

24 January 2013

Committee Secretary
Senate Standing Committee on Community Affairs
PO Box 6100
Parliament House
CANBERRA ACT 2600

Per email: <community.affairs.sen@aph.gov.au>

Dear Committee Secretary

On behalf of Melba Support Services Inc. (Melba), I am pleased to take this opportunity to comment on the National Disability Insurance Scheme Bill 2012. Melba is a disability services provider in the eastern suburbs of Melbourne and a passionate advocate of a NDIS and its potential to empower individuals with disabilities and transform disability support across Australia.

We strongly support two core principles we believe must underpin a national scheme:

- individuals have an entitlement to receive support in order to participate in society; and
- individuals should be permitted to make informed choices about how and from whom their support is best received.

In general, we consider the Bill reflects these principles well. Accordingly we encourage passage of the Bill and the establishment of a national scheme.

We also offer the following comments on some particular sections.

Section 14 of the Bill allows the Agency to fund both individuals and entities. Melba receives what are often referred to as 'block' grants but also has managed an Individual Support Arrangements program for over 10 years, which is predicated on individuals purchasing supports. We strongly favour individuals receiving funding and consider 'block' grants should not be used as a funding method for disability supports including information, advocacy, planning, coordination and other services. Notwithstanding this view, it is reasonable, indeed necessary, to fund entities to provide some functions that are not targeted at specific individuals such as community education programs or research.

We commend the focus on early intervention (Section 25). Our experience highlights the importance of investing to build on individuals' strengths and reduce a person's future need for supports. One of the fundamental weaknesses of the current disability system is that support is typically only provided when individuals and their families/carers reach a point of crisis.

The Bill states that the "reasonable and necessary" supports of individuals ("participants") will be funded. As noted above, this entitlement approach is commended. Yet Section 34 requires the Agency CEO to be satisfied of several matters before supports included in a person's plan may be funded. Having the Agency CEO make judgements about what represents "value for money" for any particular individual (34(c)) or what support

“will be, or is likely to be, effective and beneficial for the participant” (34(d)) is not desirable. Making anything other than cursory reviews of 400,000 plans (on an ongoing basis as plans change) would be administratively extremely burdensome and a waste of resources. It would also undermine an individual’s right to make these judgements. That is not to imply that funding under the scheme is limitless. The scheme must be sustainable and resources are finite. Rather, it suggests that funding allocations (or at least the range of funding to be provided) should be determined in **advance** of undertaking detailed planning. This is in keeping with everyday life. No one plans for the future or makes decisions about their life without being cognizant of the available resources to implement such decisions.

Section 44 permits the Agency CEO to make a judgement about whether the “participant currently lacks the skills to manage their plan”. Melba’s experience is that in the overwhelming majority of cases individuals, often in conjunction with their families and carers, make excellent decisions about how best to meet their support needs. And, in rare cases, other legal processes can determine whether individuals are able to make decisions in their own best interests. If necessary, guardians and/or financial administrators can be appointed. It is not appropriate to allow the Agency CEO to make such a fraught and disempowering judgement.

Section 70 permits an entity to be registered as both a provider of supports and a manager of the funding for supports under plans. This is highly desirable. Melba strongly believes that a person should be free to choose a registered service provider to manage their plan. Our organisation currently manages individuals’ funding and provides support in instances where we have been requested to do so. This typically occurs because of the high level of trust individuals have in our organisation and the long-term relationship they have with our staff. We consider, based on the measurement of personal outcomes in 21 different life areas, this does not lead to any diminution in outcomes achieved. Indeed, outcomes achieved can be superior given the understanding our organisation and staff have of a person, their wishes, goals and preferences. It is also in accord with the fundamental principle that individuals should be allowed to exercise choice in such matters.

Similarly, Melba believes individuals, if they so wish, should be permitted to purchase support, including personal care, from individuals that are not employed by a registered provider. We currently manage funding for individuals who do not use registered providers but achieve excellent outcomes. We are also mindful of the success of Victoria’s direct payments and direct employment policies that do not restrict individuals’ choice or flexibility to determine how best to meet their support needs.

Thank you again for this opportunity. We would be pleased to provide any further information or elaboration if that was useful.

Yours sincerely

Glenn Foard
Chief Executive Officer