

**TO: The Secretary  
Senate Community Affairs References Committee  
PO Box 6100, Parliament House, Canberra ACT 2600  
Email: community.affairs.sen@aph.gov.au**

**FROM: Val Pawagi**

**RE: Inquiry into the Funding and Operation of the CSTDA – Interstate Portability Protocol (Follow-up Submission)**

This submission flows on from my earlier submission dated 30 June 2006 about the Interstate Portability Protocol. With regards my personal circumstances, I am pleased to say that two years after moving from the ACT to Queensland, Disability Services Queensland agreed to take over funding responsibility from Disability ACT for my Individual Support Package, an Accommodation Support service funded under the Commonwealth State Territory Disability Agreement (CSTDA). I received confirmation of the Department's decision on 4 July 2006 in a letter from the Queensland Minister for Communities, Disability Services and Seniors. I tabled this letter at the Hearing in Brisbane on Friday 17 November 2006.

I must stress that I have no doubt that I would not have continued to receive Accommodation Support under the CSTDA had it not been for my letter of complaint (October 2005) to the Queensland Minister for Communities, Disability Services and Seniors. The whole matter took some eight months to resolve, with the Minister referring my letter to Disability Services Queensland's Complaints and Prevention Unit for investigation.

I was most pleased with the approach of Disability Services Queensland's Complaints and Prevention Unit to my complaint – high quality customer service (a good mix of regular face-to-face, telephone and email contact, open and honest communication, committed to working through the issues outlined in my complaint) and professional and dispassionate. The unit has a framework guiding its operation and they shared this information with me. Despite the unit being part of the Department, the unit was not "captured" by the Department's point of view (or mine for that matter). I would say that, because the unit is part of the Department, it was easier for them to investigate my complaint and ultimately work through the issues outlined in my complaint with the cooperation of key departmental staff.

In addition to my contact with Disability Services Queensland's Complaints and Prevention Unit, I also contacted other complaint handling agencies about my concerns with the Interstate Portability Protocol. I felt the need to contact multiple agencies as I knew that the outcome of the handling of my complaint would largely depend on the commitment, interest and competence of the individual investigating officer.

Two of the Commonwealth agencies that I contacted for assistance are the Commonwealth Ombudsman's Office and the Human Rights and Equal Opportunity Commission (HREOC). My personal experience of these two agencies is that they are just as bureaucratic and burdened by 'red tape' as any other government department, with contact characterised by paper trails and lengthy delays. Absent also from the complaint handling process was a true appreciation of my personal circumstances and what I stood to lose had I not received ongoing personal care beyond the critical dates (31 December 2005, which then moved to 1 August 2006).

Against the backdrop of my personal dealings with the Commonwealth's complaints handling system, I would say that the system in its current form is inaccessible to the vast majority of people with disabilities. Many people with disabilities simply do not have the capacity or the level of education to negotiate their way through the administrative complexities of the current complaints handling system. It is essential that the customer service approach adopted by complaint handling agencies be committed to meeting the service needs of people with disabilities through greater attention to the person's actual circumstances and capacities.

In my case, I believe both the Commonwealth Ombudsman's Office and HREOC could have done more. Both agencies "closed my file" after some months. Nothing positive resulted from their handling of my complaint. I am firmly of the belief that they did not fully utilise their legislated mandate. For argument sake, had these two agencies been right in the conclusions they formed in my case, then the protection available to people with disabilities through the Commonwealth's complaints handling system is sadly lacking.

The Commonwealth it would appear is too far removed from its responsibility to discuss and resolve with the States issues requiring cross-jurisdictional management as outlined in the CSTDA to be held accountable in any way for the longstanding inept management of such issues and lack of concern shown for the right of people with disabilities to move freely throughout Australia. The responsibility for the discussion and resolution of issues requiring cross-jurisdictional management lies with the National Disability Administrators as a collective and is therefore not the exclusive responsibility of the States.

It is my understanding that the inherent issues with the Interstate Portability Protocol still remain unresolved. This is despite the issues being discussed for resolution at the Community and Disability Services Ministers' Conference on two separate occasions – July 2000 and July 2006. While I have a "happy ending" to my story, other people with disabilities continue to be disadvantaged by the current Interstate Portability Protocol.

I would really like to know why this is so. I ask, are the structural impediments to the CSTDA so great that people with disabilities can never look forward to moving freely between the States and continue to receive personal care in their new State? Or, is it that the National Disability Administrators are failing their respective Ministers by providing poor advice from which to "rubber stamp" a fair remedy once and for all?

If the letter I received from the Chair of the National Disability Administrators dated 15 June 2006 is anything to go by, I favor the second explanation over the first. This is what the Chair of the National Disability Administrators had to say:

"The Interstate Portability report identifies that people are moving interstate according to protocols and acknowledges that whilst the current system does work, it also presents with equity issues in that the current system allows individuals to make an informed choice regarding moving interstate but it doesn't lead to an ongoing entitlement."

This defensive stance is just sheer nonsense. I simply do not have the energy in this submission to "unpack" the meaning of this unintelligible sentence on first reading. In essence, there is no expressed commitment to changing the existing Interstate Portability Protocol. This unintelligible "advice" I find unhelpful as too would any Disability Minister.

Change is very much needed to both the Commonwealth's and State's approach to the present discussion and resolution of issues requiring cross-jurisdictional management. First, the protocol status given to the issue is inadequate. It requires agreement status. Second, the fourth CSTDA, effective from 1 July 2007, needs to include "portability services" for people with disabilities as a new service type. Finally, funding needs to be allocated for this new service type. If it ultimately means that the State of origin is to fund the person's personal care on an ongoing basis (beyond the current one year limit) in the person's new State, then so be it. It is time to put an end to the barriers people with disabilities currently face with the current CSTDA service system when moving interstate. People with disabilities have waited 15 years for a solution. The fourth CSTDA provides the best opportunity to enable people with disabilities to truly enjoy the fundamental right to freedom of movement and choice without the fight and fear associated with losing vital personal care services upon moving to another State.

*(Electronically signed)*

***Val Pawagi***

Thursday 14 December 2006