

Background:

The St Vincent de Paul Society has a long history of providing assistance and support services, including disability services, to the Australian community. Our service footprint has changed over time and location reflecting changes to the policy and funding environments of the disability service system implemented at both the Federal and state levels.

The Society in New South Wales has delivered a broad range of disability services for nearly 50 years. These services include supported employment, support coordination, community participation, and supported independent living, with the majority of services based in metropolitan Sydney. New South Wales is a registered NDIS service provider and prior to 2019 was a Local Area Coordinator partner in eight districts across NSW.

In 2021-22, disability-specific services were provided to 267 people. And of the 34,000 people assisted by members in 2021-22, just under a quarter (22 per cent) identified as living with disability. New South Wales notes that as more than half (18,200) of all people assisted did not state their disability status, these numbers are under-reported and therefore likely to be under-representative.

The Society in Queensland assists around 4,000 older people with disability feel safe at home each year. Assistance is also provided to help people with disability live independently and build confidence with everyday tasks. Support is also provided to those in shared living arrangements and to help people participate in community and social activities.

The Society in Victoria also assists older people to maintain their independence and wellbeing through home care packages. Accommodation and wrap-around support services are provided to those on low income, living with disability and at risk of homelessness.

The Society in Tasmania provides accommodation support for patients and family members travelling to Launceston for medical purposes, as well as a supported accommodation facility for homelessness men (including NDIS participants). Those presenting for assistance often have multiple and complex needs, such as alcohol and other drug use issues and ongoing mental health support needs. The Tasmanian Society also provides supported employment across three Australian Disability Enterprises and through some of its retail stores. The total number of those employed who identify as living with a disability is currently 98.

The Society in Western Australia also provides supported accommodation for people with mental health needs who are at risk of homelessness. Services offered include recovery supported case management, daily living skills support, groups-based activities and links to medical services and professional resources.

The Society also works with disability support agencies in the north and north-west regions to develop people's skills and link with opportunities. Young people living with disability have been connected with ongoing work or volunteer experience in the Vinnies shops. A three-week ready for work course (associated with Vinnies vans) provides young people knowledge, skills and confidence in food handling, bulk meal prepping and planning.

In summary, beyond disability specific services, the Society's members and services assist people with disability through the provision of emergency relief, housing and homelessness services, health services and aged care services. Almost 90 percent of people helped each year rely on income support as their main source of income, with JobSeeker and Disability Support Pension the most commonly identified income support payments.

The Society's National Council thanks the St Vincent de Paul Society New South Wales (SVdP NSW) and St Vincent de Paul Society Tas (SVdP Tas) for providing responses to the consultation questions outlined below.

Toby oConnor
Chief Executive Officer

Response to the consultation questions

Proposed objects for the new Act

1. Do you agree with the proposed objects for the new Act? What other objects should be included in the new Act?

When the **Disability Services Act 1986** was introduced, it marked a significant commitment by the Commonwealth to move away from historical charity-driven, institutional approaches to people with disability and their families to one of individualised support and assistance using a more collaborative, respectful and community focussed approach to maximise choice and independence.

Thirty-six years later, we note the need for review of the Act in light of significant policy changes over the last three decades including the development of the Australia's Disability Strategy 2021-2031, the National Disability Insurance Scheme and Australia being a signatory to the UN Convention on the Rights of Persons with Disabilities (UN CRPD). In particular, we note the obligations to protect and ensure full and equal enjoyment of all human rights and fundamental freedoms for people with disability and consider this should be expressly stated.

We also support the purpose of the Act to address the seven priority areas outlined in the Strategy, provide a basis for continued supports and services outside the NDIS for people with disability and to reflect disability services and supports as they exist today while being flexible enough to adapt to future reforms and recommendations.

We agree with the objects proposed for the new Act, with the addition of increasing access to community and mainstream support for people with disability.

We welcome recognition and alignment of the Act to the UN CRPD as this may assist in specifically considering the experiences of First Nations and LGBTIQ+ people with disabilities.

Given the new Act will make use of subordinate legislation, it is essential that all instruments are co-designed with people with disability and the sector and in line with the UN CRPD.

We welcome the objectives to provide services and support that enable people with disability to live with independence, enjoying economic and social participation. These services and support must be co-designed, implemented and reviewed in partnership (rather than conjunction) with people living with disability.

Feedback from a member of SVdP NSW's Disability Employment Network is that the objects of the Act should include a commitment to give people with disability greater autonomy, decision-making power, choice and control. Feedback from SVdP Tas focuses on the need for personal safety to be prioritised, potentially identifying this as an object of the Act, and also the need for ongoing review and evaluation of supports and services for continuous improvement.

Who will the new Act support?

2. Do you agree with the proposed approach to the target group? How do you think the target group should be defined?

We support an approach to the target group based on the social model of disability.

We support recognition of people with disability who experience multiple and often intersecting disadvantages as a focus of the Act.

As outlined in the background, many people with disability assisted by the Society also experience other forms of complex disadvantage including poverty, homelessness, drug and alcohol issues, domestic and family violence, and histories of trauma and abuse.

The intersectionality of issues often experienced by people with disability often means they are the marginalised in our society and not well served by the current service

system. The Act should prioritise this group and direct the provision of targeted services and supports to meet their goals and aspirations.

Another important function of the Act will be to facilitate access to services and supports for people with disability who don't meet the access requirements for NDIS support. As such we recommend that the Act identify this cohort as a distinct target group. Feedback from SVdP Tas proposed that the approach of outlining the target group by way of an individual's experience of 'barriers' to participation may be questioned. Arguably these 'barriers' are the societally shaped impacts upon the individual. Instead, the UN CRPD definition may be a more useful approach or may be invoked as part of the Act's outline of the intended target group. (See also Q4)

3. Do you agree with our suggested principles for avoiding duplication and requiring coordination? What other principles do you think should apply?

The Act must facilitate the provision of person-centred, coordinated services and supports by agencies at state and federal levels, and providers, in order to meet the goals and aspirations of people with disability with multiple and overlapping forms of disadvantage. This includes people who also identify as First Nations people, people experiencing or at risk of homelessness, LGBTQIA+ and people with mental health/psychosocial disabilities.

Current practice demonstrates that people with disability are not well served by siloed, service-driven responses. The lack of service coordination manifests in cost-shifting and buck-passing between different agencies within and across jurisdictions, and providers, to the detriment of people with disability.

For instance, SVdP NSW assists people through their disability services who are NDIA recipients but also Out of Home Care clients funded by the NSW Department of Communities and Justice. A lack of clarity about the different state and federal agencies' responsibilities for the provision of services and supports such as assessments means that the Society often bears the cost while the agencies negotiate a resolution.

By way of example at a Tasmanian level, it is noted that some people with disability who seek assistance in meeting their transport needs are required to access these through both the NDIS and the State Transport scheme. This creates unnecessary, time consuming and often frustrating challenges as a result of duplication.

For people with disability and their families and carers who do not have support, such as that provided by the Society, navigating multiple bureaucracies can be complex, time consuming and stressful. It can mean that the people with disability miss out on timely services and support that are needed for their participation and independence. Clear and transparent processes for policy and funding decisions are needed for cross-agency and provider collaborations to work well.

Definition of disability

4. Do you think the new Act should include a definition for disability?

The Society supports a broad definition based on the social model of disability to align with the UN CRPD. The aim should be to give clarity, fairness and consistency, ideally delivering a degree of alignment across all levels of government and service delivery.

Quality and safeguarding arrangements

5. How do you think quality and safeguarding arrangements should be managed by the new Act?

A single process for managing quality and safeguarding across disability services and supports, NDIS, and aged care services is preferred. While establishment of such a process will take time and requires further consultation with a broader range of stakeholders and sectors than undertaken for the Act, it is noted that both the Disability

and Aged Care Royal Commissions delivered a finding that there should be a single quality and safeguarding framework.

The Society supports an approach to managing quality and safeguarding arrangements by aligning the requirements under the new Act with other regulatory schemes. Aligning the requirements will eliminate duplication, complexity and cost. It will create consistency for providers who work across a number service types, such as disability, NDIS and aged care, while maintaining high quality and safety standards for vulnerable people.

For instance, SVdP NSW is required to participate in two separate accreditation processes for clients in Frederic House. Frederic House is an aged care service in Sydney. It provides a long-term home for older men who are experiencing homelessness, relying on low pensions and who are unable to live independently due to their medical and support needs. Of the 60 clients, eight are NDIS recipients. As such the Society is required to meet both the Aged Care Quality Standards and NDIS Practice Standards. This is time-consuming and costly for a relatively small number of clients. This situation is also experienced in similar contexts by SVdP Tas, creating an unnecessary and significant burden that impacts on regulators, organisations (often working with volunteers) and those living with disability.

Aligning the requirements under the Act with other schemes will create an opportunity for the future establishment of a single process for providers to be accredited for all three schemes.

Types of services proposed to be funded under the new Act

6. Do you agree with the supports and services listed above? What other kinds of supports and services should be included in the new Act?

We support the services and supports listed, with some additions. Other kinds of supports and services that we believe the Act should include are:

- Individual support planning and coordination. This activity is needed to address the gap left by defunding previous services. For instance, the Ability Links program in NSW supported people with disability who did not have access specialist disability support services and who did not meet NDIS supports and whose needs could not be met by mainstream services. They need assistance to navigate the service system, set their own goals, and build their confidence, skills and motivation through community participation.
- Rehabilitation, especially neurological rehabilitation
- Supports and services to reduce financial inequalities. People with disability often experience financial disadvantage and limited employment opportunities and these, in turn, present significant barriers to inclusion. For instance, SVdP NSW currently supports a client on an NDIS plan who also receives the Disability Support Pension. The NDIA has requested the client access regular community inclusion activities, but the client's current income level means they are unable to participate more than once per fortnight.
- Services that assist people with disability with multiple and complex needs. Organisations that currently work with this group, such as the Society, have the knowledge and expertise to inform the development of appropriate service models
- Additional carer support services, including peer supports
- Community awareness and education to increase inclusion of people with disability
- Employer awareness to increase employment inclusion in mainstream settings.
- Case management to help people with disability, particularly those who do not meet NDIS supports, to navigate the current disparate service systems.

Clear eligibility criteria must be set for these services and supports and eligibility must be broader than the NDIS to facilitate access to people with disability who have multiple complex needs and currently fall through the gaps between service systems.

In defining the broad categories of services and supports to be funded under the Act, services and supports must be shaped by people with disability themselves, in particular First Nations people, CALD people and LGBTQIA+ to ensure they are culturally safe and inclusive of the needs of diverse groups. It is contended that further research is required before determining the supports and services to be included.

Disability Employment and Rehabilitation Services

7. Do you consider it necessary to retain separate provisions for employment services and rehabilitation employment program or could they be combined?

SVdP NSW provides the following comments in relation to disability employment noting that this is broader than the specific focus of the consultation question.

The programs and services that support people with disability in employment are not working together to achieve the objectives of Australia's Disability Strategy 2021-2031 and the Disability Employment Strategy, which seek to 'Increase employment of people with disability', and to create, 'Inclusive workplace cultures where people with disability thrive in their career'.

Further, the focus has yet to move beyond simply supporting people with disability to find and keep a job, to ensuring people with disability can realise their employment goals and aspirations.

In 2022, SVdP NSW made the decision to exit from two Sydney-based Australian Disability Enterprises due to concerns that they do not offer an opportunity to be a part of an inclusive workplace. The Coonamble service continues to operate due to the lack of suitable alternatives that exist in regional and remote areas.

SVdP NSW is pioneering a new approach to disability employment, which supports the emerging findings from the Royal Commission regarding the deficits in the Australian Disability Enterprises (ADE) employment model. The approach is underpinned by:

- a fair wage for all employees including those with a disability
- reasonable adjustments being mandated
- ongoing and individualised supports in employment
- meaningful employment opportunities for people with disability
- inclusive workplaces that address segregation from mainstream employment

This approach is not successfully integrated with the Disability Employment Services (DES) program. SVdP NSW hopes the reshaping of the DES program will facilitate a more integrated approach.

Refer to SVdP NSW's [Response to the 'Shaping your new disability employment support program' consultation paper, January 2022](#) which highlights the need for disability employment services and ADEs to work more effectively together to provide participants with pathways to less segregated employment opportunities.

A recurring theme in SVdP NSW's consultations in drafting the response to the DES review was the need to better engage employers in creating appropriate jobs and employment conditions. Investment in disability confidence training and initiatives that engage employers in creating appropriate jobs and employment conditions was recommended. This would increase the number of employers willing and able to successfully recruit and retain employees with disability.

In order to build disability inclusive workplaces, widespread change in community attitudes is needed, and this change must be driven from an early age. It is critical that disability awareness and inclusion is embedded within the school curriculum, along with a focus on creating disability friendly environments within school and educational settings.

While the Tasmanian perspective largely aligns with that of NSW, additional feedback is offered below:

- Employment and rehabilitation services should remain separate provisions. Rehabilitation assumes a condition that can be improved. People with disability live with lifelong conditions that cannot be “rehabilitated”, therefore different intents and needs exist for their respective programs.
- Ideally the goal is mainstream (open) employment for all people with disability, but supported employment remains a necessary option for people who want to work, but where open employment is not the right fit. This may be due to a range of factors including lack of support, the demands of the workplace, bullying etc.
- There is also scope for a provider to offer the two types of programs.