuneration and benefits, is disproportionate to the necessary skillset and expertise of the workforce.
- Whilst positive that there is a broadened recognition of different types of disability due to the NDIS, this has resulted in the current workforce not having the specialised skill sets

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<sup>1</sup> The term Aboriginal is used throughout this document to refer to all people of Aboriginal and Torres Strait Islander descent who are living in the Northern Territory. The use of this term reflects the wishes of Aboriginal people in the Northern Territory. Department of the Attorney-General and Justice (2019). *Draft Northern Territory Aboriginal Justice Agreement 2019-2025*.

<sup>2</sup> Developed by the National Disability Services, Aboriginal Medical Services Alliance Northern Territory and Northern Territory Council of Social Service

required to respond to these needs. For example: Young adults who are mobile with multiple disability issues, people with a mental illness who have difficulty engaging with providers, people with complex needs exiting prison, people with high functioning autism but with social skill challenges and people with challenging behaviours.

In remote and very remote Northern Territory communities there are few local community members within the NDIS workforce. For Aboriginal people in these communities (and in regional centres) the NDIS workforce does not appear to be an industry of choice. This is despite many Aboriginal people in remote and very remote communities providing unpaid and informal care to community members. The Office of the Public Guardian advocates for a coordinated and strategic approach to growing the representation of Aboriginal people within the whole human services industry but specifically within the NDIS workforce in remote and very remote communities.

**b. Challenges in attracting and retaining the NDIS workforce, particularly in regional and remote communities**

The small and geographically isolated population of the Northern Territory means the cities of Darwin and Alice Springs are regional centres in comparison to other cities across Australia. The underlying challenge for the whole Northern Territory human services industry (including regional and remote communities) is the limited number of skilled workers to meet the support, cultural and behavioural needs of Territorians. For the NDIS workforce this presents an additional challenge to differentiate the NDIS workforce from adjacent sectors so that NDIS service providers are considered employers of first choice.

Specific challenges in attracting and retaining the NDIS workforce in the regional centres of Darwin and Alice Springs include:

- The perceived and real cost of living in these centres in comparison to major regional centres and/or cities interstate.
- The geographical remoteness to support networks, including family and friends interstate.
- The limited availability and high cost of interstate airline travel and the time and geographical constraints of road travel.
- High cost of training for individuals at their own expense and the limited capacity of NDIS service providers to contribute to these costs.
- The compatibility of individuals from different cultural and linguistic groups to the industry and to individual participants.
- The necessity to work across multiple providers and participants to achieve required levels of remuneration.
- The desired training and skillset of the workforce is disproportionate to the level of remuneration and societal value of the industry.
- The level of remuneration and workforce conditions between government and non-government service providers and adjacent sectors.

### ***Remote and very remote communities***

Aboriginal people make up thirty percent of the Northern Territory population,<sup>3</sup> and almost seventy seven percent live in remote or very remote areas<sup>4</sup>. Many speak English as a second or third language. The prevalence of disability in Aboriginal people is high and well documented. In 2012-13 Indigenous Australians were twice as likely as non-Indigenous Australians to have severe or profound disability (based on age-standardised rates)<sup>5</sup>. This prevalence necessarily equates to a high demand for NDIS supports by Aboriginal people.

Wherever possible NDIS supports should be provided to Aboriginal people on country and must be delivered in strong partnership and collaboration with Aboriginal leaders of the community. NDIS service providers and any NDIS worker, who is not already a member of the Aboriginal community, must recognise the unique needs, histories and strengths of the community they are working within.

Ideally, strategies must be developed to grow the NDIS workforce in remote and very remote communities from within the existing community. Many Aboriginal people are already providing unpaid care and support to family and other community members. However, to date this has not transpired to a significant increase in the number of Aboriginal people within the NDIS workforce.

Until this increase occurs NDIS service providers must rely on workers being introduced to remote and very remote communities. The limited workforce to meet the demands of the human services industry across the Northern Territory exacerbates the existing challenges of attracting and retaining the NDIS workforce in remote and very remote communities. These challenges include:

- A cultural awareness and understanding by non-community members that equates to culturally safe and congruent service delivery.
- Limited monetary incentives available to NDIS funded service providers to attract workers to remote and very remote communities and to compensate for the high cost of housing and other living expenses in these communities.
- Cost, distance and limited seasonal availability of travel to and from remote and very remote communities for workers to visit regional centres or interstate locations during periods of leave.

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<sup>3</sup> Department of Treasury and Finance (NT), Population - Northern Territory Economy: Aboriginal Population (2018) <<https://nteconomy.nt.gov.au/population>>.

<sup>4</sup> Department of Treasury and Finance (NT), Population - Northern Territory Economy: Background (2018) <<https://nteconomy.nt.gov.au/population>>.

<sup>5</sup> Age-standardised disability prevalence, by Indigenous status, 2012-13 AIHW

- Limited services and infrastructure to accommodate the educational, emotional and social needs of a varied NDIS workforce and their families.
- The allure of working in a remote or very remote community is limited to a specific cohort of workers.

**c. The role of Commonwealth Government policy in influencing remuneration, conditions, working environment (including Workplace Health and Safety), career mobility and training needs of the NDIS workforce**

The Commonwealth Government, as funder and overseer of NDIS supports has a significant role in influencing remuneration, conditions, working environment, career mobility and training needs of the NDIS workforce. Funding under the NDIS must give consideration to each of these factors so that organisations can be financially viable, meet their organisational and workforce needs in terms of workplace health and safety responsibilities and training while also meeting the needs of the NDIS participants. These responsibilities are interconnected and of equal importance and NDIS service providers should not be required to prioritise one over another.

**d. The role of State, Territory and Commonwealth Governments in providing and implementing a coordinated strategic workforce development plan for the NDIS workforce**

The Office of the Public Guardian advocates for the Commonwealth and Territory Governments to work with the Northern Territory human services industry to support the implementation of the Plan<sup>6</sup>. This includes acknowledging the work and expertise of the industry in developing the Plan and providing appropriate funding, support and infrastructure to achieve the following four key themes and twelve priorities:

- A connected Industry
  - Information and communication
  - Governance and leadership
- Strong and Sustainable Organisations
  - Collaboration
  - Sustainability
  - Advocacy
- A Skilled workforce
  - Attraction and retention
  - Cultural safety
  - Capacity building
  - Community workforce development
- Quality Services
  - Delivery
  - Access and availability
  - Community-led

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<sup>6</sup> Northern Territory Human Services Plan 2019-2020

Government at all levels needs to support the ongoing development of the sector utilising a community development approach that is driven by participant needs. Current mechanisms, including scheme design, are not proving adequate in relation to supporting, providing and implementing a coordinated strategic workforce development approach that leads to improved workforce but most importantly participant outcomes. Government responsibility for this reform should be clearly articulated and implemented as a priority.

**e. The interaction of the NDIS workforce needs with employment in adjacent sectors including health and aged care**

The underlying challenge for the whole Northern Territory human services industry is the limited number of skilled workers to meet the support, cultural and behavioural needs of Territorians. The NDIS workforce is highly mobile between NDIS providers and with adjacent sectors of health and aged care. The limited number of skilled workers creates challenges for employers within each sector as the transferrable skill set and the mobility of the workforce is at the cost of individual providers or adjacent sectors.

The Plan acknowledges this interaction and calls upon the human services industry to work collaboratively in the development and growth of a skilled workforce in the Northern Territory. It is imperative that the Commonwealth and Northern Territory Government work with the human services industry to achieve this outcome and recognise the benefit for all Territorians.

**f. The opportunities available to, and challenges experienced by, people with disability currently employed, or wanting to be employed, within the NDIS workforce**

The Office of the Public Guardian strongly advocates for the development of employment opportunities for people with disability within the NDIS workforce. The NDIS is uniquely placed to recognize the capabilities and strengths of people with disability and to engage these capabilities and strengths in meaningful employment. This may be achieved by funding and collaboration to map individuals to identified meaningful employment opportunities within the NDIS workforce.

The NDIS can also promote and support the employment of people with disability in the NDIS workforce by:

- Encouraging individual NDIS plans that identify employment goals for people with disability and fund appropriate training and supports to meet these goals.
- Supporting service providers to develop innovative and meaningful opportunities for people with disability to be employed within the NDIS workforce. This support must necessarily acknowledge the training and organizational costs, including appropriate workplace conditions to meet individualized needs and flexibility of supports, associated with employing a person with disability.

**g. Any other matters**

The Office of the Public Guardian is committed to supporting and facilitating the introduction of initiatives in the Northern Territory to promote the human rights and autonomy of decision and action of adults with impaired decision-making capacity. These include programs to develop decision-making skills for individuals, financial literacy and a supported decision-making trial for adults with impaired decision-making capacity. The ability to introduce these programs has been impacted by the limited human services workforce, including the NDIS workforce, in the Northern Territory. Although eager to provide these programs, service providers are already stretched in meeting workforce demands to deliver essential NDIS supports.

The imperative to grow and develop a skilled NDIS and human services industry in the Northern Territory is paramount to meet the support, cultural and behavioural needs of Territorians but also to promote the growth of programs such as those detailed above. Programs that will ultimately promote the human rights of people with disability and grow their capacity to exercise choice and control.

The Territory and Commonwealth Governments and the Northern Territory human services industry must collaborate to grow a skilled NDIS workforce so the NDIS can be an authentic market based model of user choice and control in the Northern Territory. The Office of the Public Guardian welcomes further opportunity to be involved in this collaboration and growth.