

22 July 2017

Committee Secretary

Senate Standing Committees on Community Affairs
PO Box 6100
Parliament House
Canberra ACT 2600

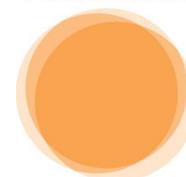
By e-mail: community.affairs.sen@aph.gov.au

Dear Committee Secretary

National Disability Insurance Scheme Amendment (Quality and Safeguards Commission and Other Measures) Bill 2017

The Summer Foundation, established in 2006, is an organisation that works to change human service policies and practices related to young people living in, or at risk of, entering residential aged care (RAC) facilities. Our vision is that young people with disability and complex support needs will have inherent value as members of our society, with access to services and housing that supports their health and wellbeing. Our mission is to stop young people from being forced to live in aged care because there is nowhere else for them.

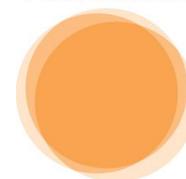
We support the establishment of an independent Quality and Safeguards Commission. We want to see this Commission improve the quality of services and protect people from unscrupulous providers. At the same time, we want people with disabilities to have maximum choice and control with respect to how they engage with the market and how services are provided. We support the freedoms afforded to Self Managing participants to access the services of nonregistered providers and to decide who provides them with services and support according to personal preferences and needs. We also understand that self-management is not a suitable option for all participants but we would like to see a greater focus on increasing the capacity of people with disabilities to have greater control over how their services are provided.



We have a particular interest and knowledge of housing through our work in sector development for alternative and more appropriate housing for people living in or at risk of entering nursing homes. We are interested in understanding how to provide housing that improves outcomes for people with disabilities and sharing this knowledge with other organisations and government to support the development of an effective Special Disability Accommodation (SDA) market. We are working closely with the housing sector and with people disabilities to support the development of new housing people with disability want to live in.

This work has informed our understanding of key principles that should underline and quality and safeguarding framework for the future SDA market. These principles are:

1. *Mainstream regulation and safeguards are accessible and applicable to people with disabilities.* People with disability should be adequately protected like all Australians through the Building Code of Australia and state tenancy laws. Additional regulations should be provided when existing mainstream safeguards are inadequate. For example, the protections in the Residential Tenancies Act in Victoria which currently excludes residential disability services, should be afforded to all Victorians. Mainstream legislation should be updated to account for SDA.
2. *Capacity building is at the centre of safeguarding.* People with disabilities should be supported to build their capacity to make informed decisions and achieve their tenancy rights and responsibilities. Safeguards should support informed decision-making through information resources, peer support, training resources, and access to advocacy.
3. *Innovation and investment is promoted while maintaining safety standards.* Regulation should be reasonable and necessary for safety while maximising investment in new innovative housing in the community. For example, a regulation which requires housing to be on the ground floor will prevent innovative developments in apartment style living. Given that “no one was ever regulated to excellence” regulation should be in place where it is necessary and pulled back where it risks damaging the market and reducing consumer choice.
4. *The diverse needs of tenants are recognised and responded to.* Safeguarding should recognise the diversity of the cohort that will be accessing SDA payments and respond accordingly with the necessary support and safeguards where needed. Regulation does not respond well to diversity so individualised safeguards and capacity building should be explored first to safeguard participants.
5. *Roles and responsibilities are clearly defined.* There will be a range of players responsible for the implementation of SDA including housing providers, support providers, tenancy managers, support coordinators and investors. Obligations and responsibilities with respect to compliance with rules and regulations need to be clearly and appropriately defined and assigned.



6. *Complaints are welcomed and easy to make and disputes are easily resolved.*

Complaints are an opportunity to improve the quality of SDA and must be readily accessible to all tenants. Complaint mechanisms must be easily accessible, free and non-litigious to improve outcomes in the long run.

These principles must be at the foundation of the NDIS safeguarding framework to support the transition from the current block funded congregate care model of today to an effective SDA market of tomorrow. These principles call on the NDIA and governments to play their role of active stewardship by developing appropriate safeguards and clearly articulating the rights and responsibilities of all players. We must build the capacity of consumers to safely and effectively navigate the market and support the market to more effectively respond to consumer needs.

We believe that these principles can extend beyond disability housing and relate to other aspects of safeguarding under the NDIS. For this reason, we hope that the Senate Inquiry into the National Disability Insurance Scheme Amendment (Quality and Safeguards Commission and Other Measures) Bill 2017 can uphold these principles when reviewing this legislation. We also encourage this review to ensure that the necessary protections are in place for people that need additional safeguarding and at the same time ensure that people with disabilities have maximum choice and control with respect to where they live, who they live with and how they are supported.

Sincerely

Di Winkler
CEO
Summer Foundation Ltd.