Early Childhood Intervention Australia

National Disability Insurance Scheme Bill 2012

Submission to the Senate Standing Committees on Community Affairs

25 January 2013

Submission prepared by ECIA National on behalf of:

ECIA ACT; ECIA NSW; ECIA QLD; ECIA SA; ECIA TAS; ECIA VIC; and, ECIA WA

Introduction and key themes

Early Childhood Intervention Australia (ECIA) is the peak national organisation promoting the interests of young children with disabilities and developmental delays and their families. It has a national and State/Territory structure, with the majority of members being early childhood intervention (ECI) professionals working in Government-funded agencies. These include small community organisations, large disability and children's services agencies and various government departments, reflecting the diverse ways in which services to young children and their families are provided nationally. Our membership also includes family members of young children with disabilities and developmental delays. Members are based in urban, rural and regional centres throughout the country.

ECIA endorses practices that promote, encourage and support community inclusion for all children and their families. These lay the foundation for each individual's successful participation as a valued member within our diverse community. This has been articulated in our recently launched joint Position Statement with Early Childhood Australia on the *Inclusion of children with a Disability in Early Childhood Education and Care*.[1]

ECIA welcomes the ongoing opportunity to contribute to the discussions on the NDIS and would like to highlight the particular needs of young children with a disability and developmental delay and their families in relation to the *National Disability Insurance Scheme Bill 2012* (the Act). A successful experience in early childhood forms the basis of a comprehensive lifespan approach, relevant to people with a disability of all ages. The key is to get the right supports right from the start.

This submission will address the relevant components of the Act that ECIA feels best-placed to provide comment on. The key themes that are discussed include:

- The need for the Act to think about children in the context of their families; rather than as individual NDIS participants;
- That the explicit needs of children and families, and the appropriate classification systems, be drawn on to determine disability or early intervention eligibility;
- The importance of the Act and the NDIS Agency understanding best practice in early intervention, including investing in research and employing staff with relevant early childhood qualifications and experience;
- The need for an understanding that early childhood intervention services for young children and their families funded under an NDIS are not just disability focused, but also have the child's learning and development at their core; and,
- The importance of the Act mandating that all jurisdictions provide a well-resourced and inclusive universal services system, particularly in relation to early childhood education and care services.

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[1] ECA & ECIA. (2012) *Position Statement on the Inclusion of Children with a Disability in Early Childhood Education and Care*, ECIA & ECA, Australia. www.disabilityinclusionstatement.org.au [available online].

Chapter 1 – Introduction

Part 2 – Objects and Principles:

3. Objects of Act

The Objects of the Act clearly highlight the focus of the NDIS and ECIA supports these objectives. In particular, ECIA welcome the focus on the importance of early intervention as part of reasonable and necessary supports (1c). ECIA would also like to see however, a distinction in the Act between early intervention more broadly, particularly as in the Act the definition applies to people of all ages, and with Early Childhood Intervention (ECI).

ECIA supports the emphasis on a nationally consistent approach to the funding of supports. For ECIA members across the country, and also for families moving across jurisdictions, inconsistent funding, policy and procedures, has been an ongoing source of frustration, and at times led to significant inequality of access. ECIA would like to reinforce that it is vital that no State, Territory, program area or individual is worse off under the NDIS. We have seen this occur in previous national initiatives where the lowest common denominator approach has been taken at a national level.

While ECIA agree with the objects of the Act, the biggest question is 'how' the objects of the Act will be achieved and who is responsible for their achievement? For example object (1f) talks about facilitating greater community inclusion, presumably physical, social and economic inclusion. However, for example, physical inclusion implies extensive infrastructure costs to ensure that all aspects of community are accessible to people of all abilities and circumstances.

ECIA worries that broad investment in community inclusion will not be prioritised under an insurance model. There is the potential that an NDIS will be seen as enough and that legislative and budgetary commitments to investing in infrastructure along with the compulsory application of universal design principles in all community facilities will take a back seat. One way this could be dealt with is that all pieces of legislation (State and Commonwealth), policy and program development and infrastructure development have to demonstrate that they adhere to the NDIS objects and principles. If this does not occur, many of the objects of the Act, and the NDIS, will be unable to be achieved.

The objects of the Act stated in (1h) are to give effect to the obligations that Australia has under the *Convention on the Rights of Persons with Disabilities*. ECIA would like to see this extended to Australia's obligations under the *Convention on the Rights of the Child*. Article 2 and Article 23 in particular focus on the needs of children with a disability and it is vital that the Act, NDIS rules and also the universal service system adhere to the *Convention of the Rights of the Child* when operating under the NDIS.

In 2012 the UN Committee on the Rights of the Child presented their concluding observations on Australia and found that data collection, particularly in relation to children with a disability needs to be strengthened, due to the current absence of data on this vulnerable cohort.[2]This has the

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[2] UN Committee on the Rights of the Child (2012), 'Consideration of reports submitted by States parties under

potential to be partially addressed by the NDIS given the rich data that the scheme will be able to collect on participants and monitor over time. Further, in the Committee's observations regarding children with disabilities (E. 58) there are some recommendations that ECIA would urge the NDIS to take into account, including the need for more prompt and accurate identification of children with disabilities, and to also strengthen support measures for parents to care for their children with disabilities. Both of these matters need to be considered by the Act.

4. General principles guiding actions under this Act

ECIA would like to make comment on a number of the general principles guiding actions under this Act.

Firstly in relation to (12), which discusses the role of families being acknowledged and respected. For families of young children with a disability and/or developmental delay the role of families is at the core of the success of early childhood intervention. In the early years the role of families is more as the participant and receiver of early childhood intervention, rather than simply the child receiving the intervention in isolation.

This principle regarding families is not explicit regarding their decision making and involvement with very young children. While the objects of Act mention support for families, this is not enough; it needs to reflect the action and commitment to support. ECIA believes that the type and manner of support that will be provided under the NDIS (or the universal or residual system) needs to be referred to in the Act so that ongoing support for families as a whole will be provided under an NDIS.

Principle (13) reinforces that people with a disability should be supported to receive assistance outside of the NDIS and that these supports be coordinated with the NDIS supports of which they are in receipt . This principle raises the crucial questions regarding the role of universal services such as health services, or in the case of pre-school aged children, Early Childhood Education and Care (ECEC) services. The role of universal services under the NDIS has constantly been referred to, particularly for those people who are not eligible to receive support under an NDIS, however how this will be resourced and monitored to ensure the inclusion of all children has not been articulated in the Act or in any supplementary documentation. This must be addressed. The importance of the inclusion of children with a disability and/or developmental delay in universal ECEC services is reinforced in the ECA and ECIA Position Statement on the *Inclusion of Children with a Disability in Early Childhood Education and Care*.

Under the Act in its current form it is unclear how the NDIS legislation will ensure that universal services meet their obligations to children with a disability and their families. The importance of universal early childhood education in relation to children's learning and development, along with the role of allied health professionals, particularly in supporting young children's development, must be clearly articulated in the Act.

The Act has a strong focus on funding an individual's choice and access to disability support services. However, early childhood intervention needs to be viewed as part of both disability-focused and education-focused services. The research reminds us that early childhood intervention must be

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article 44 of the Convention: Concluding observations: Australia', UN, CRC/C/AUS/CO/4, http://www2.ohchr.org/english/bodies/crc/docs/co/CRC_C_AUS_CO_4.pdf, [available online].

viewed as part of an education service, with a learning and development focus. Many jurisdictions have a strong model of ECI service provision predicated on a learning and development orientation. Learning and development is crucial to all children, including those who may not have a disability diagnosis, but this focus is lacking in the Act. It is vital that this approach to ECI is protected and promoted under an NDIS rather than watered down to be seen as a solely disability focused service.

There are currently varied approaches to the inclusion of young children with a disability or developmental delay in universal ECEC services across jurisdictions. The Federal Government taking responsibility for inclusion in Commonwealth funded ECEC through the Inclusion and Professional Support Program, while States and Territories fund inclusion in their own funded pre-school programs. Given the national focus of both the NDIS and the ECEC sector's COAG agreed National Quality Framework, there needs to be a consistent approach to access supports in universal services that is based on best practice evidence.

In the development of the ECA and ECIA Position Statement one of the barriers to inclusion that was identified throughout the consultation process was the lack of coordination of supports and services provided for the child with a disability and their family. The following quotes from parents and professionals, taken from a series of listening sessions across the country during the development of the statement' highlight the barriers to inclusion:

> *"The haphazard service delivery and services that we have, has got to be a barrier for families to inclusion. It's confusing. So we all waste time."* (NSW) Listening sessions 2011.
>
> *"The more complex the service system becomes – the harder it is to actually utilize it; and it has become really complex."* (VIC) Listening sessions 2011.
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> *"Parents do not have a choice – they are making the choice on the basis of who takes them, not on the basis of what learning outcomes they are going to get."* (VIC) Listening sessions 2011.
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> *"But you know presence is not inclusion – it's got to be better than that."* (NSW) Listening 2011.

It is vital that the NDIS improve this coordination; otherwise the true return on investment from the NDIS will never be realized.

This is the case for very young children (aged 0-6) and it is also important that a balance be struck between the participant (which is the child according to the Act in its current form) and the family. During the early years families will require access to a range of services to enable them to support themselves and their child, such as parent to parent support, diagnosis support, counseling, and so on. In relation to the role and needs of families under the NDIS ECIA would like to draw your attention and provide our endorsement to the submission by the Association for Children with a Disability Victoria, an information, support and advocacy organisation for families with a child or young adult with a disability.

ECIA welcomes the focus in principle (14) on innovation, quality, continuous improvement, contemporary best practice and effectiveness. ECIA is keen to work with the parties involved regarding how best practice will be demonstrated and what evidence base will be drawn upon, particularly in relation to early childhood intervention. ECIA would like to reinforce that the importance of high quality and tested evidence cannot be underestimated, particularly given the NDIS's move towards more individualized funding approaches. The NDIS presents a valuable opportunity to invest in expanding the body of knowledge regarding early childhood intervention best practice. This will enable service providers to draw on best practice models and research when developing, promoting and delivering their services to participants.

The NDIS needs to communicate best practice, so that when people are making choices about the types of service models and interventions they wish to access in a user pays environment, they are informed by the evidence. In relation to the evidence, ECIA would like to draw attention to the following sources of evidence on best practice, in particular the Centre for Community Child Health's 2010 *Early Childhood Intervention Literature Revised.*[3]This literature review is informing service delivery directions all jurisdictions and should be central to informing reasonable and necessary supports for young children under the NDIS.

6. Agency may provide support and assistance

In relation to the Agency providing support and assistance to participants ECIA would like to raise that in addition to item (1) the Agency will ensure that people providing support have relevant qualifications for the age-group they are supporting. For example, that a percentage of Agency staff (reflective of the population demographics) have an early childhood qualification and that a number of staff also have expertise in working with families.

Point (2) raises the question regarding the funding of advocacy organisations and/or dispute resolution mechanisms under the NDIS. The Act makes no mention of either and ECIA believes that this is a significant oversight that must be addressed in the Act. Investment in robust and independent advocacy for participants will go a long way to ensuring the long-term success, sustainability and quality of the NDIS. It will enable continuous improvement and provide safeguards and a voice to vulnerable participants and their families. If independent advocacy is not funded either as part of or alongside the NDIS we will be doing considerable disservice to the integrity of the scheme.

Part 3 – Simplified outline

8. Simplified outline.

The simplified outline raises a range of questions, particularly regarding the general functions of the agency. ECIA would like clarification on how the Agency will work with existing peak bodies, services and researchers to build on existing work and invest in sector development? It is unclear how these general functions will roll out under an NDIS or be different to the existing roles of Commonwealth and State Government Departments.

We would also like to reinforce the importance of having early childhood qualified staff (at both the Agency and in the launch sites) to ensure that the decisions made with participants reflect the

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[3] Centre for Community Child Health. (2010) Early childhood intervention reform project: Revised literature Review, DEECD, Melbourne.

importance of early childhood development evidence and perspectives, rather than a generic view of disability.

Part 4 – Definitions

9. Definitions

As previously discussed ECIA would like to see the *Convention of the Rights of the Child* defined in this section and in the Act more broadly (including Part 4 that is explicitly relating to children), particularly given that other relevant Conventions are defined.

ECIA welcome the inclusion of developmental delay into the definition and this was advocated by many ECIA members across the country. This will ensure that those children who require access to valuable early childhood intervention, who may be experiencing a delay in some areas of development, will be able to do so under an NDIS. As a result, the long term costs of the NDIS will potentially be reduced as many people may not need to access adult services due to the positive impact of early childhood intervention on children's learning and development[4]. This fact has been demonstrated in current research supporting the long term reduced economic costs of providing timely early childhood intervention services.

The definition of developmental delay raises significant questions for ECIA regarding what happens to children once they turn six. What will the level of supports be for these children and their families once they turn six and will they have to transition out of the NDIS or reapply? ECIA is concerned about what this will mean for children and families.

The diagnosis of developmental delay is very complex and children may be classified as having a developmental delay for over a decade without receiving a formal diagnosis. There are also significant grey areas when determining what is deemed to be a developmental delay. This certainly requires further research and discussion with the field by the Agency.

ECIA has significant concerns regarding the definition of 'participant' under the Act in relation to young children, particularly given that in best practice early childhood intervention the participant is considered the family, not just the child with a disability or developmental delay. ECIA would like to see the definition of participant be extended to include families for young children prior to when they commence formal schooling. As discussed throughout the submission, families, and family-centred practice, are at the core of best practice and the success of early childhood intervention[5]. Under the International Classification of Functioning Disability and Health – Children and Youth (ICF-CY), the World Health Organisation's child and youth specific model of disability that measures functioning and disability in the context of multiple seamless interactions between health, the

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[4] McCain, M.N. & Mustard, F. (1999), Reversing the brain drain: Early study: Final report, Ontario Children's Secretariat, Toronto.

[5] Davis, K., & Gavidia-Payne, S. (2009). The impact of child, family and professional support characteristics on the quality of life in families of young children with disabilities. *Journal of Intellectual and Developmental Disability, 34*(2), 153-162.;
Dunst, C. (2010). *Advances in the understanding of the characteristics and consequences of family-centred practices.* Paper presented at the ECIA Professional Development Series, Melbourne.

personal and the environment/societal, the child is viewed within the context of family life, rather than in isolation [6].

Chapter 2 – Assistance for people with disability and others.

ECIA believe the emphasis on 'no wrong door' is a welcome approach for the NDIS to take and we hope that general support, as discussed in this chapter, will apply to everyone who approaches the Agency rather than simply those who are deemed 'eligible'.

ECIA would like clarification regarding section (14) which details that the Agency may provide funding to persons or entities. The definition of entity which limits it to a partnership or unincorporated association should be expanded. The limited definition is confusing particularly when you take into account the detail of the explanatory memorandum which presents an example of an organisation that receives funding as an entity. The entity in this example could be seen as an incorporated association or a not-for-profit company limited by guarantee. ECIA would like to see the definition of entity extended to include not-for-profit organisations as we believe that this would enable many ECI services to continue to provide valuable services to children and families.

Chapter 3 – Participants and their plans

Part 1 – Becoming a participant.

ECIA supports the majority of the criteria outlined that determine participant requirements. There is however some components, such as residency requirements, that contradict the 'no wrong door' approach detailed in Chapter 2.

23. Residence requirements

While ECIA recognises the need for eligibility criteria around residency, we note that the provision of early childhood intervention services is a fundamental human right. Consequently, some ECI services have supported children whose parents are not Australian citizens. For example, it may be that the family visa is being processed, or the children themselves have been born in Australia. In these cases, the ECI service currently might offer support to such children by using alternative funding, such as fundraising, to ensure that the needs of the child are addressed in accordance with the United Nations *Convention on the Rights of the Child*.

24. Disability requirements

ECIA would like to see the disability requirements for children and young people in the Act be linked to the International Classification of Functioning Disability and Health – Children and Youth.[7] It is not appropriate to be measuring children's functionality on the same scale as one used for adults. ECIA believes it is vital for the NDIS to determine the disability requirements of participants using a

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[6] WHO

[7] World Health Organisation (2007) International Classification of Functioning, Disability and Health - Children and Youth Version, World Health Organisation, Geneva. http://apps.who.int/classifications/icfbrowser/Default.aspx [available online].

children and youth specific measure, and for assessments to be made by those with specific knowledge of the tool.

When it comes to children, ECIA believes that the NDIS needs to have reasonable expectations of what families provide all children vs. what they provide in addition to children with disabilities. Families are often deemed ineligible for current supports, such as the Commonwealth Carer Allowance and Carer Payment because the narrow definitions do not recognize the added stressors and complexities of having a young child with a disability or developmental delay, compared to a typically developing child. These narrow parameters should not be replicated under the NDIS.

When determining NDIS eligibility and adherence to the Act's disability requirements for young children, it is critical not to simply look at the child in isolation, but rather in the context of his or her family. It is important to examine the impact of a child's disability or developmental delay within the family milieu, taking into account the impact on both primary carers and also siblings. The NDIS has a responsibility, as early childhood intervention now has, to support families as whole entities, as this provides the best opportunity to support children's learning and development. The Act needs to reflect this responsibility.

Early childhood intervention programs and services are delivered by professionals in natural environments in partnership with families as an extension of existing family support. Early childhood intervention focusses on building families' quality of life and supporting children in developing their skills and abilities to participate in and enjoy daily life.

25. Early intervention requirements

We have previously discussed in this submission our concern regarding the age threshold for developmental delay. Further to this the Explanatory Memorandum refers to children with a developmental delay requiring a combination of interdisciplinary and generic care, treatment or other services, however ECIA would like to see the NDIS reflect best practice in early childhood intervention when thinking about developmental delay and refer to the best practice approach of trans-disciplinary practice.

Early childhood intervention for children with a disability or developmental delay is not simply about 'treating' children[8]. In early childhood intervention the evidence demonstrates a move towards a trans-disciplinary key worker model, where interventions are based on routines and undertaken in natural environments predominantly by primary carers, with consultation and coaching from specialists[9]. Communicating this model has been a challenge in ECIS and while practice has shifted, many consumers are after a more traditional 'therapy or medical model' even though this may not be current best practice thinking. This appears to be the model currently reflected in the Act and other thinking regarding the NDIS. This can in part be attributed to the fact the evidence has not

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[8] Centre for Community Child Health. (2010) Early childhood intervention reform project: Revised literature Review, DEECD, Melbourne.
Rosenbaum, P., & Garter, J. j.-x. (2011). The F words in childhood disability: I swear this is how we should think. *Child: care, health and development, 38*(4), 457-463.

[9] Centre for Community Child Health. (2010) Early childhood intervention reform project: Revised literature Review, DEECD, Melbourne.;
McWilliam, R. (2010). Routines-based early intervention: supporting young children and their families. Baltimore: Paul H. Brookes Publishing.

been broadly communicated and translated in meaningful ways. This shift in thinking must occur under an NDIS if we are to enable consumers and the community. The NDIS must be mindful of the medical, health, social, learning and development needs of participants.

ECIA is concerned about those young children and families that don't meet the criteria but who will still require early childhood intervention. The Act does not mention if there will be a residual system and how children and families will be supported in the early stages of their diagnosis, prior to being deemed eligible for the NDIS.

27. NDIS rules relating to disability requirements and early intervention requirements

While the Act details what the rules may prescribe, the rules are yet to be developed. ECIA believes that once the NDIS rules are developed they should be put out for significant consultation and be analysed against best-practice evidence. The rules will be crucial to implementation.

ECIA would like to draw particular emphasis to (1) (f) strengthening informal supports. Strengthening carers and families is at the core of early childhood intervention. When considering the eligibility requirements of very young children, the needs of both the child and their family should be assessed, to identify if there are any additional circumstances that will impact on family well-being, and therefore the support available to the child.

Families with young children with a disability or developmental delay are vulnerable and deal with new, difficult and unexpected realities, involving grieving and processing changed expectations. All families have different capacities, skills and natural support networks to use in parenting children. Statistics should that vulnerable families are overly represented in having children with a disability or developmental delay.

Families at this stage require:

- Pre-diagnosis and post-diagnosis support;
- Information to enable them to make the best choices for their family; and,
- A sensitive, individualised approach to build their confidence and capacity in managing their child's particular needs.

It is vital that the NDIS rules take this into account. Perhaps this may even involve separate categories and definitions to encompass the particular needs of young children and their families.

Part 2 – Participants Plans

31 Principles relating to plans

The principles read well for adult-focused plan preparation development, review and funding, however ECIA believes they don't reflect on the situation for young children and their families.

ECIA is concerned by (31e) that says a participant's plan development, funding and review should **'where possible**, strengthen and build capacity of families and carers'. For young children and their families it should be a core feature of any plan, given the early childhood intervention evidence base. If there are not specific principles developed for young children this criteria at the very least should say ‘where relevant’.

As we have previously discussed in this submission, it is challenging to determine who is the participant when thinking about young children under the NDIS.

While there is much to recommend in terms of individualized funding for older people with disabilities and their families, it is not necessarily advisable for families of young children with developmental disabilities, unless the service models that are being purchased provide adequate supports to families. In this sense it is important to acknowledge that when thinking about an individualized funding approach with very young children it is important to look at the family as the ‘participant’, rather than just the child as the participant.

Being new to a system that is often difficult to navigate, with a young child with a disability or developmental delay, families find themselves in a disadvantaged position to judge what kind of support they or their children need,. There is ample evidence to suggest that expecting families to make early decisions on interventions, only makes their situation more stressful. One of the aims of early childhood intervention services during the early years is to help build the knowledge, confidence and capacity among families so that they are in a position to make informed choices on behalf of their children and themselves as their children get older.

One major risk of the proposed NDIS plan and funding model is that eligible families of young children will use money allocated as part of the NDIS to buy services that are child-focused rather than on services that build the family’s capacity to promote their children’s learning and development. As outlined in the Centre for Community Child Health’s 2010 literature review on early childhood intervention reform, such a service-oriented approach is contrary to best practice[10]. The recent Commonwealth funding models of Better Start and Helping Children with Autism, which have an individual focus, while well intentioned, are contrary to previously discussed best practice, and according to anecdotal reports from ECIA members could be seen as having created more challenges for parents and ECI providers than they have solved.

34. Reasonable and necessary support

This submission has already touched on many of ECIA’s concerns regarding reasonable and necessary supports, including:

- Who will determine good practice and the evidence base that is drawn upon;
- Reasonable expectations of the levels of support families provide young children; and,
- Who will mandate and fund the obligations of the universal service system, in particularly universal ECEC services.

When thinking about reasonable and necessary supports for young children and their families it is important to have a thorough understanding of what early childhood intervention encompasses. Early childhood intervention can provide learning opportunities and developmental programming; routines based interventions, support for inclusion, family support, service planning and

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[10] Centre for Community Child Health. (2010) Early childhood intervention reform project: Revised literature Review, DEECD, Melbourne.

coordination, assistance and support to access services such as kindergarten and child care. Services are tailored to meet the individual needs of the child and their family and are focused on supporting the child in their natural environments and in their everyday experiences and activities.

These components of support need to be reflected in the criteria for reasonable and necessary support. This could be done through adding in reference to: the importance of maximizing children's development; supporting their capacity to engage in play and developmental tasks; enhancing their inclusion in mainstream services; and, providing families with the opportunity to support their child's developmental opportunities. These supports need to be explicitly accounted for in the NDIS description of reasonable and necessary support for young children with developmental delays or disabilities. As previously discussed, using the ICF-CY will assist in this process.

35 – 41. Participant supports and plans

ECIA would like to draw attention to the challenges facing many Australians, particularly young children and their families, in accessing timely, affordable and accessible assessment. In particular, ECIA would like to see the Agency have the capacity to pay for costly assessments for those applicants who require assistance. ECIA wants to alert the Agency to the challenges in accessing assessments in rural and regional Australia and to the extended waiting times for assessment appointments. Children and families must be provided with some level of support, if required, while undergoing lengthy assessment timelines. It is important to consider the workforce implications associated with the potential demand increase for assessment under the NDIS. This needs to be planned for and adequately resourced.

Part 3 – Registered providers of supports

73. NDIS rules for registered providers

This section discusses compliance with prescribed safeguards and quality assurance standards and procedures. ECIA is concerned that the Act does not detail how these will be determined, legislated and monitored. ECIA would like any work on safeguards and standards to be put out for public consultation. In ECIA's opinion quality measures need to draw on more than the Disability Standards and standards relating to corporate governance and financial accountability. ECIA would like to see any standards draw also on recognized early childhood learning and development best practice, such as the National Quality Framework and the Early Years Learning Framework. An example of this is in NSW where the disability standards have been matched to the NQF for children's services and gaps identified.

Part 4 – Children

ECIA welcomes the separate section that refers explicitly to children in the Act. As discussed throughout this submission, ECIA would like to see *Convention of the Rights of the Child* referred to in this section. ECIA would like to raise the possibility of including a set of 'best interest principles' based on the Convention in the Act. There is precedent for such a legislative clause, as seen in the Victorian Children, Youth and Families Act 2005 - http://www.austlii.edu.au/au/legis/vic/consol_act/cyafa2005252/s10.html.

This section of the Act could also provide Act definitions that are specific to children and their families, such as the definition of participant to encompass children aged 0-6 and their families for example.

Part 6 – Review of decisions

There is no discussion of timetable for review, independent review, dispute resolution or the role of advocates in the Act. ECIA believes that this either needs to be embedded in the Act or in supplementary legislation. The only process of appeal that is detailed is through the Administrative Appeals Tribunal and ECIA feels that this, in isolation, is inadequate.

Chapter 6 – NDIS Launch Transition Agency

As previously discussed, ECIA has views on many aspects of the work of the Agency. These views have included:

- The need for a percentage of Agency staff (and Agency Board and Advisory Panel members) to have a relevant early childhood qualification;
- The importance of the Agency working with peak bodies in order to fulfill the objects and principles of the Act; and,
- The importance of data sharing across jurisdictions and the importance of research as there is currently inadequate data on children with disabilities collected in Australia.

Conclusion

In conclusion, ECIA values the ongoing opportunity to contribute to the discussions regarding the development and implementation of the NDIS. It is vital that the particular needs of young children with a disability and developmental delay and their families are reflected in the Act, particularly given the life-long positive impact high quality ECI can have on the lives of children, their families and the community.

Should you require any further information regarding this submission please contact either: the submission author, Lauren Matthews, Executive Officer ECIA (Victoria)
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