

DISABILITY SERVICES REVIEW

a report on the consultation process



There are, according to the Australian Bureau of Statistics, almost 3.2 million people with disabilities in Australia — 18% of the population.

How can the Commonwealth deliver disability services in a way that best meets their needs and which reflects the Commonwealth's social justice and human rights obligations?

The Australian Law Reform Commission (ALRC) is currently looking at the Disability Services Act 1986 as part of its wider review of the legislation administered by the Department of Human Services and Health.

The ALRC released a issues paper containing a questionnaire in June 1995 and a more detailed discussion paper in August 1995. These were designed to generate comment about Commonwealth disability services and how they are provided.

The ALRC also conducted national public consultations in October and November 1995. Donna Hayward reports.

Donna Hayward is Team Leader on the review.

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The consultation process for this inquiry involved a six-week round of workshops and public hearings. We visited every capital city and a number of regional areas.

The aim of the consultations was to hear from the people with the greatest stake in disability services and the way the services are regulated by the Disability Services Act. We wanted views on how the current arrangements are operating and what needs to be done by way of improvement.

Two information workshops were held at each venue we visited. One workshop was specially devoted to hearing the views of people with a disability and their families and carers about the

Disability services review

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type of support they want and need and the role the Commonwealth should play in providing that support.

The other workshop was a more general session where issues relevant to service providers, consumer and industry groups, government agencies and other interested people could comment on the proposals and questions raised in the ALRC's discussion paper.

In each capital city the ALRC also held public hearings. The hearings were more formal sessions where people booked a 15 minute time slot to speak on particular issues concerning disability services.

In all, over 600 people were consulted. What we heard has left us with great concerns and misgivings. Some reactions to the current failures and inadequacies were put forcefully to us and with much emotional conviction. On one or two occasions our collective sense of self-preservation quickly honed our skills in conveying to public gatherings that we were *not* from the federal or any other government. For some this came as a surprise, while for others (usually the more agitated) it was a great disappointment!

The following is an indication of the major themes that emerged from the consultation process.

Need for integrated policies and services

There is little consistency in the policies that underpin the provision of disability services throughout Australia or in the way those services are funded and provided by various bureaucratic regimes.

At the Commonwealth level, different departments and agencies are responsible for administering different aspects of support for people with a disability.

The Department of Social Security looks after income support, the Department of Human Services and Health deals with funding and administering certain services to improve the employment and independent living prospects of people with a disability and the Commonwealth Rehabilitation Service also offers programs to assist people with a disability to achieve vocational and independent living goals. The Disability Discrimination Commissioner in the Human Rights

and Equal Opportunity Commission is responsible for ensuring people with a disability are not discriminated against.

The Commonwealth also has an agreement with the States and Territories stating that the Commonwealth is responsible for administering employment related services for people with a disability while the States and Territories are responsible for accommodation support, recreation and respite services. States and Territories also provide transport facilities and aids and appliances for people with a disability.

We were told that this bureaucratic maze often frustrates people with a disability who are trying to get access to a range of services funded by different agencies. Each agency or department has its own eligibility criteria and assessment procedures.

Examples were given where people were forced to leave wheelchairs at the airport when they travelled or moved interstate then asked to re-apply under different guidelines in another State or Territory. Some people have been unable to get access to Commonwealth funded employment services because there is no accommodation support available in the area or no appropriate transport.

People said that the compartmentalisation of disability services for the sake of administrative convenience disempowered an already vulnerable consumer group.

The need for a more seamless approach to disability services and greater integration of policies and service delivery was expressed throughout the consultations.

It was said that people don't live their lives in accordance with administrative boxes and want the new legislation to reflect a more wholistic approach. Most said that there should be more accountability on the part of governments and service providers.

Listening to people with a disability and meeting their needs

All of the people with a disability that we spoke to commented that no-one ever listened to what they want from disability services. They said that services were funded according to certain formulas for the sake of administrative convenience. Some

people believed there was a perception that people with a disability were not capable of assessing their own needs.

It was generally considered that people with a disability should be consulted about any issues that affect them, including where new services are located, how their needs are assessed, what type of support they receive from a service and what outcomes the service should achieve for them.

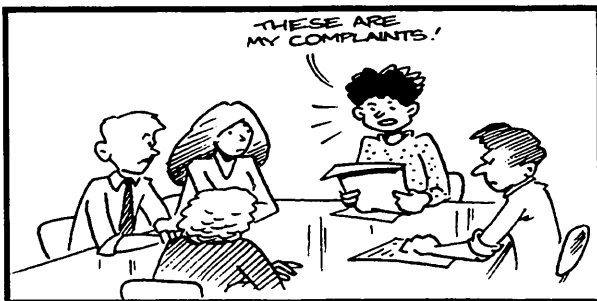
People felt that the new legislation should focus on meeting the needs and respecting the rights of people with a disability and that the funding and regulation of services should be seen in that context.

One of the loudest cries was that people with a disability need greater access to information about available services and options.

Much of the information that is available is not in forms accessible to people with a disability and is difficult to find because it is not presented in a co-ordinated fashion. For example, employment services can give people information about other employment services but may not be able to advise people about other types of services such as respite or accommodation support that may be available.

Many called for a systematic 'one stop shop' where they could get easy access to information and advice about all options available to them.

There was also general agreement on the need for a mechanism to deal with any complaints people may have about the services they receive. People considered that complaints should be dealt with first by the service if possible and, if this failed, should be examined by an independent body that could deal with complaints quickly, cheaply and fairly.



Rural and remote issues

In Far North Queensland, Darwin and Broome, the ALRC heard of the special problems associated with providing and receiving services in remote areas.

In many areas there was only one employment service or Commonwealth Rehabilitation Service regional unit. Consequently, if those services have no vacancies or available funding there is no alternative for people wanting or needing assistance or support in their own area. There is also no alternative if a person is not happy with the service.

Travelling to a service in a neighbouring town may not be an option due to the distances involved (two days travel is sometimes required), the lack of public transport and the fact that it is often difficult for some people with a disability to travel long distances.

Service providers who visit clients in rural and remote areas say that most of their funding gets eaten up in travel expenses rather than being spent on clients' support needs. If a provider has a number of clients to visit the actual time spent with clients is limited by the time it takes to travel between clients. It was suggested that some form of loading should be applied to cover travel and related expenses when allocating funds to meet the needs of people with a disability in remote areas.

Appropriate services for Aboriginal and Islander people and people from non-English speaking backgrounds

There is a large under-representation in the numbers of Aboriginal and Islander people and people from non-English speaking backgrounds who use disability services. There is a chronic lack of information about available services filtering through to non-English speaking and Aboriginal and Islander communities.

This is partly due to information not being presented in appropriate formats, to the remoteness of many communities and to cultural stigmas about disability which may make it more difficult for people to get information about and access to services.

The ALRC heard that many of the mainstream services that currently exist are not culturally sensitive or appropriate for people with a disability

Disability services review

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from non-English speaking backgrounds. Many people considered that more specific services should be offered and information about them should be widely available in community languages. People feel that the principles and objectives which underpin the Disability Services Act should refer to people's rights to have their cultural beliefs accepted and respected.

Culturally specific services are not provided for Aboriginal people, especially those in remote communities. As a result, people must leave their communities and travel to the major centres such as Darwin and Alice Springs if they are to receive services. It was suggested that funding should be directed towards adapting existing services in remote communities that Aboriginal and Islander people with a disability would feel comfortable using.

Funding for services should promote flexibility and quality

A common complaint was that the funding currently allocated for providing disability services is spent more on administration and bureaucracy than on meeting the needs of clients.

There was overwhelming support for linking the funding that service providers receive more closely to the quality of service and the outcomes they achieve for particular clients.

Some people were concerned, however, that linking funding to achieving outcomes should not result in services only concentrating on people with low support needs for whom outcomes will be easier to achieve.

At the moment the Commonwealth only funds certain types of services. For example, it funds open labour market services to train people with a disability and place them in open employment and it funds supported employment services that employ people with a disability in a more sheltered environment. The Commonwealth also funds certain advocacy services.

It was suggested that people were made to fit into these service types whether or not the support they offered was appropriate. People said that if the Commonwealth truly intends that the funding it allocates to disability services should meet the needs of people with a disability, it should look beyond those service types and adopt a more flexible approach to funding.

So, for example, if a person has needs that can be met by a carer or relative rather than a service, the money that would have been spent on putting the person through a service should be able to be allocated to the carer or relative to meet the person's needs.

Where to from here?

The ALRC is currently in the process of analysing the comments it received from the public consultations and from written and oral submissions. These comments will be used as the basis for the recommendations the ALRC will make in its final report.

The report is due to be presented to Parliament in late March 1996.

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Customs and Excise (ALRC 60) — recent developments

This report was tabled on 7 May 1992. In July 1995 the *Customs Excise and Bounty Amendment Act 1995* (Cth) was enacted. This Act implements a range of recommendations made by the ALRC, including those dealing with outwards duty free shops and special rules to apply when the Customs electronic network is out of order. However, the seizure and forfeiture clauses of the Act are not consistent with the ALRC's recommendations.