COMMONWEALTH OF AUSTRALIA

Proof Committee Hansard

SENATE

COMMUNITY AFFAIRS REFERENCES COMMITTEE

Delivery of outcomes under the National Disability Strategy 2010-2020 to build inclusive and accessible communities

(Public)

WEDNESDAY, 1 NOVEMBER 2017

CANBERRA

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SENATE

COMMUNITY AFFAIRS REFERENCES COMMITTEE

Wednesday, 1 November 2017

Members in attendance: Senators Brockman, Carol Brown, Siewert, Smith.

Terms of Reference for the Inquiry:

To inquire into and report on:

Delivery of outcomes under the National Disability Strategy 2010-2020 to build inclusive and accessible communities, with particular reference to:

a. the planning, design, management, and regulation of:

   i. the built and natural environment, including commercial premises, housing, public spaces and amenities,

   ii. transport services and infrastructure, and

   iii. communication and information systems, including Australian electronic media and the emerging Internet of things;

b. potential barriers to progress or innovation and how these might be addressed;

c. the impact of restricted access for people with disability on inclusion and participation in economic, cultural, social, civil and political life; and

d. any other related matters..

WITNESSES

WITNESSES—continuing

HELYAR, Ms Susan, Director, ACT Council of Social Service

MAY, Mrs Fiona, Chief Executive Officer, ACT Disability, Aged and Carer Advocacy Service

WALLACE, Mr Craig, Policy Manager, ACT Council of Social Service

Committee met at 08:32

CHAIR (Senator Siewert): I declare open this public hearing and welcome everyone here today. We acknowledge the traditional owners, the Ngunnawal and Ngambri peoples, of the land on which we meet and pay our respects to elders past, present and emerging. This is the fifth public hearing for the committee's inquiry into the delivery of outcomes under the *National disability strategy 2010-2020* to build inclusive and accessible communities. I want to thank everyone who has made a submission to the inquiry. This is a public hearing and a *Hansard* transcript of the proceedings is being made. This public hearing is also being broadcast via the internet.

Before the committee starts taking evidence, I remind all present here today that in giving evidence to the committee witnesses are protected by parliamentary privilege. It's unlawful for anyone to threaten or disadvantage a witness on account of evidence given to the committee, and such action may be treated as a contempt by the Senate. It is also a contempt to give false or misleading evidence to the committee. The committee prefers all evidence to be heard in public but, under the Senate's resolutions, witnesses have the right to request to be heard in private session. It's important that if do you intend to make that request you tell the secretariat as soon as possible so we can make the arrangements.

I now like to welcome representatives from the ACT Council of Social Service and the ACT Disability, Aged and Carer Advocacy Service. I know you have all appeared before committees before, including this one, but I just have to double-check that you have been given information on parliamentary privilege and the protection of witnesses and evidence.

Mrs May: Yes.

Ms Helyar: Yes.

CHAIR: Excellent. We have your submissions. I would like to invite whoever wants to make an opening statement to make an opening statement and then we will ask you lots of questions.

Ms Helyar: I will start with a very short opening statement, then Craig is going to speak, then Fiona will speak and then we will welcome some questions, thank you. The NDIS is one component of the NDS. The ACT is now at full scheme adoption and it's clear how important it is that the remaining components of the National Disability Strategy are implemented because we've seen, through the implementation of the NDIS, that we do not have a community that is accessible and inclusive and offers a full and participatory life for people living with disability. Urgent action is needed to ensure the other components of the National Disability Strategy are enacted, including rights and access to justice, economic security, learning and skills, health and wellbeing, and then of course the focus of this inquiry, which is an inclusive and accessible community.

I also wanted to let you know that, since we put our submission in to this inquiry, we've done two pieces of research that are relevant to it's considerations. The first is research on the digital divide in the ACT and finding that accessibility and affordability of digital platforms for dialogue, voice and participation is difficult, particularly in the ACT. That is associated with cost. We have poverty premiums around things like prepaid plans, having higher costs for data and higher penalties for overrunning your data entitlements. That combination of cost and poverty premiums is a real access issue for people living with disabilities.

The other research we released the week before last on hidden poverty in the ACT looked at five domains of disadvantage in the ACT. We found that people with disability are three times more likely to be living in a household with less than $500 a week in income. That can often include households where there are dependent children. Also, people living with disability are five times more likely not to have completed year 10 and not to be in education.

We know from our housing work that there is almost no housing, particularly rental housing, outside of the social housing sector that's accessible to people with significant mobility and disability issues. So we know we are live in a community that deeply excludes and fails to provide platforms for participation for people living with disability. So we welcome this inquiry's investigation into issues for people in the ACT.

Mr Wallace: As Susan has pointed out, the remit of the National Disability Strategy is broad and is a response to the fact that we know, increasingly, the NDIS will not address health care, it will not address community access and it will not open up education or fix the physical environment. The NDS's six themes are broad and crosscutting. The strategy is therefore important to create the kind of welcoming community that will underpin the investment in specialist supports being made through the National Disability Insurance Scheme.

ACTCOSS shares the concerns offered in the submission by Disabled People's Organisations Australia and other organisations that, after 6½ years, the National Disability Strategy is not being driven consistently across governments and jurisdictions, nor does it have the investment or the concrete measures needed to deliver solid outcomes under the six policy themes. For instance, to take governance, there was meant to be biannual reporting from 2010 onwards, but this has not happened. The first implementation report spanned across three years and the second across two. The second implementation plan that is the focus of this inquiry is occurring halfway through the second implementation period.

We would note that the second implementation plan, from the point of view of the community, is especially thin. It focuses on areas that are clearly within DSS's remit, like the NDIS implementation, data collection, funding of advisory bodies that DSS is already remitted to provide for, employment and even the communication of the strategy itself. There is little sense of a wider coordinated agenda to open up mainstream systems, places and spaces with an ambition that matches the reforms that we're making to specialist systems.

The NDS also does not commit to new concrete measures across the Australian government under the policy outcome areas. We would note that there were, early in the life of the strategy, some signature measures and investments that were being made by the Commonwealth, such as media access under the ABC. There was also a leadership program and a grants program around access. These were welcome measures.

In terms of what we want going forward, I think we would share some of the asks from DPO Australia, which include more centralised coordination of the agency via a central agency like the Prime Minister's department and stronger accountability mechanisms. I note the Attorney-General's Department's human rights database is a pretty comprehensive and searchable database that brings together recommendations from the UN human rights and treaty bodies and is perhaps a good model for reporting.

The strategy also needs some investment in signature areas. This inquiry goes to accessibility as one of your focuses and we would make some broad observations about the levers that we have to deal with access and the way that they are operating under the strategy. A key problem at the heart of this is that the current frameworks under discrimination law do not effectively mandate disability access in Australia, and the strategy has not addressed that. They rely on complaints and hope that the flow-on effects from these complaints will drive enforcement. In practice, this doesn't happen. We have some pretty good examples in the Canberra context that point to this. There was a landmark case in transport against a coach company in Canberra that was providing the main leg of non-aircraft travel between Sydney and Canberra around four years ago. That has not flowed on to universal access across that coach network, meaning that people with disabilities need to travel by air. I can tell you that travelling on the smaller planes going out of Canberra to Sydney or any other jurisdictions in Australia is a torturous, difficult and dangerous process for many people with disabilities.

We also see in Canberra quite a stark difference between the areas of the capital that are covered by the Commonwealth's existing remit to provide access under AS 1428.1 and the Building Code of Australia and those areas that are older and haven't been covered by the Building Code of Australia. So access within the national precinct areas is usually pretty good, but when visitors or people who live in the ACT people visit the retail courts in western Belconnen and Manuka—those older areas—there are great accessibility problems. There are problems that range across sensory and digital access as well. Our call is for a discrimination law with teeth backed by robust mechanisms and enforcement powers.

Mrs May: As you know, ADACAS is an independent disability advocacy service. Over the course of the last financial year, we worked with 499 clients. Our submission covered a series of areas in relation to access and inclusion, and I propose to touch on each of those briefly in my opening remarks. The first is communication, information and decision-making. These are barriers to access which are more pervasive and far less visible than the sorts of barriers that Craig was just talking about and that are typically identified as barriers to access. And, yet, communication and being respected as a decision-maker in your own life is at the heart of what is to be a valued member of society. As detailed in our submission, ADACAS has been working in the area of supported decision-making for nearly six years now. This work is fundamental to implementation of the UN convention and addresses one of the strategies which is identified in the National Disability Strategy. Our recent work has focused on raising awareness and providing skills training and supported decision-making for healthcare decisions. ADACAS participates in the national supported decision-making network and was part of a working group which developed a call for the development of a national supported decision-making framework in 2016. We continue to urge governments to show leadership in ensuring that support for decision-making is built into legislation, as recommended by the ALRC capacity inquiry, and that it is readily available to all people in our community who need it. A copy of that framework paper was attached to our submission.

We also touched on online accessibility, and I agree with the comments that Susan has already made in this area. ADACAS continues to be concerned that the government's preference for online communication shuts out people with disability, who, for a range of reasons, are not able to access the internet reliably. We work with clients for whom poverty, intellectual disability, physical disability, or sensory disability presents a barrier for online communication. Access to information is a core requirement of effective participation in society these days and we urge you to ensure that plain language is included as a matter of course in all government communications and that information is also shared in non-literacy-based formats. Recognising the impact of the digital divide on people with disability and working to overcome it are crucial to enabling online accessibility.

In our submission, we talked about a range of barriers to employment that our clients face, and we provided you with some case examples of those. Employment has also been identified as a priority by the Disability Reference Group. I'm a member of this group, which provides advice on disability issues to the ACT Minister for Disability. We have identified three priorities for the work of the group. The other two are also priorities out of the National Disability Strategy: they are access to justice and health. There's much work to do in all three of these spaces to ensure that people with disability are able to access them on the same basis as other people. One of the key barriers is culture: the extent to which employers welcome people with disability; the extent to which people with disability are seen as reliable witnesses; and the experience of discrimination against people with disability by health professionals. These are not going to be quick fixes and will require sustained investment and focus by governments.

Finally, I would like to bring your attention to the plight of disability advocacy organisations. In New South Wales, advocacy organisations face the loss of their New South Wales government funding at the end of this financial year. That is $13 million of independent, individual advocacy and information that will not be available from 18 July. The Queensland government intends to stop funding disability advocacy in 2019, and some other governments are yet to make their intentions clear. In its recent reported on NDIS costs, the Productivity Commission identified the important role that independent advocacy plays, and made some suggestions for ongoing funding. Disability Advocacy Network Australia, of which I am the deputy chair, recently commissioned an independent cost-benefit analysis of independent advocacy services. That work was undertaken by Professor Anne Daly of the University of Canberra and economist Greg Barrett. It found that for every dollar invested in independent disability advocacy a return of $3.50 comes back to the community. That comprises savings across a range of sectors in which advocates work, including health, abuse, child protection, education, employment, housing, justice, disability service provision and so on. The research team assures us that this is a very conservative estimate and that the analysis of the cost-benefit of advocacy was very robust. All governments needs to recognise the significant social and economic returns that are achieved by independent advocacy and commit to sustaining and growing advocacy services, because it makes a real difference in the lives of people with disability, and we can clearly demonstrate that it makes good economic sense. I have a copy of the two-page summary of that research available for the committee today. The full 100 pages, if you're very keen, is able to be accessed from the DANA website.

Senator CAROL BROWN: Thank you for your submission. We've had quite a bit of evidence given to the committee about the perceived lack of coordination of the NDIS, and Mr Wallace commented on the reporting aspects of it. What would you like to see change in terms of the coordination role of the federal government? Also, I would like some information about whether there's any consultation in terms of the progress reports?

Ms Helyar: I would just say that what we called for in our submission is direct input and scrutiny by people with disabilities in those reporting processes, and to increase that in the existing arrangements. We need more-robust outcomes and benchmarks against which progress can be reported. We have spoken about a national office for disability policy and coordination in the office of the Prime Minister and Cabinet, in the department, and we've talked about clear resourcing beyond existing state and territory money for health, housing, transport, public space and citizen voice investment. We would want to see that. At the moment a lot of the reporting talks about what is existing practice, rather than what is actually growing and changing and expanding in terms of access and inclusion for people with disabilities.

Senator CAROL BROWN: Regarding the reports that are put out, you don't believe they're adequate to be able to have an understanding of any progress that's been made?

Mr Wallace: If the strategy is intended to drive change across a range of domains, from transport to education to employment, for people with a range of disabilities, we would ask: why aren't we asking people with disabilities the extent to which the change is observed, felt and effected? You might use a range of innovative mechanisms, like deliberation, to achieve that. The current checklist style reporting, that simply reports on a suite of initiatives, most of them existing ones based in DSS, including ones they would be doing for other reasons within their remit outside of the strategy, does not cut it.

Senator CAROL BROWN: You've mentioned a couple of times now the initiatives inside DSS. One of the concerns is what the other departments are doing in terms of their role under the strategy. Do you have any understanding of whether those departments really have the strategy at front of mind when they're making decisions?

Ms Helyar: It's certainly not our experience when engaging in policy dialogue with parts of the ACT government and parts of the Commonwealth government that don't see implementation of disability services as their primary responsibility. We haven't seen that they're across the NDS or that they're actually seeing it as an imperative to drive their work in communities.

Mr Wallace: If I may add to that. You might want to ask the Commonwealth whether they are still driving coordinated effort through an interdepartmental committee that crosses the central agencies and agencies like transport, education, and others, in the responsibility areas of the strategy. The second line of accountability would be between the various disability reference groups and advisory bodies, both at the state and territory and the Commonwealth level. We're not seeing the linkages there either.

Senator CAROL BROWN: I note your recommendation and support for the NDS to be moved into Prime Minister and Cabinet. But do we have to do anything in terms of the individual departments?

Mrs May: If I could make a general comment. As a society we often are what we count. If we're not counting anything with regard to improvements for people with disability across the range of measures outlined in the NDS, then chances are we're not doing it. Being required to count it, and being transparent about what you are doing through publishing a record of that, is one of the things that drives systems to actually provide a focus on it. So, potentially, it's about what is being reported, which is not just: what are we funding, but what are we changing? If we start to count that in a different way perhaps we will get better buy-in by the range of departments across the Commonwealth and the various state governments.

Ms Helyar: I think it's an enormous culture shift that is having to be achieved. For a very long time, and what we've seen in the ACT with the rollout of the NDIS, there has been the expectation the specialist services would do everything and that people with disabilities weren't the responsibility or core constituency of the mainstream services. We see that in health and in justice, particularly. I think that's the big culture shift that needs to happen: As Fiona said, accountability to the numbers, and as Craig said, accountability to the evidence of change in people's lives, are what need to be in those reports, not just reporting on what government was going to spend money on anyway. Unless we hear from the infrastructure department about what specifically they have done to change access and participation by people with disabilities, unless we hear from the health system about how their specific health programs are targeting and responding to the barriers that people with disabilities experience in accessing health services, we're not going to see the culture shift that's needed.

Senator CAROL BROWN: What is your view of the actual awareness of the National Disability Strategy, across governments but also out in the community?

Ms Helyar: I think all the talk has been about the NDIS and not about the strategy.

Mrs May: But I question the extent to which the Joe Blow living in my suburb in Canberra who lives with disability needs to know that the strategy exists. What they actually need to know is that when they try to go somewhere they will be able to get in. If they need support for decision-making they can access it. If they need support to be in sustained employment, that's there. If they're called as a witness in the justice system, they will be treated with respect and engaged in that process in the same as everyone else.

CHAIR: Be on juries.

Mrs May: Yes. The Joe Blow living in my suburb doesn't need to know that that's happening because there's a National Disability Strategy in place. They just need to know that those access supports and the additional supports required for inclusion are available to them. I was disappointed there was such a focus on awareness of the National Disability Strategy in the second implementation plan, because that's not the priority.

CHAIR: I've noticed that agencies are very focused on the NDIS—this is in states—but they haven't really focused on the NDS. So I agree with you, in terms of individuals. But in terms of the awareness of implementation from the state and territory level and government agencies, I'd say that's very low and they haven't been focused on the NDS.

Mrs May: I agree with you on that. Our systems absolutely need to focus on it. Whether individuals in our community need to know that's why those improvements have been coming for them, maybe not.

Mr Wallace: I agree that that is true on an intergovernmental and an intragovernmental basis. Fiona is right that you wouldn't expect Joe Blow to be aware of this, but you would expect a COAG agreement to be driving significant change across the jurisdictions that are covered by it. This is meant to cover all Commonwealth departments, all state and territory governments and local government, and there's no evidence that local government, for instance, is aware that they need to be building this in as they do their planning for access. That is very evident in the second implementation plan, where the reporting from the states and territories doesn't even align to the themes within the strategy and there's very thin coverage from local government. Everyone is doing reporting in different ways, including the ACT, which actually hasn't made a bad go of having an outward focused strategy. But even that is coming to an end.

Senator CAROL BROWN: To highlight what you have just said, we had evidence—I think it was on Monday—about the Centrelink robo-debt episode, where people were sent letters. Obviously, that is a problem for some people with a disability, and it highlights the fact that there was no thought given to people with disability when that action was taken by the government. Do you have any other examples of government action where there's been no thought given to people with a disability?

Mr Wallace: In the plebiscite, they had to be prompted to make that accessible online. They used to have a thing called the Commonwealth Disability Strategy, which would have mandated it and meant that individual agencies, including the Australian Bureau of Statistics, would have operated an action plan and checked their actions under that to ensure that they were meeting accessibility standards. The National Disability Strategy was meant to supplement and supplant that to replace it, and that hasn't happened. So there are numerous examples around accessible formats, processes and services that don't meet disability access standards across the Commonwealth and the states.

Senator CAROL BROWN: You talk in your submission about web accessibility. Have you looked at the federal department's website? I know you're speaking more broadly, but I'm just interested.

Ms Helyar: We haven't done a deep analysis of that, but what we hear from people is that there's a lot of information on the sites that can be very confusing. It's presented in ways where it is not clear what the first step and the next step are. Often people need to have support to even work out which bit of it is relevant to them. Another example I would give is that, separate from the robo-debt process, a letter was sent out to people receiving income support that was co-badged by the Australian Federal Police, reminding people of the risks around fraud. That's another example of where information came out, and nobody thought about how different audiences might experience a letter arriving that had the AFP badge on the top of it. Nobody thought about what it might mean to people—does this mean I'm being investigated? Does this mean I've breached some kind of obligation? That happened in the paper format, but, in the electronic format, what people often talk about is a mass of text or an expectation that you would know to go six steps into a website. Then, if you get lost, how do you get back to where you need to be? That's the kind of feedback that we get.

Mrs May: The other one is the myGov site and it's accessibility—or lack of accessibility.

CHAIR: Do not get me started!

Mrs May: Also, the Department of Human Services secure email system requires you to get an email that looks a lot like spam and you're supposed to click on a link to access the email that they've sent you. You then have to put in a complex password and all the rest of that, which presents all kind of barriers to people. Those emails sit in this other system which is difficult to access and difficult to retrieve, and you can't even forward them to yourself. There are all kinds of barriers to online communication through those systems.

CHAIR: In the process you were just talking about, does that present a particular problem for people with intellectual disability?

Mrs May: Absolutely.

CHAIR: I presume you have raised that with government. What's been the response? Is there an alternative way that people can access that?

Mrs May: When this first came in, which was around July 2016—or 2015; it was one of the two—I started raising it with DSS. I had two meetings with DSS in which I detailed the issues particularly around that Human Services email thing. They said: 'Thank you very much. That's very interesting—we're working on it, we're working on it'. I've heard nothing since. The people have probably moved onto other jobs and the same barriers exist.

CHAIR: On the integrity task force, I asked these questions at estimates and some of the answers they didn't know and have taken on notice—for example, issues around whether texts are being sent to people. I know very well that texts are being sent to people with disability, because I've had personal communication around that. But they couldn't tell me whether that was in the rules or what the rules were in terms of who was receiving the texts. Do you have any further information? Are there a large number of people who are on DSP who are getting these texts?

Ms Helyar: We don't have any accurate data on that. But it does go to the issue that Craig raised, which was: do the people who are designing and administering these systems understand that people with disabilities are their core constituency and that the systems need to be designed to work for these people and not assume that people with disabilities are on the margin and are a small bit of their concern? People living with disabilities constitute 20 per cent of the population and they are overrepresented in all of the social service systems. So they are actually the core constituency of these systems, and the administration of these systems need to be designed around their needs, not designed around some theoretically average other person.

Mr Wallace: While we have talked about digital systems, there is also an important need in the disability community for an alternative to digital and online access, which includes access to physical human services and Centrelink premises. I would note that that is not universally the case across government. There is not universal access to all Centrelink and Human Services offices. So that's another example of this not being communicated and practised well across government.

CHAIR: In terms of access, could you go into that a little bit further?

Mr Wallace: As an example, at the Phillip Human Services outlet here in Canberra, which is the outlet for Centrelink, Medicare and the NDIA, the access would not conform to Australian standard 1428.1. There is no disability parking, and a person like me, who uses a wheelchair, would have great difficulty accessing that office, as would a person who needs tactile indicators and other assistance. This is not an isolated example.

CHAIR: Mr Wallace, you were saying that in terms of reporting on the implementation of the NDS there isn't a voice of people with disability. I understood from what you were saying that, in terms of reporting—that is, when the reporting actually happens—the lived experience of people with a disability in terms of how access is improving is not being heard. Is that what I can take from your earlier comment?

Mr Wallace: Yes, it is. For instance, with the changes that done with the specialist systems through the NDIS, there is at least some attempt being made to ensure that we're tracking the experiences of the customers with disabilities within that system. We need to come up with ways that we can actually track the extent to which changes are being made which improve people's access to health care, to infrastructure, to employment, to accessible transport and to the domains covered by the strategy. The way to do that is to actually reach out to people with disabilities on the ground, and we're suggesting that requires some innovative responses.

CHAIR: So you could do surveys, talk to people et cetera.

Mr Wallace: Deep dive—it would be a good one for a citizens jury process.

CHAIR: Senator Smith, do you have questions?

Senator SMITH: I do have one or two questions. Is there anything in particular in the disability strategy that you think deserves to be more amplified than other particular elements of it?

I know it would be easy to say, 'Oh, it should all be treated the same', but I'm just wondering whether you've seen anything in the rollout of the NDIS that makes you think that one particular element of the strategy deserves greater amplification than others.

Mrs May: I'd like to start with that. Supported decision-making would be a key element of the strategy which is currently being given lip service by some and being totally ignored by others. The availability of a support when you need it for the particular decision that you need and that takes into account the kind of support you need is lacking for people with disability across the country. And it's crucial for people to be decision-makers, either in the NDIS processes or in any other process in which they're engaging in the community. If they need support, it's crucial that that support is available to them. We also need to see some of the legislative change that the Australian Law Reform Commission capacity inquiry recommends. They're recommending that we replace substitute decision-making regimes like nominees, guardians and enduring powers of attorney with supported decision-making regimes that enable people to engage in decision-making to the greatest extent possible and to ensure that if that's not possible then their will, their preferences and their rights are used to determine the decision that's made on their behalf. So I think it's a really big area. The research has been done. Obviously more can be done and is being done, but there's a way forward around supported decision-making that's already been identified. Unfortunately there hasn't been enthusiasm by all levels of government to see that change progress.

Mr Wallace: I would actually go to housing, which is an issue that has been a focus of campaigns in the ACT across the last couple of years, because it's very underpinning: if you don't have good accessible housing you can't do anything else. There is a recommendation in the DPO Australia submission that we would support, which is around a focus on regulatory interventions for universal housing design in the National Construction Code and doing work to raise awareness of universal housing design and its benefits, in terms of people being able to stay in their housing as they age, being able to engage socially because you've got visitable housing, and as an activator of all of the other areas of the strategy and also as an important underpinning to our investment in specialist supports. I think that tranche of work, to ensure that state, territory and local governments are taking consistent approaches to planning for physical access and infrastructure, is also important.

Senator SMITH: In your opening remarks you talked about social housing and access to private housing stock, and you made reference to mobility issues. I don't want to assume anything. Is the private housing stock suitably designed currently to accommodate mobility issues? Or is the social housing stock better designed to accommodate mobility issues? Or are they both poorly designed at the moment? I wasn't quite sure of the point you were making in your opening remarks.

Ms Helyar: Thank you for seeking clarification. The comment I made was that in the ACT private rental housing stock that's suitable for people living with disabilities, particularly people with mobility issues, is almost non-existent and is hotly contested. If you're a person with a disability on a lower income, you're never going to compete to get that rental property. Social housing has worked really hard, both in the government public housing and also in community housing, to build the amount of accessible stock that they have. In the ACT, that's a better set of stock at the moment, although it's still not sufficient to the demand.

Senator SMITH: Excellent. Thank you very much.

Senator CAROL BROWN: I would just like to go back to the supported decision-making and your comments to Senator Smith. You talked about essentially there not being a will to advance recommendations that have been made around supported decision-making. Can you explain that a bit further for the committee?

Mrs May: The ALRC recommendations are quite widespread. One, for example, is that all state governments should replace their substitute decision-making regime legislation with supported decision-making models instead. Some of the states and territories have started to move in that direction. Some are not moving in that direction at all. But it goes beyond that. It also is things like whether a bank will interact with a person with disability or will require a guardian in order for that person to have access to their finances, or whether Centrelink will interact with a person with a disability or require a guardian. Will a lawyer interact with a person with disability or will they require a guardian? There's a whole range of our social systems as well as our government systems that have a traditional approach, which is to assume that somebody else would be better to speak on behalf of the person or to make decisions on behalf of the person rather than them changing their systems, processes and attitudes to engage with the person in a different way to enable them to be their own decision-maker.

Senator CAROL BROWN: Why do you believe there's been slow movement on this and relatively low take-up?

Mrs May: I think it comes back to Susan's comment just now about who is important. People with disability and their needs are not always valued by society in the way we would hope they would be and therefore the prioritisation around legislative reform might put those sorts of things lower down the list. I think it's also because it's hard. It requires significant cultural change so that if a person walks into a bank the bank teller doesn't talk to the person standing behind them instead of the person using the chair or the person who perhaps looks different because of their disability. There's a huge cultural change that needs to happen. It's also true, unfortunately, that our systems continue to encourage families with young children with disability to move in the direction of substitute decision-making. Our systems essentially are saying to parents, 'When your child turns 18, you'll need to have guardianship or the doctor won't talk to you anymore or they won't be able to access Centrelink or their bank account.' There's this assumption that a person with a disability can't make decisions and you just need to take away that right from them. It's going to take some time and some effort to change that assumption on behalf of our wider community as well as families with disability. Some families are trying really hard and they are working deliberately to avoid guardianship, but they're experiencing barriers to that from the systems they seek to interact with.

CHAIR: Also, I think you all took part in our inquiry into abuse, violence and neglect against people with disability, where we heard that some institutions are seeking to get guardianship to override the wishes of not only the person with disability but also sometimes the parents, where the parents hadn't actually sought guardianship. So parents are being forced to take guardianship because the institutions are—

Mrs May: Requiring it of them.

CHAIR: Yes, requiring them to—

Mrs May: That's exactly right, yes.

Senator CAROL BROWN: We have heard of an increase in terms of the NDIS as well.

CHAIR: Yes.

Mrs May: Yes, that's right.

Senator CAROL BROWN: Mr Wallace, you talked about building standards. Again, evidence that we've heard has been pretty much along the lines of your recommendation about mandatory requirements, but we've also been made aware that in April the building minister's forum agreed to propose to COAG that a national regulatory impact assessment be undertaken, and there has been some support of that. What's your view?

Mr Wallace: I would be quite cautious about what a RIS might come out with in this space. The central problem here is that both builders and people with disabilities are caught in a space between the lack of effective regulation and persuasion and instruction about what good access means. At the moment, the only way to enforce access in Australia is by individuals putting in complaints under the Disability Discrimination Act and hoping that they translate to changes in existing buildings. However, we do have, after a very long period of struggle—more than 20 years after the Disability Discrimination Act was put in place—some alignment of the Australian standards with the Building Code of Australia, for the first time, which happened about three or four years ago.

If the industry is looking at the extent to which that regulation is imposing costs through arrears, then that would be a point of concern. What we've had up to now is builders being really unclear about what it is they are required to do. It is why, I think, that you see a really uneven application across buildings of the same standards, because they're not actually sure what the law is and what the minimum requirements are that they're meant to meet. So you see disability toilets being built in different ways in different buildings, despite the fact that the standards say they're meant to be built in a different way. There has been historic inconsistency in that area.

CHAIR: In that case, what should we be doing, if you're not doing the assessment process? We've had a lot of evidence saying that we should be going down the mandatory route, because the mish mash that's happening at the moment is not working. Even people who did not support a mandatory process earlier are now saying we should be requiring universal design, and that's it.

Mr Wallace: We are saying that there should be a mandatory route. It should be in the Building Code. And there should be progressive requirements for existing buildings that are regulated and monitored.

CHAIR: That's one of my constant—and it must be for everyone else—frustrations. I've been trying to get my office, for example, accessible. I'm the spokesperson for us on disability and I can't get my office—in fact, we're moving; that's one of the reasons we're moving but there are other reasons as well. I've been trying for 12 years to get my office properly accessible, and there's no mechanism to require it. Is that a common occurrence.

Mr Wallace: It is.

Ms Helyar: In our work on housing supply advocacy, five years ago people were saying, 'We still think there's room for a non-mandatory process delivery,' and it hasn't delivered. The evidence is in the practice. People have been talking about the need for universal design for 20 years. We have an ageing population. We have a growing proportion of the population that needs disability access. There's been ample opportunity for the market to deliver in a non-regulated environment, and it hasn't.

Mr Wallace: My early comments about the RIS would be if the RIS was presuming against regulation I would have a problem with it, but the community has consistently called for greater regulation and consistency in this area.

Senator CAROL BROWN: I want to turn to one of the items in your submission around employment. There have been a number of initiatives, and the government will go to a new disability employment system as of 1 July 2018. What else, in terms of those government initiatives, do we need to do or is there something lacking in what they've announced? We know that employment is one of the priorities under this government, which is good, but this is your opportunity to let them know how they're going and what they should be looking at and what's missing from their strategy, if there is anything missing.

Mrs May: In our submission, we outlined a range of experiences of people with disability that ADACAS has worked with. From the Commonwealth perspective, they have the opportunity to influence other employers and they can do that in a range of ways. One of the ways they can do that is by modelling being an exemplary employer themselves of people with disability. There are things like the targets for employment of people with disability at the Commonwealth level, things like changing job requirements to ensure that a person with disability is able to flexibly deliver on the job, things like ensuring there is no discrimination against people with disability or people with mental-health issues in the workplace, or managing bullying associated with people with mental health issues or disability in the workplace. There are a whole range of strategies that the government could be implementing, in their own employment practice, which could act as a model for other employers in society to also learn from and change their own practice. That would be one place the Commonwealth could certainly begin.

Mr Wallace: Some of the evidence that we gave to a recent ACT Legislative Assembly inquiry on this was that they should be investing in remodelling of selection criteria and processes so they weren't just focusing on these kinds of cookie cutter selection criteria that we seem to use increasingly throughout the APS, but it's infecting community and the private sector—that requires everybody to be analytical and have teams skills when, actually, what you're wanting is to recruit to jobs. There should be more entry level positions that are gateways for people with intellectual and cognitive disabilities, and, as Fiona said, there is a significant role for government as a template and as a model of good behaviour. We note that there have been calls previously, by a range of community groups, for parliament itself to be, potentially, a model in this regard by adopting internship schemes for people with disabilities within parliamentary and electorate offices. These would model good behaviour to the many people coming through these offices and also demonstrate some of the barriers and issues that people face in employment.

Senator CAROL BROWN: You would be aware of the *Willing to work* report. Are you able to let the committee know whether of those recommendations that came out of the report—I think it was tabled in 2016—have been taken up by government?

Ms Helyar: I can't, off the top of my head, speak to those recommendations. What I would want to add to this is that it's good to have disability employment services improved and refreshed, and it's important for there to be work done by the government as a major employer to look at setting its own targets—in fact, the number of people with disabilities working in government has gone down over the last 15 years. It's not improving, so that's an important thing to turn around, as Fiona and Craig have said. What I would say around *Willing to work* is we know that the income support system puts barriers in place to people working—people living with disabilities being moved onto Newstart payments, which are lower than they can afford to live on and certainly lower than they can afford to keep a car on the road or continue to participate digitally to access jobs. There are issues around people's willingness to work being compromised by their lack of access to income support that will deliver enough money to improve their education and get around to jobs. The other thing we would say is that we know from employment services broadly that people get work because they know someone who's got a job going. So providing opportunities for people with disability to connect into their community and to build their social networks and to build their social capital is vitally important to addressing access to work.

Mrs May: Can I add one more thing about the impact of losing the healthcare card on people with disability? People with disability often live with additional health needs, and the costs of those health needs are significant for them. If access to the healthcare card was uncoupled from receiving a social benefit, a salary replacement, then people with disability would be able to work more hours and have more of a career pathway and potentially come completely off social welfare systems entirely. But because they need access to the healthcare card, they know they can't work more than a certain number of hours per week or they'll lose the healthcare card. Some of those things act as a significant disincentive to employment for people, and those are entirely within the control of the Commonwealth to do something about.

Ms Helyar: The other thing I'd say around access to work is that we know there's discrimination in employment practices. If you're a person with a disability who also comes from a culturally and linguistically diverse background, or who is also Aboriginal or Torres Strait Islander, or who is also a woman—there's a whole range of ways in which people with disabilities can be discriminated against. It's not necessarily only their disability that's a barrier to their work; it's the broader discrimination that exists in the employment market, and it's deeply important to deal with that.

Mr Wallace: If I can also add to that: we also know the workforce itself is changing. There are increasing amounts of casual, precarious and service-based employment, so the kinds of policy responses that we have to build the confidence of people with disabilities that they can move from income support to employment need to be tuned well to that. I know that advocacy groups, for instance, have called for a kind of step-down period from the disability support pension, where people can retain the DSP for a period of six to 12 months—the same way that we deal with blind pension, as a cost-of-disability allowance—so those people can develop confidence, skills, a work resume and work-ready skills while they retain employment within an increasingly difficult employment market that might involve stints in and out of work.

CHAIR: We have gone a couple of minutes over time, but thank you. That was extremely useful information for us. We really appreciate your submissions and your time. Ms Helyar, did you have something—

Ms Helyar: No; it's Mrs May.

CHAIR: Kate will get that off you as you are leaving. Thank you very much for your time today.

CRANFIELD, Mr Dwayne, Chief Executive Officer, National Ethnic Disability Alliance

GIUSTI, Ms Maria-Cristina, Senior Policy and Project Officer, Federation of Ethnic Communities' Councils of Australia

LAGUNA, Mrs Susan, Executive Director, Multicultural Disability Advocacy Association of New South Wales

[09:32]

Evidence from Mrs Laguna was taken via teleconference—

CHAIR: Welcome. Can I double-check with all of you that you've all been given information on parliamentary privilege and the protection of witnesses and evidence?

Mrs Laguna: Yes.

Mr Cranfield: Yes.

Ms Giusti: Yes.

CHAIR: Is there anything you would like to add to the capacity in which you appear today?

Mr Cranfield: NEDA are based in Canberra and we're federally funded.

CHAIR: The committee has your submissions. I would like to ask each of your organisations to make an opening statement and then we'll ask you some questions. I know some you have been here and done this before, so you know what we do.

Ms Giusti: This is my first time.

CHAIR: Well, Ms Giusti, do you want to start first?

Ms Giusti: Okay, I will; thank you very much. I'd like to begin by acknowledging the traditional owners of the land, the Ngunawal people, and pay respect to the elders of the Ngunawal nation past, present and emerging.

FECCA is the national peak body representing Australia's culturally and linguistically diverse—or CALD—communities and their organisations. We provide advocacy, develop policy and promote issues on behalf of our CALD constituents to government and the broader community. FECCA supports multiculturalism, community harmony, social justice and the rejection of all forms of discrimination and racism. I have with me my colleague Mr Dwayne Cranfield. He is the CEO of NEDA. NEDA is a key member of FECCA's disability policy committee, which informs its disability policy.

The FECCA submission touches on many areas. I would like to briefly speak on the transport issues and provide some additional information around the challenges faced in this area. CALD people with disability often experience added barriers in their access to transport services and infrastructure. Further, newly arrived migrants are more often dependant on public transport and meet added barriers in accessing transport while needing to attend to numerous meetings and appointments, creating significant factors affecting people's ability to engage with services and their communities. Many people with disability are excluded from the labour force solely because public transport is inaccessible, particularly for people who live in regional, rural or remote settings. Taxis are costly, and there is an undersupply of wheelchair accessible taxis. People with disability are either unable to afford to pay for transport or unable to travel in peak wheelchair accessible taxi times—for example, during school transport hours. Through community consultations and engagement, FECCA has learnt that the cost of transport can be prohibitive for people with disabilities to obtain employment or to travel to obtain educational qualifications. These barriers are compounded for people with disabilities who may not have the requisite language skills and we find, very much, an unfamiliarity with Australian transport systems and transport accessibility requirements. These issues must be addressed as part of the employment or education strategies to assist people with disability to lead meaningful lives.

Two big issues that I want to touch on for people with disability are mobility allowance and the taxi subsidy scheme. Many people with disability will receive less vital transport support when the mobility allowance transitions to the NDIA. The mobility allowance is critical for people with disability. Many people with disability who utilise the mobility allowance either won't be NDIS eligible or, if they're NDIS eligible, won't receive transport support in their plan.

I would just like to read out a case study that is from NEDA. We work quite closely together. It goes like this: 'I am an NDIS participant and I've lost my mobility allowance. I did not receive transport allowance as part of my plan. The reason I was given is that I was allocated money in my plan for hand controls on a car. I normally drive, so of course I need this. Problem with this, though, is I still qualify for mobility allowance. I make the argument that, sure, I can drive, but a person without disability sometimes goes to a location where, for reasons like cost and convenience, it is easier to catch public transport. Inability to independently catch public transport is a criteria for mobility allowance, so they have taken away that ability for me to use a cheaper option and force me to always use my car.

The mobility allowance is critical for people with disability because of inaccessible public transport systems. Here in Queensland, the government is rolling out new train stock that are not Disability Discrimination Act or DSAPT, Disability Standards for Accessible for Public Transport, compliant. So we know we have the next generation of people with disability still locked out of public transport. Taking this into consideration, it becomes even more obvious why we need the mobility allowance to make everyday transport more accessible and affordable.' That's the end of that case study.

Additionally, the FECCA submission covers many areas. We're pleased to hear the NDIA's revised translating and interpreting service processes are now operational. The agreement between TIS National and the NDIA will capture data and statistics, which is welcomed by FECCA, a member of the CALD special advisory group with the NDIA. We're awaiting the release of the CALD NDIA strategy that is overdue. NEDA and FECCA and other organisations have worked on this. We're still awaiting the release and the formal launch, which we feel will significantly assist people living with disability who are from CALD backgrounds.

Mr Cranfield: I can give some further information on that during my session.

Senator CAROL BROWN: When was it due?

Mr Cranfield: It's been in train for about three years.

Ms Giusti: If I can add, we had a meeting in April this year with the CALD special advisory group and we worked on the final draft of that. The latest communication I heard was that it was meant to be released in August, but we are still waiting for it.

Mr Cranfield: I've been told it's waiting for approval from the committee.

CHAIR: From the committee?

Mr Cranfield: From the NDIA.

CHAIR: Which committee? The board?

Mr Cranfield: The board, I think. It's with them and, from what I've been told, they're waiting on it to be approved.

CHAIR: Mr Cranfield, do you want to go next?

Mr Cranfield: Yes. Thank you very much for the opportunity to appear today. I want to acknowledge the traditional owners of the land we meet on today, the Ngunawal people, and pay respect to their elders past, present and emerging. NEDA is very much a ring-in today. We were asked to come along with our friends at FECCA and be a part of this process. DPOA, Disabled Persons Organisations Australia, which we are a member of, put in a submission some time ago. We were asked to come along and be a part of this process. To everything that was said this morning by our colleagues before us, I was sitting in the back nodding profusely, just going, 'Oh my God, yes, yes, yes.' The things that FECCA were saying are the things that NEDA has been saying for quite some time.

I had the misfortune of seeing some of this in reality recently in Darwin. I was in Darwin for the FECCA conference. With me, I had my new president, Margherita Coppolino, who some of you might know as a short statured person from Victoria with a hearing impairment and other bits and pieces. Because she drives a mobility scooter, we needed transportation. Trying to get transportation in Darwin was almost impossible. At one point, the van she was put into, the back opened up and fell onto the ground and she almost toppled out onto the road as we were driving because the staff were not trained in how to use the cap. The mobility taxis supplied for her were filthy and dirty. They looked like someone had used them to go and fix their truck in. They were just disgusting. Often we were late because they were not set up for her to come on board, even though we specifically requested them. They would turn up and all of a sudden seats would have to be moved in order to accommodate her and her scooter, and that made us very late. Also, while they're setting up, they're meant not to have the meter running; it's meant to be neutral at the point. Several taxi drivers put the meter on while they were setting up the cab for her. We had to then argue the case that wasn't meant to happen. Of course, that got us into an argument, and I quite rightly said, 'Well, we can take this further and I can see you in court.' It was devastating to see, especially in a small community, where you would think those services and infrastructures would be in place so that was horrendous.

With the taxi issue, we've real concerns about Uber, as well, and their ability to understand disability and be trained in aspects of disability and the transportation of people with disability. I have anxiety around things like insurance in that space that would adequately cover all people, including people with disability, who might be using those services. Also, in the general taxi community, there is the training of taxi drivers to be aware of disability issues. It's a real concern. I've gone through the FECCA submission. It's quite broad and it's meaty in some areas. Because it's not our submission and we're here as support, I would be quite happy to answer questions as we go along. But, just on the taxi issue, those are the things.

Also, I have recently come back from Sweden. As many of you would know, my partner is a Swede. I lived and worked in Sweden for quite some time. I worked in the child protection and the disability space. When you look at how people with disability are set up and accommodated there, it's just a way of life. The bus drops down and people can come onto it. The train does the same. There are special carriages and special cabs. No-one thinks about; it's just there in a country of nine million people. It's quite amazing to go there and see all this happen and then come back to Oz, and go: 'Oh, my God! Are we a third world nation in the way we treat people with a disability?' It's quite amazing and quite embarrassing, really. We have people from Sweden come here and go, 'How do we do this?' I'm kind of rambling, going around this space. I'm having a bit of an acquired brain injury day today. I've got a bit of a headache and it's not going away, so I'm a bit disjointed.

There are things with regard to public transport such as train stations—the fact that there are train stations which are not accessible. I was with a person in Melbourne, and we had to catch a train. To get to the area that allowed her to get into the train station with her wheelchair was probably an extra 800 metres around the block. If she had been operating that wheelchair manually and it had been on a slight uphill, she would've been exhausted by the time she got there. I was exhausted, because we were running late, running for the train. That was in Melbourne. It was very, very difficult. So the fact that there's no continuity around these issues of public transport—every state and territory and every place has a different understandings of what this means; there's no universal design in this process—is incredibly annoying. We're still putting bus stops at places where they're not accessible, where the ground is rutted and people can't access it, or there are no tactile things there for people who are vision impaired. The public transport is quite amazing.

NEDA does quite a bit of work with the NAPTAC group. My support worker, Jane Flanagan, is part of the National Accessible Public Transport Advisory Committee. I think some NAPTAC people are coming here this afternoon as well. We're a part of that with DPOA, Disabled People's Organisations Australia. We're constantly working with that group around those issues. When you've got big organisations which are from the private sector—taxi groups and bits and pieces which have vested interests in keeping prices down—it's a very hard process to navigate, especially if you're doing it for people without a voice.

I want to say that, in all of this process, the nexus between disability and these issues is huge, but when you add the complexity of culturally and linguistically diverse into that mix it ups the ante even further. It becomes another layer of hardship that people have to navigate in that process. Things such as language barriers, communication, understanding things, signage—all of that—add another area of complexity. Later on, if you want to touch on some of the DES stuff, I would like to chat about that as well, if I could, for two seconds.

CHAIR: It's a leading question here. Have you finished?

Mr Cranfield: I'm done, yes. Otherwise, I will talk forever; I'm sorry.

CHAIR: No need to be sorry. We want as much information as possible. Mrs Laguna, do you want to make an opening statement?

Mrs Laguna: Yes. Good morning everyone. I want to pay my respects to the traditional owners of the land and their elders past, present and those to come. I think the overarching idea for us in engaging people from culturally and linguistically diverse backgrounds or people from non-English-speaking backgrounds is that there should be consideration of cultural and linguistic requirements. For instance, there must be sensitivity to the appropriateness of means of contact and approaches as well as delivery of services. In most of these services for people with disability, people from a CALD background are impacted based on some services who lack understanding of access. So they would say that, when using services, facilities or amenities, most of these people will be told, 'Yes, we're accessible,' but you see when you go there that they are not accessible. Maybe the toilets aren't. Maybe there are steps or the ramps provided are too steep. I think there is a lack of understanding of what is accessible.

Also, for people from CALD backgrounds, most of the consumers that we see here don't have access to technology. Most of them don't even own technology; they don't have computers, of course, because they're on disability support pension, and there's limited financial resources for people. And so, in terms of technology, people from CALD backgrounds always are missing out. We can't really say that the government is to blame for this, but I think there should be provisions for people to have choices in the way they make contact with government or non-government services. For example, I have just been talking to one of our advocates this morning, and it's taking him 30 minutes to one hour of waiting for Centrelink contact. When you're following up about your mobility issues, your pension or things like that, people with disability have to wait that long. If you have language issues, it especially compounds the barriers that people face.

Most of the people that we see are people who would prefer to have face-to-face contact. They would also be very appreciative if services had interpreters provided for them. Currently there have been some trends in services; because the funding is individualised, some services would rather use family members to be able to engage the person, and I think this is not right, because of course, while families can be helpful and are a kind of last option for people in terms of supporting them, there would be a possibility of conflict of interest. It's also really not appropriate for family members to be used as interpreters. In terms of translating materials into different languages, I think the community should be involved and included, and the safe way to go is to have materials translated into easy English as well as having community consultation. We have had good experiences with some government services who have tried this, and the outcomes of how the materials are being translated really are good because it has gone through consultation with the community.

I go back to the services that people from CALD background are missing out on. It has become a kind of normalisation that people from CALD backgrounds are not able to access services, so therefore people think, 'We may as well not bother.' It's having a negative impact on them, they're feeling less confident and they're feeling sceptical. 'We might as well not apply for these services, try to apply or try to access anyway. We are not going to get it.'

So people are just worried that this kind of trend will being normalised in Australian society. We're trying to improve access for people with disability regardless of background, race, gender or culture. It seems like we are seeing that sometimes, in terms of policies and delivery of services, it's not progressing. Instead it's kind of regressing. My idea is just for the community to have equal access and for all people to be able to try to get the opportunity to apply for any services regardless of whether they will meet the criteria. People should have the right to try it out and see for themselves whether they are able to access the services that will meet their needs.

I will give an example here of a woman who has been trying to achieve public transport but now is less confident because her English is not very good. She is resorting to using a taxi because. Say she travels from Merrylands in Sydney to the city. Especially on the weekends, when there are fewer people on the train, she needs to notify the station that she is getting off and they need to put out the ramp for her to go out. So sometimes she gets stuck, and this has resulted in her being less confident in using public transport, resulting in her having some issues with financial difficulties because she couldn't afford going out in taxis. That results in her isolation and not being able to participate in community activities.

We also have recently had a young man who has been encouraged. I would like to raise this because this is something that I thought is really not engaging a person meaningfully. The person I'm talking about is one who doesn't speak, who has hearing impairment and who also has intellectual disability. An organisation has helped him set up an advocacy service. Without thinking of his capacity to provide advocacy for people, instead of assessing what he is good at, they're probably thinking of what is easy for this person. So this person is set up to fail. The organisation he's working with has printed out very glossy flyers and brochures of his so-called service of advocacy, but I think it's not meaningful in the way that it's not looking at what his interests are or what things he is good at. Instead it is setting him up to fail. For him to go out and say he provides advocacy would be not very factual. I feel there is no respect for people with a disability in this regard. Yes, he is encouraged to do something but without considering that what he can do and what he cannot do as a person. It is not being thought through properly. So, although that's part of employment, I just wanted to raise that because that's very important.

Also, I am a member of the Immigrant Women's Speakout, and we have just recently heard that one of our stations here in Sydney will soon have a lift. This took a group of women to come up with 10,000 signatures to be able to convince the station or the Transport New South Wales to put a lift in that area when there are lots of people in the area with disability. In that area, particularly in Harris Park, there are lots of older women and immigrant women and there are disability organisations based there that people in wheelchairs access. So you can imagine how hard it is for a group of people to come up with 10,000 signatures. They had to go to the station every morning and get people to sign. After that, they submitted it to Transport NSW and a lift was approved. But we still have lots of stations here in Sydney that are not accessible, and I don't think we should have to resort to getting that many signatures to convince Transport NSW to set up lifts in stations.

Finally, I feel that people with disabilities should be given opportunities to be able to participate in social, economic and political activities. We think that better accessibility will help rid the stigma that people with disability are facing. Thank you.

Senator CAROL BROWN: Thank you for your submissions and opening statements. We have asked a number of our witnesses to respond to the question about where the NDS actually sits within government. You note in your submission the fact that strategies or initiatives don't seem to be connected to one another—that it's all siloed, so to speak. Could you tell the committee how you think we can fix that? What do we have to do?

Ms Giusti: That is such an important question and a complex question to answer. I do a lot of work in the aged-care sector, which has been going for a lot longer, and there are similar issues. However, because aged care has been going for a lot longer, we have systems in place and they do talk to each other. With the NDIS and the NDIA being a fledgling massive social policy area, I think that with time things will start talking to each other. The strategy is a beautiful piece of work, and this committee hearing is dealing with that first pillar of the strategy. I really see that, in order for people, strategies and things to work together, we need big conversations. For the CALD community, there is that word 'co-design'. We really need to pull them more into that and to have much more accessibility to what the whole scheme is.

The big problem is there's a massive lack of understanding about the systems and the terminology. I really don't know how to get rid of silos, where we're having different departments doing different things. It's an issue. I'm sorry that I can't give you a solution. I wish that I could. But, just taking a leaf out of aged care, which I do have a lot to do with, there's talking between different agencies and departments and they're doing that very well, especially now when we are going through a massive area of reform. Perhaps the NDIA could look at the reforms being undertaken in the aged-care system. I'm sorry I can't give you a more informed answer. Dwayne might be able to elaborate on that. I do see it as a very new area of social policy that is going to have its difficulties.

Senator CAROL BROWN: We talk about various initiatives or strategies that have been put together from other departments—we'll just put DSS to one side. Do you think those people who are dealing with disability policy—like the transport department—need more awareness of what the issues are in terms of what people with disability need? They're not all the same.

Ms Giusti: You've hit the nail on the head: it's awareness. The people who are developing policies need to go and have a day in the life of a person with a disability. There should be an awareness raising program for those departments that are looking at creating new policies and altering them—particularly when we have another layer of cultural and linguistic diversity, which just adds so much more vulnerability. I don't really like using that word, because it sets up a power imbalance. But we definitely need awareness competency training around what it is like to be from a different culture—what it's like not to understand or have language skills or understand the systems and to come from a background where governments persecuted and tortured people. These people have an inherent mistrust of government. That is massive—let alone not understanding disability, which is highly stigmatised in their country of origin. These are all the barriers that they face. When you then add that complex layer of government and systems and processes, not understanding is difficult. I would go back to your point with policy makers: understand disability and then, very much for our constituents, have some understanding of culture or have cultural competency training to understand the difficulties those people face. FECCA advocates training and education awareness across all of our areas—ageing, disability and other areas as well.

Mr Cranfield: NEDA would support all of that. One of the other areas that comes into play in disability in general in all of this space is the influence of the for-profit sector and industry. That really dictates what happens on the ground in the way government responds to things. For example, look at the NDIS and the for-profit sector in regard to how things are rolling out and what's happening and the way people are being dealt with. That really is the group that has the most influence within that space. And it worries me when you've got representatives from the for-profit sector on the overarching committee of the NDIA. And look at big charities, which are not meant to be for profit; in reality, that's a long bow to draw. I think that's where we have problems with regard to that—where industry has a lot of influence on the way things are done.

I just want to touch on the DES, because it kind of links into some of this. Some time ago the government gave the national peaks—and there are 15 of us—some money around DES. NEDA uses our membership organisations around the country. We sat down with consumers who were using DES programs to talk about their time in DES. What we saw from that is that culturally and linguistically diverse people, on average, if they entered into a DES program had a better outcome than the general population. They reached the milestones quicker, they stayed longer and they got more out of the program. What we also saw was that the proportion of those people was much smaller. We should have been seeing a higher cohort of CALD people, given the fact they got better outcomes within those programs. But we weren't; they just weren't engaging in the programs. We really thought it was going to be a cultural and linguistic imperative that was determining that process.

We went through our members around the country and we sat down and did the interviews and talked about it. What came out of that was that they felt that the DES providers didn't understand their disability and how that impacted on their ability to perform, come to work, come to interviews and be a part of the process. There were things like capacity: peoples' capacity varies on a different day. They might have been asked to come in on a Tuesday for an interview. They've woken up Tuesday and they are very unwell—whether it be a psychosocial issue, a cognitive impairment or a physical issue—and they haven't been able to make it. And then their appointment is put off for another five or six weeks until the organisation is ready to take them in again.

It's not to do with the consumer. I think that's the problem. We don't look at people with disabilities as consumers; we look at them as people that we bestow things upon. That's part of the issue there. The fact that people weren't engaging in the DES programs was nothing to do with their language and cultural background; it was to do with the fact that they felt that the DES programs, the organisations that were specifically designed to find them employment, didn't understand their disability and weren't prepared to bend to meet their needs, which fluctuated due to capacity and issues.

There is also an understanding that DES organisations and carers had issues around things like dignity of risk. 'Dignity of risk' is a term that comes from the mental health community within peer support networks and bits and pieces. And it is something I have championed at NEDA within the disability community: people with a disability need to have the ability to take risks in their lives. That is how people grow, it is how they change, it is how they find where their boundaries are. We've all done it. I woke up one day with a disability, not having had one the day before. Being allowed after that point to take risks with my life—and some of them I wish I hadn't taken, let me tell you—is how I found where my limits were and that maybe you can go beyond them. There was a real issue around that as well: they weren't encouraged to be the best they can within that space on that given day.

In all of this, NEDA has been engaged recently with the NDIA based on some work we did for the job access portal about 18 months ago. The job access portal was being revamped and they came to us and said they wanted us to do some work. We got all their fact sheets translated by NAATI accredited translators into 21 different languages and took them to our membership organisations and workshopped them with people with a disability from those communities. We changed the language, took them back to the NAATI translators and had them cleaned up again—and that became the CALD NESB component of the job access portal. So that was work that NEDA did.

The job access portal people, at DSS, won an award for co-design for that project, which was great. I spruik that model around the country all the time. Recently, the NDIA has come to us to do similar work with their fact sheets with regard to the NDIS—because so far there really is no engagement with the CALD communities. Government and other organisations always want to go for the magic six languages. The NDIA came to me and said it wanted to do its fact sheets in six languages—Greek, Italian, simplified Chinese and all of those things. As some of you know, NEDA crunches quite a lot of data around disability and culturally and linguistically diverse stuff. We spend a lot of money on data development. We have a data analyst who is probably one of the best in the country—Brian Cooper. He is absolutely amazing. I said to Brian, 'Can you find me the top 10 languages in each LGA in Australia?' The NDIA said, 'Can you give us information on languages?' So we gave them the top 10 languages in each LGA in Australia. That bombarded them: 'Here's the complexity of what you're talking about; it's not as easy as you think.' What's important in Darwin is different from what's important in Canberra or WA or Tasmania. It's a big question that we're talking about. We're talking about the engagement of the CALD community. We've now got, I think, 21 languages from the NDIA into which we're going to translate their fact sheets and their digital stuff. We're going to use the same project as we did with the job access portal. People like Susan Laguna, at MDAA in Sydney, will use them. We are using people with disability from the CALD community to be part of that process. We have to applaud people like the job access people and the NDIA for coming on board and being a part of that process.

CHAIR: You've got easy English?

Mr Cranfield: Yes.

CHAIR: So, for those 21 languages, we also need easy Chinese—

Mr Cranfield: Things like pictographs will be used. And you've hit a point: sometimes CALD people may not even be literate in their own language.

CHAIR: Or they might have an intellectual disability or a cognitive impairment.

Mr Cranfield: Exactly right.

Ms Giusti: That's right. We've found that in our consultations as well. The person with the disability, particularly if they're an older person, may not be literate, as Dwayne said. So they do prefer a simplified English because then they can pass that on to family members, who may not know their language of origin. We just have this warm and fuzzy feeling that people from CALD communities and their children are experts in their language. They're not. Growing up in a different culture—

CHAIR: So you need to provide both.

Ms Giusti: Yes, a simplified English form and also different formats.

Mr Cranfield: Exactly right.

Ms Giusti: Videos are sometimes very welcome; when you come from a high-context culture, the visual cues mean a lot more than the written word. So you're quite right, we need it to be simplified, even in their language.

CHAIR: That's what I mean. You have easy English—and I appreciate the point you've just made; it is a really important point—but you've also got people in CALD communities with cognitive and intellectual impairments who need an easy version in their language.

Mr Cranfield: And people in aged care who've had strokes might speak a dialect of their language.

CHAIR: And they've reverted back to first language.

Mr Cranfield: Yes—and their kids don't know it. And there might not be anybody there from that community. My Swedish partner and I lived in the town of Falun, up in the north of Sweden. About 30 kilometre from Falun is a little town called Mora, where they speak a totally different language than Swedish. It doesn't resemble Swedish or Finish or Norwegian. It is a totally different language. So their ability to communicate is compromised. If they were living in Australia, there'd be nothing for them at all. But that's the complexity of language and culture within the space that we're in. A dialect can be so significant within that—and also for children who haven't learnt the language. We meet people every day. I was at a wedding in Melbourne recently. The mother of the groom, who is in her 80s, has no English at all. She's been here since she was 15 and she has no English at all. That was an interesting morning at the wedding!

When we did that work recently with the job access portal, we sent some stuff off to the translator. When we read it through, one of the people in one of the community groups said: 'We can't have that word. That word means "imbecile", and that's a really bad word in my language.' And that had come from the NAATI translator. We then had to say, 'What's another word that's going to fit that that won't be nasty and horrible and put people down?' We had to find another word that would fit into the word stock to take back to the translator. So it's a very complex area and it is not as easy as picking the magic six languages, as we like to call them here at NEDA.

Senator CAROL BROWN: I want to go back to employment providers. What's your recommendation around the issue as you explained it?

Mr Cranfield: I think the DES program are in the middle of a reboot again, aren't they? They're changing the star rating and a whole lot of bits and pieces.

Senator CAROL BROWN: Yes—1 July next year.

Mr Cranfield: I think the issue in it is that, again, it's driven by for-profit. I think ultimately, at the end of the day, it's returns for shareholders and organisations that drive these things. I'm not averse to that happening, but I think that the problem is that there's a power imbalance in that, and the consumer, the person who needs the provision of service, gets overlooked in this aspect. I'm glad to see that they're changing the DES program and they're looking at it. I still have real fears for the inclusion of CALD NESB people with disability in this space and for people with disability in general. People with disability want real jobs. I know that when I had my brain injury and I was looking to come back into the workforce and I was told I would never, ever work again in a real job—that was what my doctors told me—I had to apply for jobs and I had to fill out the form that says, 'Do you have a disability? Do you have an injury that may affect your ability to work?' I went to my lawyer and I said: 'What do I do? If I write this down and they see that Dwayne Cranfield has got an acquired brain injury, they're going to drop me like a hot potato.' I wasn't necessarily looking at coming into the disability sector back then.

When I talk to other people in that space, there's a real fear around those things: 'Is it going to preclude me from employment? Are they going to be harder on me about that? Am I even going to get an interview?' Again, those issues in the general community around employment—that's a real issue for people. You see that more and more often now, where there's that disclaimer that you've got to fill out, even within the disability sector or the mental health sector. I had an employer a couple of years ago who had it and I deliberately didn't fill it out. I thought, if they want to know, they'll google me and they'll find out and they can ask me about it, because it's out there for everybody to know. But it's a real an issue for people with disability about: 'How much do I disclose? How much of my private life do I need to tell people about in that space and is it relevant to the job?'

Senator SMITH: I was taken by the six-languages comment you made. My question arises from a conversation I had with the CEO of SBS just recently. What are the emerging language groups?

Mr Cranfield: It's hard to say, because every area is different. I think some of the Somalian languages and some of the African languages are quite emerging. I think there's some stuff out of South-East Asia, new languages there.

Ms Giusti: One of our colleagues from Queensland, AMPARO Advocacy, have targeted capacity building with the Burundi, Afghan, Iraqi and Karen communities. They are seen in that area of the country, which is Queensland, as the emerging languages. But I know from work that I've done with the Primary Health Networks up there that, for Afro-Asiatic languages—I don't recall the dialects—there has been a need for interpreters in those areas in Queensland.

Mr Cranfield: I could get my data guy to do some crunching and get back to you with maybe the top 10 or 15 emerging languages in the country and maybe even find out for you what LGAs they are in. We can take that on notice and give that to you at some point soon, if that would be of benefit.

Senator SMITH: Yes, that would be very good. I'm assuming that access to interpreter services in these emerging languages is challenging?

Mr Cranfield: Of course. Even in communities like Canberra, you'll find stories where people won't use the local interpreting service because everybody knows everybody in that space. So then you find that you've got children telling their parents at the doctor's surgery, interpreting for the doctor in the surgery. That even happens in Canberra—the capital—and in some particular communities, as well, because they're so interconnected. Even if they're using telephone interpreting from elsewhere, often people know each other because they're the same people all the time. So there are real issues around that. What I'll do is ask Brian. I'm not sure if he's got access to that data around emerging languages, but I'll ask him to look at, let's say, the top 15 emerging languages in Australia by LGA. How does that sound?

Mrs Laguna: I think also in relation to interpreters, especially those from emerging ones, there is still a lack of understanding of the Australian system for interpreters, such that coming up with how things are interpreted in their language back to the people who are accessing the interpreting service can be difficult, because the interpreters themselves may not have an understanding of the system here. Often in sessions where we have been promoting the NDIS to ethnic communities here in Sydney, we have found that there are some communities that have difficulty understanding, despite the fact that there are interpreters available, because the interpreters don't understand. Before we start the session, we usually explain to them what are the terms that we use, like NDIS, individualised funding and things like that, because most of the interpreters that we have used were not able to understand what's happening in the sector, what is disability and what are the terms being used in the disability area. Interpreters also need some training. Of course they know about their culture, but in terms of disability awareness they do need training, I believe.

Senator SMITH: Yes, okay then. Thank you.

Mr Cranfield: Can I just add something. There is a real danger when we talk about disability in Australia at the moment that we focus on the NDIS. There are only 470,000 people, of several million who identify as having a disability, who are cohorts for that. That's where we have to come back and look at the overarching strategy, which is meant to be a 10-year living document, which we're about four years into and are trying to review at the moment. It's a real trap that we just kind of think about the NDIS all the time in that space. When I come back to the NDIS aspect, if we're looking at the numbers—depending on the numbers that you look at, because there are different data sets—we're looking at between 18 and 22 per cent of the cohort who would be CALD-NESB who are eligible for the NDIS. At the moment there is a three per cent take-up of CALD-NESB people within that space, and the reason is that they're not being engaged. That's because there has been no engagement strategy and there has been no strategy. The strategy has been in draft for quite some time. About three years ago, NEDA, along with Pino Migliorino from DiverseWerks, in Sydney—he was the chair of FECCA for some time—had a meeting and we formed a reference group, which was essentially NEDA's membership, FECCA and some other groups, key stakeholders, to start up a reference group to advise the NDIA on issues around CALD-NESB. That's where the strategy has been developed from. So there is a strategy, but it hasn't been released yet. It has been in draft for some time. We keep on being told it is going to come out soon. It was that reference group that pressured the NDIA, under the direction of NEDA and a lot of work from Imparo, I have to add, that forced the NDIA to include interpreting services into planning. That wasn't a part of it before, but it has now happened. The NDIA need to be thanked—congratulated is too strong a word—for the fact that they've now put that back in there, because that really opens up access to that for people as well.

Senator CAROL BROWN: It's good that they're included, but, as you've highlighted in your submission, there is also then a need for government and non-government organisations to understand their obligations in providing interpreters.

Mr Cranfield: Exactly right, yes.

Senator CAROL BROWN: How does NDS report CALD issues and people with disability? Is it reported separately?

Mr Cranfield: I'm not sure if there is any. I would have to take that on notice and get back to you. I really don't know. All I can say is that, if you look at the Productivity Commission report on the NDIS that was released just the other week—I'm at page 300-and-something of 900 at the moment, and I'm ready to get a Leonard Cohen record, let me tell you—I think I've counted 36 words that relate to CALD and NESB communities within that document so far, and that sentence basically says, 'We don't collect any data with regard to the CALD and NESB community.'

Senator CAROL BROWN: Could you have a look at the NDS reporting, such as it has been thus far, and let us know whether you think that there need to be amendments that highlight progress to CALD issues?

Ms Guisti: Yes, certainly.

Senator CAROL BROWN: Or any other amendments you think might be required.

CHAIR: Thank you very much. Ms Laguna, I know it's hard when you're on the phone. Thank you to all the witnesses for your time today, for your submissions and also for taking questions on notice.

Proceedings suspended from 10:31 to 10:48

McCARTHY, Ms Susan, Executive Director, Client Services, Dementia Australia

RAI, Ms Priyanka, Senior Programs and Policy Adviser, Dementia Australia

[10:48]

CHAIR: I now welcome our representatives from Dementia Australia. Have you been given information on parliamentary privilege and the protection of witnesses and evidence?

Ms McCarthy: Yes.

CHAIR: Thank you very much for your participation. We have your submission. I'd like to invite whoever wants to make an opening statement to make one, and then we'll ask you some questions.

Ms McCarthy: Thank you for the invitation. Dementia Australia is the peak body providing support and advocacy for people with dementia and their families and carers in Australia. Dementia is the leading cause of death for women in Australia and the second leading cause of death overall, and there is no cure. Dementia Australia represents and supports more than 410,000 Australians living with dementia, and more than one million family members and others involved in their care. Our organisation advocates for the needs of people living with all types of dementia and for their families and carers and provides support services, education and information. We are committed to achieving a dementia-friendly Australia, where people with dementia are respected, supported, empowered and engaged in community life.

The care and support of people with dementia are one of the largest healthcare challenges facing Australia. Dementia will become the third greatest source of health and residential-aged-care spending within two decades. These costs alone will be around one per cent of GDP. Even where things stand right now, around 237 people are joining the population with dementia every day. Significant to this committee will be the alarming number of people under 65 who are joining the population with dementia. There are estimated to be over 25,000 people with younger onset dementia today, and it's expected to rise to almost 42,000 by 2056.

The prolonged illness and disability impacts of dementia on the general population are also substantial. Dementia is the single greatest cause of disability in older Australians aged over 65 and the third leading cause of disability burden overall. Dementia thus poses a unique challenge for Australia due to increasing rates of prevalence, the personal impact and the impact on carers and families, not to mention the economic costs and social implications. Family carers often find it difficult to balance, work, life and caring responsibilities.

However, it's the social implications of dementia that we would like to raise with this committee here today. Dementia has profound social implications for people with dementia and their families and carers. Often, after a diagnosis of dementia, people experience social isolation and discrimination. Friends and even family members may stop visiting or calling because they feel unsure of how to interact with a person who has a cognitive impairment. Many Australians have little understanding of dementia and are unsure of how best to respond to people who are living with the disease. A new survey released by Dementia Australia just last week revealed that 39 per cent of people agreed that they felt awkward around someone with dementia, and 41 per cent of respondents said they found talking to someone with dementia confronting. These findings highlight what consumers have been telling us for years and what many of the submissions to this inquiry raise too.

While there have been significant reforms in healthcare, aged-care, and disability services over the years, they have been based on the idea that supporting people impacted by dementia is now part of core business for service providers, but there's much to do before this idea becomes a reality. Consumers' and providers' experience tells us that, in order for quality dementia care and support to become part of what is already an incredibly complex and challenging maze of services, there are still some very significant steps that need to be taken. Overall, we still need to make changes to our communities to make them more disability and dementia friendly. We need to do more to support people with dementia to continue to live well and to be involved in things that they enjoy, after a diagnosis.

Our submission to the inquiry highlights areas of need across planning, design, management and regulation of important public spaces such as hospitals and crucial commercial buildings such as residential aged-care facilities. We highlight the adverse impact that limited social engagement and inclusion have on people living with dementia, their families and carers. We also provide insights from projects that are helping build more dementia-friendly and enabling environments across Australia. We share excellent examples of new advances in communication and information systems that can help everyone grasp a better understanding of what living with dementia is like. In discussing innovative new methods, we talk about the groundbreaking work that dementia-friendly communities across Australia are achieving.

We trust that the matters raised in our submission will be of assistance to the committee in the development of recommendations regarding Australia's future aged-care sector workforce, which will ensure the best outcomes for all people living with dementia, their families and carers. Thank you.

Senator CAROL BROWN: Thank you very much. First of all, can I just go to your submission. It's quite an extensive submission, a comprehensive submission, so thank you for that. You indicate in the executive summary that people with dementia have indicated the need for change in our communities to make them more dementia friendly. Are you able to just go into a bit of detail? Was that a consultation that you did, or a survey?

Ms Rai: Yes.

Senator CAROL BROWN: Could you just put on record some of those changes that need to be made.

Ms McCarthy: Sure.

Ms Rai: Alzheimer's Australia actually provides a platform for consumers to be part of our policy and advocacy determination processes. We have the Alzheimer's Australia Dementia Advisory Committee, which has people living with dementia, and we seek their input in terms of what it is that they need to see changing. We also hold Parliamentary Friends of Dementia gatherings, where we have senators et cetera present. Senator Helen Polley is one of the co-conveners of the Parliamentary Friends of Dementia group. We often invite consumers along to come and share with policymakers and decision-makers what the changes are that they need to see.

Dementia-friendly communities are actually a global movement which has been gaining resonance in Australia as well. We received funding from the Department of Health dementia-targeted funding and ACSIHAG funding to pilot some of these projects back in 2012. We saw great community commitment to the cause. A lot of local businesses were interested in putting in the time and effort to become dementia friendly. From that small inception, we've seen community will and consumer need grow as well. So, yes, it has been consumer need and demand that have driven the support for this program.

Senator CAROL BROWN: Can you just describe for me: what would a dementia-friendly environment be for a business?

Ms McCarthy: Sure. I can give a few examples of dementia-friendly businesses within, for instance, the Port Macquarie area of New South Wales. That's a dementia-friendly community. Within that community, there's a steering committee made up of local MPs, service providers, people living with dementia and carers, and they're the people that assess the action plans that businesses develop. A business will come to us and say that they're interested in being more dementia friendly. We'll talk to them about what they can do. For example, if it's a cafe, if we look at some of the noise within the building, they may change some of that. In terms of music, they may turn that down. They may change their menus to be bigger so that people can read them more easily. In terms of signage—for instance, accessing the bathroom—they may have directions on how to get to the bathroom. And then, within the bathroom itself, they may change some of the things around contrast, which is a significant issue—for example, change the colour of the toilet seat so that can people can identify that compared to the floor. It's all within the scope of what a business can achieve, but we work with them on basically making the environment more enabling.

Senator CAROL BROWN: Around the country, how many dementia-friendly communities have signed up?

Ms Rai: Recently, we have reached up to about 50 dementia-friendly communities. We have a website, dementiafriendly.org.au, which gives a community map. As and when people show interest in signing up, it goes up on the map, and then businesses which have adapted can post on the website as well. For instance, we recently had someone who'd tailored their dancing classes for people with dementia. They put their details up there, and consumers can go there and access that information as well.

Senator CAROL BROWN: I notice that in your submission you talked about the dementia-friendly audit tool for public spaces.

Ms Rai: Yes.

Senator CAROL BROWN: Can you go into a bit more detail about that tool. Also, is that information somehow fed into the National Disability Strategy? Do you report to the Department of Social Services?

Ms Rai: No, we don't. The tool was developed as part of a one-off funding. We worked with the—

Senator CAROL BROWN: And that funding came from?

Ms Rai: It was the Department of Health. It used to be the Department of Health and Ageing back then, so it was a different funding source. With the NDIS, we don't actually report directly to the NDIS just yet. We do have a program that falls under the scope of the NDIS, but we still retain our block funding for it, so we report directly to the Department of Social Services on that.

We are facing some challenges in getting the agenda of dementia-friendly spaces and communities and the needs of people with dementia across to the NDIS. As you can appreciate, the NDIS have a whole range of conditions that they have to deal with. But what we have proposed is that there is scope for education, for local area coordinators and service providers as well to pick up things like the tool and incorporate them into their practices of trying to get more disability friendly. But we haven't had much traction yet. We're working on it.

Senator CAROL BROWN: When you say you're working on it and the challenges that are there, are you trying to work on it with the NDIA?

Ms Rai: We're trying to work with the NDIA, so we're trying to open some dialogue there.

Ms McCarthy: And, more broadly on dementia-friendly communities, we try and work with all levels of government to try and support the notion at a federal and a state level, because it is very much a community-driven program. It really is about engaging the community so that they also understand that it's happening, and that's probably the key fundamental. The website that Priyanka mentioned is great in terms of providing that overarching resource for people which will have the audit tool on it and other resources they can access. But, for us, it's actually about being able to get into the communities to create a greater awareness of dementia and then to look at things that we can do, for instance, in the physical environment to make it more friendly.

Senator CAROL BROWN: Have you been able to talk to local area coordinators?

Ms McCarthy: In NDIS?

Senator CAROL BROWN: Yes.

Ms McCarthy: We talk to them through our Younger Onset Dementia Key Worker Program when we go to the planning sessions, but we don't directly address them.

Ms Rai: It's an ad hoc engagement at the moment, so it depends on where we have good relationships between key workers and local area coordinators. The key workers are the real focus point for us in terms of our engagement with the NDIS. These are system navigators that map the needs of people with dementia to what the NDIS can offer. Often local area coordinators won't have in-depth knowledge of the needs of people with dementia, so the key workers work with the clients and local area coordinators to help map some of the needs. That engagement is pretty sporadic. In areas where you have responsive local area coordinators who are willing to work with our key workers, we have better outcomes for clients, but, as such, there's no formal arrangement, so it really depends on the person.

Senator CAROL BROWN: Are you making any headway with your engagement with the NDIA?

Ms McCarthy: With the NDIS?

Senator CAROL BROWN: The NDIA.

Ms McCarthy: We're continually advocating to try and make sure that people with dementia are better understood within the NDIA, within the planners and within the local area coordinators. I wouldn't say that we've succeeded in that at this point. We're trying, at this stage, to put on the table what the issues are, as we highlighted in the report, which are that the NDIS really does look at services for the person with dementia, but, for us, when we look at how to support people with dementia, it is them as an individual but it's also the family and carer, and the NDIS in the current form doesn't do that.

Senator CAROL BROWN: In your submission, you talked about 'access to appropriate transport options'. Can you just explain some of the issues with current transport options and what would need to be done to make them dementia friendly?

Ms McCarthy: Is that transport options in terms of dementia friendly?

Senator CAROL BROWN: You've said in your submission that appropriate transport options are essential to ongoing involvement of people with dementia in the community.

Ms McCarthy: Yes. We know that a significant barrier to being able to access services is transportation. It is one of the things that we're forever talking with clients about. For example, if they want to go to a social program—that might be an arts program—or they might want to go to respite, or the carer would like to attend an education session, the transportation can become an issue not only in terms of funding but also in terms of making sure that the people that are picking up the people living with dementia understand what dementia is. It is access to that transportation as well. One of the things about dementia is that eventually most people living with dementia will lose their licence, so transportation is a significant factor.

Senator CAROL BROWN: I was interested in your comments about improved regulation and the fact that 99 per cent of the aged-care facilities meet the standard, but you have some concern about whether that standard is adequate. Can you give us some more information as to why? Do you have any evidence to suggest that it might not be adequate?

Ms Rai: Yes. The accreditation and regulatory framework across aged care is clearly not up to consumer standards. There's an expectation that consumers have, when they enter residential aged care, that their basic needs et cetera will be met, but the model of residential aged care right now is very clinical, and it's focused on just meeting the clinical needs that a consumer has. As we've mentioned in our submission, consumers also have social engagement needs. It can become very isolating to be in an environment that you're not familiar with, and, on top of it, if you have a progressive neurological condition, it can also make your progression faster.

In aged care right now, the accreditation standards aren't very consumer centred. They are actually being reviewed, and there is a move to more consumer-centred standards. Minister Ken Wyatt just announced last week that they will be moving to an unannounced visitation across residential aged care, so unannounced accreditation visits. It is being reviewed. David Tune's review of aged care and Kate Carnell's report came out last week as well. They do make some good recommendations which can make residential aged care more consumer friendly. But, as it stands right now and at the time we did the submission, they were not.

Senator CAROL BROWN: The National Aged Care Quality Indicator Program?

Ms Rai: Yes.

Senator CAROL BROWN: This is a submission that was written back in April, and that program is voluntary, as I understand it.

Ms Rai: Yes.

Senator CAROL BROWN: It's been in place since January 2016?

Ms Rai: Yes.

Senator CAROL BROWN: Are you able to give us any further information than what is in the submission as to how that's going and whether it should be a voluntary program?

Ms Rai: Yes. The voluntary indicators program was actually meant to be a sort of trial to see how it can work. It does have some more consumer-centred indicators, but, again, the premise is that it is voluntary. As we often say, the large majority of providers are actually good, and they do want to do what is best for their consumers, but it's trying to catch the ones that aren't meeting it. What we see as a good system isn't the lowest common denominator, so we need to build a system that will actually encourage best practice across the board, which is what the department is trying to move to. With the review of aged-care regulatory processes, there is an intention, I think, to get us there.

But, as it stands right now, as a consumer, if you're trying to go into residential aged care, if you go to the department's My Aged Care website, you assume that everyone is at the same standard of accreditation, but you can't tell about the quality of care. What you want to know is: what kind of antipsychotic treatments do they have? Do they use restraint? What kinds of social engagements et cetera will you have access to? It's those kinds of consumer-centred indicators that people don't actually have access to in making such a fundamental decision as to whether they should move into this facility or not. That's the kind of information we'd like to be embedded across the system.

Senator CAROL BROWN: That's a trial, you said?

Ms Rai: That's a trial.

Senator CAROL BROWN: When is that trial to be completed?

Ms Rai: Hopefully when we go to the full system. With the trial, as well, I don't think everyone displays—there are a few providers who are part of the trial who will share that information, but, again, it's a very small cohort.

Senator CAROL BROWN: In terms of the National Disability Strategy and the outcome that we're examining here today, what's your view of how this strategy's going in terms of making sure that our community is inclusive and accessible for people with dementia?

Ms Rai: So far, with the Disability Strategy, the intention was that it would be more targeted towards a person's needs, but I think that, in implementation, what's happened is that funding—or some other outcome—has actually ended up determining the kinds of services that a person reaches. For instance, we've seen, with the NDIS, there were targets that everyone had to meet, so clients were rushed in the culling process, and so in the actual planning and assessment process we've had clients with dementia who've had their care plan explained to them over the phone, which is completely inappropriate. In practice, the actual objectives of the strategy haven't been achieved, and it has been curtailed by administrative, bureaucratic and funding barriers. It's not that the actual aim hasn't been realised in our opinion. With the NDIS, there is a need to do broader capacity development as well, so you can meet the person's needs, but you also need to meet the needs of the people who help and support that person stay in the community. For people with dementia, carers offer the largest part of informal support, and that's what enables them to remain in community. If you don't support the carers' needs, isolate their needs and ask them to go to a carer gateway to access them, it doesn't, again, recognise the strategy and its objectives of helping people to stay in the community, reablement and wellness.

Senator CAROL BROWN: You mentioned bureaucratic issues being one of the issues that hasn't enabled the NDS to meet the needs of its client group. Do you have any examples of what you mean by that—or haven't you got enough time?

Ms Rai: Probably. With the NDIS itself and the NDIA, the board of the NDIA was reshuffled last year, I think, with no consumer presence on the board. It's things like that which, in practice, resonate throughout the organisation and then the practice. If you really are trying to build strategies and programs for consumers, our advice is always to keep consumers at the heart and centre of developing that and embedding them in the decision-making processes. Again, those kinds of moves show a disconnect between the objective and what actually results on the ground.

Senator SMITH: Just briefly, to what extent is Dementia Australia exploring the use of technologies to overcome some of the challenges of people living with dementia?

Ms McCarthy: One of the things we included in the submission was a virtual program that we've created called EDIE—that's the Educational Dementia Immersive Experience. The purpose of that is for particularly professionals but also informal carers—people within the family unit—to experience what it's like to live with dementia. We've done some research on that as we've obviously done a lot of education programs over the years to increase peoples' knowledge and understanding of dementia; however, what we looked at here is: what does this actually increase as opposed to those programs? One of the standouts is the sense of empathy which we know greatly increases when people interact with it through the virtual experience. That's one of the ways that we've looked at it.

We've also developed some other websites, which are mentioned in there, around the enabling environment—again, giving people some tools in order to be able to make their environment more dementia-friendly—and there's an app that also complements that.

CHAIR: Did you have any further questions, Senator Smith?

Senator SMITH: I do. We hear about the advent of the driverless car, for example, right?

Yes, it's some years away but, in terms of mobility issues not just for people with dementia but also for others with disabilities, it has the ability to transform peoples' lived experience. I'm just wondering to what extent you are staying abreast of those sorts of developments?

Ms Rai: We are exploring assistive technology as well. It is, as you mentioned, an emerging field. A lot of the time, the actual use of that for people with dementia can be a bit difficult until the actual tool or resource or whatever you've developed has ethics clearance et cetera. There is new technology out there—for example, robots that provide social engagement and interaction, which have been used and trialled in Japan. They have been launched in Australia as well and they are getting some resonance. There's definitely potential around that. I think it just comes down to, again, funding for it and the actual engagement with providers who would want to trial something that is so new and innovative. But there's definitely the interest.

Ms McCarthy: Aside from the driverless cars or the robots, there are some other simpler assistive technologies that really help people living with dementia—as simple as sensor lights. We know that installing sensor lights within the home or within an aged-care facility can make a huge difference to someone's independence in getting up in the middle of the night. We know there are things that can be put into the beds to sense whether or not there's movement—again, to support them in terms of falls. So there are other things too, I guess at both ends of the spectrum. Some of the simpler technologies that have been around for some time still have a real place in supporting people with dementia.

Senator SMITH: Do you think that the strategy puts enough attention on embracing technology?

Ms Rai: As it stands at the moment, it's probably not a very intrinsic part of the strategy. But, because it is an emerging field, I think there's scope to review what the strategy can do with assisted technology into the future. That's one way that the NDIS does actually allow flexibility in terms of the funding available to clients—retro-fits to the house, assistive tools, wheelchairs and things like that can enable you to live in the community. Those do fall within the scope of the NDIS. So there is scope there; it's just about building the awareness and the actual ability to provide those tools to clients and consumers.

CHAIR: I want to go back to EDIE. I don't know whether you have done it, Senator Brown, but I did the experience at Alzheimer's Australia in Victoria. You are right about the importance of building an understanding of what a cognitive impairment means with dementia. What's the requirement for carers and support workers in aged-care facilities and actually in the home—because most people with dementia are still living at home—to undertake that sort of training?

Ms McCarthy: Currently there is a requirement for people to undertake that training. Something that we would definitely encourage is compulsory training in EDIE and those types of programs.

CHAIR: Any of those types of programs.

Ms McCarthy: Yes. There is also another program called Dementia Essentials, which is another way of increasing that understanding of dementia in the workplace. These programs aren't compulsory, but we would definitely like to see that as a recommendation.

Ms Rai: That's actually a part of the problem at the moment. Education of the aged-care and disability work force is pretty broad and it doesn't actually cover things like dementia specialist training in areas, which is quite unfortunate because most people will actually encounter or engage with people with dementia in their community or in their dealings within the disability or aged-care sector. In fact, in aged care it is only a cert 4 that you need to become an aged-care service provider. Alzheimer's Australia advocates that there should be a minimum level. If you really want to make dementia a core part of ageing, dementia specialist education needs to be a core part. Programs and tools like EDIE are a good way to do that. We do have a virtual reality headset here, if anyone from the committee would like to try it out today. If you're interested in having the virtual reality immersive experience of EDIE, we'd welcome the opportunity at any time to show you.

CHAIR: It's well worthwhile doing. Senator Brown has had to step out of the room to deal with an urgent situation. If she has already asked this question on restrictive practices, tell me and I will read the *Hansard*. Has that issue been adequately covered in the strategy?

Ms Rai: The short answer is no. The issue of restrictive practices, again, comes back to: what is the model of care that we want to provide? Right now the funding, especially for aged care, is very much fee for service, so it treats a clinical need. Say you have a consumer who needs assistance with showering or needs assistance with the daily tasks of living, that's what the aged-care funding instrument will pay for. So the more support you need, the more funding you get—it's actually not based on what the person's need is. In fact, with dementia we do know that the more a person is engaged in the daily tasks of living, the slower their decline can be. But if your funding providers do everything for a person, it can actually become very frustrating for the client and their ability to self-manage disappears pretty rapidly.

Because we don't fund that wellness and re-enablement approach properly, service providers aren't encouraged, or don't have the right incentives, to deal with clinical issues in a right and holistic way. With restrictive practices, most people with dementia will have behavioural and psychological symptoms of dementia or BPSD. Research has shown these symptoms can be managed by managing the behavioural triggers. What is it that actually accelerated that behaviour? It could be something as simple as better lighting or better engagement. As communication breaks down, people can't tell you what it is. Most of the time it might be chronic pain that they are dealing with, which can come out and be expressed in BPSD. One way to manage it is with antipsychotics and restrictive practices, but that is not appropriate. We recommend that as the last point of action. There are other ways and things that you can do to address the needs of someone with dementia. Unfortunately, because it's a resource intensive process and a funding intensive process, the easiest way is to resort to antipsychotics and restrictive practices, which are obviously inappropriate and which lead to much worse outcomes for clients.

Ms McCarthy: If you look at some of the data around the Severe Behavioural Response Teams and the Dementia Behaviour Management Advisory Service, the No. 1 reason they get called is around pain. As Priyanka mentioned, antipsychotics aren't useful for pain management; and communication can be such a fundamental issue for people with dementia. So to reiterate, it's often not the solution to the issue.

Senator CAROL BROWN: In your submission, you talk about a number of programs and initiatives that are in place at different levels and different states around the country. The National Disability Strategy is, as you know, the overarching strategy in the disability area. What could we recommend to ensure that those successful programs that are doing good work have a more coordinated approach? What we have been hearing is that the coordination from the top, with regard to putting in place program strategy regulation to ensure that the objectives of the National Disability Strategy are met, has been one of the issues. The coordination's not there. We'll put aside the leadership issue. What would you like to see?

Ms McCarthy: The younger onset key worker program is in a stage at the moment where it is still block funded but it's transitioning, or we're assisting people to transition, into NDIS. We've highlighted in the report some of our issues with that. But in terms of what we would like to see, I think the fundamentals for us are that there needs to be improved preplanning support for people with a progressive neurodegenerative disease. The NDIS planning sessions need to recognise the unique needs of people with dementia, and not just the people with dementia; at the moment there's a real lack of recognition of families and carers and the fact that they play such a fundamental part in this. Whilst we support individualised approaches to care, you still need to consider the family unit, particularly with regard to dementia. Also the mentor inclusion of coordination of support in all NDIS plans for people with dementia as well. Again we see that as a real fundamental need and often, at this stage, because we're still block funded, if they don't get it in their plans we're still doing it for them, but there's going to come a stage where that will no longer happen. Currently within the NDIS one of the struggles is actually finding service providers as well. It's one thing to give someone a plan and say, 'Now you've got $50,000 and people can come and support you', and it's another to find those service providers who know about dementia and are willing to actually come and support the person with dementia. That has been a real struggle. Part of the role we do is actually building the capacity of those service providers to understand dementia and be willing to participate in that plan as well. So there are a few elements to it that need to be considered.

Ms Rai: In terms of the programs that you mentioned that are actually successful and getting them as part of the disability strategy, I think the biggest problem we face is the awareness that dementia is a disability. We have clients that go to local area coordinators who say, 'You're not eligible; you've got dementia.' Then the key worker has to intervene and say, 'No, it is a disability.' Awareness of dementia as a chronic disease and as a disability is really poor. People just don't know even basic facts like that it is the number one cause of death for women in Australia. The stigma and isolation that come with the diagnosis is part of the problem. What we'd like to see as part of the disability strategy is to have funding dedicated to awareness of this actually being a disability. Most people see dementia as a part of ageing—that as you're getting older you're going to get dementia—but that's absolutely not true; younger people get it. Until we address the awareness and education levels within the communities around dementia, we're not going to be able to address things like providers not being available, people thinking it's too hard and the isolation that people with dementia actually face. We did a survey last month, which I'm happy to share with the committee as well. It highlights some of the startling numbers around how people are reluctant to even talk to someone with dementia. It is those basic barriers that can be a real block in accessing appropriate care for people with dementia.

Senator CAROL BROWN: The National Disability Strategy is a 2010-20 document. Notwithstanding the evidence you've just given, has awareness improved in the period?

Ms McCarthy: We don't have concrete facts on that. I will say that over that period, in terms of under-65s, we've been running the younger onset key worker program and from our perspective, those numbers are increasing. We're starting to see wait lists on our programs in some of the states. The awareness of that, I think, is not only at the community level but also at the specialist level. We're finding that now people are actually being able to get through to get diagnosed with dementia, which is a fundamental issue not just for under-65s but for over-65 as well. Without concrete hard facts, something that we've definitely been seeing within the program is that awareness within the specialist sector and, therefore, the increased need for that program for people.

Senator CAROL BROWN: I was interested to read in your submission that people with dementia use hospitals more often—in fact, annually, but sometimes more than any other people. But then you go on to describe some of the issues around the staffing of those hospitals and their understanding of the needs of people with dementia, and some of those examples were very basic things that needed to be asked and whether people with dementia are actually communicated with when they're in there.

Ms McCarthy: Yes.

Senator CAROL BROWN: Is that a widespread situation?

Ms Rai: Yes, health professional understanding and just any formal sort of education around dementia are really lacking. Because it's not a part of the continuing educational and professional development so far, it's not mandatory, so it just depends. If someone's taken an interest and we're able to provide education then it's good. But you're right: it's just basic awareness and understanding the needs of people with dementia. If you could just get that across the health workforce or the disability and ageing workforce, a lot of our challenges would be met—just basic facts about how to communicate with a person with dementia and how to try to understand their needs. They are simple things. We're not asking for much, but it's really hard to get through to making that a formal part of people's education.

Senator CAROL BROWN: Thank you.

CHAIR: Thank you. We're out of time again. Thank you very much for your time today and for your submissions. They're very much appreciated.

COLES, Mr David, Chairperson, Disability Employment Australia

GILL, Ms Annette, Principal Policy Adviser, National Employment Services Association

KANE, Mr Rick, Chief Executive Officer, Disability Employment Australia

[11:32]

CHAIR: Welcome. Can I just double-check, while you're settling in, that information on parliamentary privilege and the protection of witnesses and evidence has been provided to you.

Mr Kane: Yes.

CHAIR: Thank you for coming. I'd like to invite both of your organisations—however you want to deal with it—to make an opening statement, and then we'll ask you some questions. Mr Kane, are you kicking off?

Mr Kane: Okay. Thank you. I will just quickly give a little explanation of Disability Employment Australia. We're a peak industry body for Australia's disability employment services, recognised internationally as a pre-eminent organisation representing, supporting and resourcing the disability employment sector throughout Australia. We didn't provide a submission to this inquiry, but we did feel the need to be able to present on the second stage of the National Disability Strategy's implementation and its focus on employment as one of the four areas that it's looking at.

The opening statement really is to acknowledge that things are in train. The disability employment service sector has already undertaken a two-year review and it's now being implemented through a grant application process in preparedness for 2018 and a significant change to the program with a greater focus on choice and control for the individual, and moving the model from a market-share model, as it has existed for about 10 to 12 years, to a market model, which basically encourages providers to access the community in greater arrangements and to a greater depth than it currently does, with the expectation that, by doing that, more people in the community will become aware of disability employment services that they might be able to access, and, therefore, more people will be engaged. Disability Employment Australia supports that.

As to the basis of the strategy, through the reforms, and what will come to be in July 2018: obviously, there's this and that that's an issue, but, by and large, we support what's happening. However, we do note—and I appreciate that there will probably be questions around this—that there is a greater reform that we think the strategy has the ability to engage. It is in the strategy, and there are actions that are already undertaken at state level, but we would encourage this to be a Commonwealth-driven action, and that is: the connection between education and employment, and from as early a stage of education as we could imagine.

We acknowledge that in one country that we're aware of, Italy, there is inclusive education and there is not a segregated system for people with a disability, and we think that's a noble aspiration and an achievable aspiration. We note that Canada is also exploring a first stage into that process.

This is important because one of the other things that we will talk about as part of the strategy and of how disability employment works outside of the NDIS and inside the NDIS is a thing called transition to work. It's quite an odd idea, if you reflect on it in a general reality, to think that there is a need for a transition to work program. But the need is there because of the lack that precedes it, about giving a child aspirations—that their schooling is about their life, their work, their career, and wherever it may take them. We would like to raise that as a concept—that this strategy can conjoin education and employment.

CHAIR: Thank you. Mr Coles, did you have anything to add?

Mr Coles: Nothing more, but just to agree, and to make the point that we believe that every student should have the opportunity to have the same conversations about employment as the next one—so fully inclusive schooling.

CHAIR: Thank you. Ms Gill?

Ms Gill: Just a little bit about the National Employment Services Association: our members are providers of Australian employment services. We cover those from the private sector and from the not-for-profit sector, and our representation goes across programs, including disability employment services and some of the other, smaller programs, like ParentsNext, as well as the mainstream program, jobactive. I just would mention—and I don't have the specific figures—that something in the order of 40 to 50 per cent of the entire jobactive case load are people living with a disability. So, while we have a specialist program, it's important to recognise that our mainstream service has a significant population—it's actually a larger population than qualifies to get into the specialist program. So the imperatives around employment for people with disability certainly need to cover how all programs work.

We welcome the opportunity to contribute to this inquiry and commend government on having a partnership approach to addressing the important social and economic imperatives of assisting people with disability to fulfil their right to full participation in the society and the life of the community. We think that there have been considerable advancements since the strategy has come into place; however, we acknowledge that they're patchy. Certainly, when we've talked about employment of people living with disability, we haven't addressed the gap between the employment rates of people living with a disability and those living without. A key barrier, unfortunately, that continues to present is a lack of disability awareness in the community and disability confidence in Australian workplaces. NESA acknowledges the advancements it's made but would suggest that some place based initiatives to drive community inclusiveness and accessibility to build the momentum of change and community awareness could take the strategies to the next level and help to drive the momentum and engagement of the local community stakeholders. That's really our position at this point.

Senator CAROL BROWN: Before we get onto talking about some issues that you raised in your opening statement, from your experience, what issues are people with disability saying are stopping them from getting employment? For instance, it could be transport.

Ms Gill: There are a range of structural impediments—everything from the built environment to organisational procedures; recruitment processes; very narrow, limited ways to apply for a job and to get to an interview; communication strategies of the interviewer, which come from disability awareness. The lack of diversity of jobs in some communities is an issue. The lack of flexibility in accommodation is an issue. Predominantly, it's the experience of discrimination and rejection through the interview process that seems to have the greatest impact on individuals—on their confidence, their self-perception, their choice whether to continue to pursue employment or withdraw from the market and be resigned to not being employed. There are certainly groups within the disability community who have multiple layers of barriers because of their ethnicity, their gender; different things compound. Certainly, educational attainment is a compounding life issue in terms of reducing opportunities and access not only to employment but to quality employment. I'd have to say the other issue that continues to come forward is assisting people with disability to retain employment, particularly those who have acquired disability. Once they become disengaged from the labour market, re-entering the labour market becomes even more challenging. Part of our consideration is that, if we can improve disability confidence and disability awareness in workplaces, they may, in fact, have better strategies for helping workers who acquire disability to maintain their employment and for responding to their needs, keeping the talent of those individuals in the workplaces rather than disengaging them. There's so much personal adjustment that comes with acquiring a disability. Losing your employment as a result of disability as well can really distance someone from the labour market for a long time.

Senator CAROL BROWN: Thank you. Mr Kane?

Mr Kane: I think that's a pretty good coverage, but I really would like to emphasise that, in relation to stigma or discrimination—however we want to wrap it around—just general awareness of another person is singularly the biggest factor, and it goes to all those other points that have just been discussed by Annette. While the physical issues and the transport issues are very real, the concept of access is actually just awareness. I could cite two reports released in the last 10 years, the *Shut out* report that Graeme Innes was responsible for, and the Australian Human Rights Commission report from last year. Overwhelmingly, the reports showed that the barriers were stigma, discrimination and unconscious bias. I would like to read something written by a US academic, Dr Michael Kendrick, in the last year or two:

> Most people are aware, that thirty to fifty years ago, you didn't often see people with disabilities; they were essentially kept away from society in segregated places.
>
> … … …
>
> Essentially it started to strike people that it was fairer to pursue the equal treatment of people with disabilities. That values decision, derived from the normalization principle, triggered an up-swelling of opportunities for people with disabilities to get a normal life like other people. As we got better at supporting people to do that then you began to see people with disabilities in all aspects of community life—even people with more significant disabilities.

There is a Welsh academic, Dr Mansel Aylward, who did research in the late nineties for the UK government, and out of that research he formed the expression 'the biopsychosocial model'—the 'bio' being the disability, the 'psycho' being how the individual saw themselves in relation to the disability and the 'social' being external influences. He used a weighting factor to determine which of those three factors was the most significant in preventing a person from accessing employment, and it was the social by a country mile.

We do want to drill down into the issues of transportation and we do recognise that at different state levels governments are moving at a good rate. I'm from Victoria and the development of accessible tram routes has been quite remarkable, if not a long time coming. Those things are good, but it's about the awareness, and I'm sure people in this room would know that. The experiences of the three people on this side of the table have been around disability employment for a very long time. For 15 years of the last 20 years, if I was at a gathering or a barbecue, was asked, 'What do you?' and said, 'Disability employment,' people would nod and try to find another conversation, even about gas bills. But, in the last five years, and it's obviously been driven by the NDIS, people at least are now asking two or three more questions before they drift off, and the question with the arched eyebrow is, 'Can they work?' There's a problem with the 'they' and there's a problem with the question. If we boil it down, it's about bringing people into the mainstream—and we were talking about education as the significant link to whatever else we talk about in relation to employment.

Senator CAROL BROWN: With the new employment services coming on board in July next year, what part of this system goes to employer awareness?

Ms Gill: A lot of work goes on every day even in the current model. Providers will quite often—or not often, but regularly—have direct contact with the employers. They'll engage employers in discussion about diversity in the workplace, inclusion of people with a disability and consideration of their talents to meet their needs. They'll work through strategies with employers, and this is where employers will voice their concerns around whether they're ready and whether they've got the capacity to hire someone with a disability. Providers will talk to them about the supports available and work with them. We've got the Employment Assistance Fund, which we can draw upon to help fund modifications and adjustments and also to look at things like disability awareness training in the workplace. The providers will often help to coach supervisors and peers as mentors or buddies in the workplace, to help the inclusion and support of workers with a disability coming on board. We're doing that and we make inroads, one employer at a time. Many of these employers, once they've employed someone with a disability, come back again and again, and you get a growing workforce. But it's about actually increasing the momentum of that awareness so that it's happening more universally across communities rather than just the individual employment services representatives going out—

Senator CAROL BROWN: My question really should have been framed this way: is there anything embedded in this system? As your submission indicates, the employment situation for people with disability is worsening.

Ms Gill: Absolutely. Employer engagement and the need to be active, going out, working with employers, working to increase their awareness and their receptiveness to employ a more diverse work force is in the model. There's not a specific strategy that says, 'You will do it this way.' There's not necessarily additional funding to support that, but that's how you're going to achieve outcomes.

Senator CAROL BROWN: Is there a requirement that you go out to employers?

Ms Gill: There is absolutely a requirement to go out to employers. If you're not achieving outcomes for people living with a disability through engaging with employers, you won't have a sustainable model. The performance framework is designed to ensure that people who aren't achieving outcomes actually don't stay delivering programs. So there is a huge performance imperative put across to effectively work with employers and people living with a disability to get outcomes. It's just not a prescribed set of services that usually go to an employer.

Mr Kane: I will just add that one of the things in the new program that has changed from the current program is that the fee structure has moved so that there is a greater weighting of fees in the outcome part of the program, rather than the service part. That is, for want of a better way of putting it, to incentivise providers to put the foot on the accelerator regarding getting more outcomes. That's a connection to what Annette has just been describing.

Ms Gill: I will also add that the payment of fees is now spread across 52 weeks to also strengthen a focus on sustainability of outcomes, which has been an increasing focus over the last few years. Certainly one of the elements that we're hoping to see in the new framework is a greater emphasis on career development so that people who do move into ongoing support get support not only to obtain employment in the here and now but also to look at ways that they can continue to build skills and work with employers to create opportunities for people to achieve further goals in employment and moving people from lower quality work to higher quality work over time.

Mr Coles: One of the fundamental features of the new model is that it's a market model rather than the opposite of that. That will require providers to actually physically market themselves and market the program in order to attract both employers and participants. That, in itself, will raise the image of the program and what we're trying to achieve.

Ms Gill: I think the central thing is that the whole new model is about being consumer driven and consumer focused. It's really bringing into play person centred practices rather than more overly prescribed contractual obligations and procedures for the providers to follow. It's more a focus on the individual and what they want, what they need and how they want it delivered, which is welcomed across the sector. They'll be able to develop better engagement with clients, but it's also an opportunity to really get out and engage more people living with a disability who've actually become disillusioned and removed themselves from looking for work.

Mr Kane: I will add one final thing that is more abstract and anecdotal for now but does go to the heart of the core expectations of the new program. First of all, there were things that providers attempted to do in the current program in relation to employer engagement where 'the computer said no' because of compliance and other reasons, and contractual agreements. That was where they might have worked with a reasonable sized employer that had operations in several states, or in areas that they didn't have a contract, and they would try to work out a negotiation, a brokerage negotiation, with another organisation. But there was a resistance to that internally, to how the department related to the program, because of the compliance checkpoints. So it wasn't the idea; it was the checkpoints.

In this new model, already, as I mentioned, anecdotally we're hearing of organisations that are building that sort of capacity with other organisations that they will be competing with but, in employer engagement terms, looking for collaborative ways that they can work together to ensure that, if they do have those opportunities, like 10 jobs in Sydney but they don't have a base there, they can broker it to somebody else.

Senator CAROL BROWN: With the program that you mentioned, Worker Assist, the objective, or the use of the funds that are available, is about supporting someone into a job in terms of modifications. Is that right?

Ms Gill: The Employment Assistance Fund is a pool of funds that you can apply to for support for a specific workplace and employee, to do modifications and disability awareness training—that sort of thing. Work Assist replaces what we currently have, which is called Job in Jeopardy Assistance, and that is support for existing workers with a disability whose employment is at risk. It looks for additional support to enable them to maintain employment or, if necessary, transition to other employment. So it is early intervention, stopping people from falling out of work and then having to start again. It's getting support while people are still in a job, to see if there is an opportunity to assist them to retain what they've got or, otherwise, to make a rapid transition to new employment, avoiding breaks, which certainly increase barriers to market entry.

Mr Kane: We have had conversations with several of the employer peak bodies, and not just recently but over the last couple of years, about the old Work Assist program, the current Job in Jeopardy Assistance program. Again, there is a lot of red tape around that, and some of that red tape goes to what employers resist signing on to for fear that that pathway may lead to court. I do know that the department is looking at changing the language in that sort of agreement, but conceptually. As for changing the name from Job in Jeopardy to a friendlier, more proactive name like Work Assist, employer groups have said to us that they like this because they see this as attractive to employers working with older employees. As we are aware, disability develops as we age. I'm 55—you didn't need to know that! But employer advocacy groups have said that they think this is a good connect to employers to talk about diversity as well.

Senator CAROL BROWN: What was the take-up of funds from the program that has been around for a while—from Job in Jeopardy? If you don't know, that's fine.

CHAIR: We can ask the department.

Senator CAROL BROWN: And Mr Kane went to some of the perceived barriers for people accessing that program.

Ms Gill: And I would concur about those barriers, and they resulted in a low take-up for Job in Jeopardy. It was a challenging model because some of the declarations and things that employers had to sign created a bit of a barrier. I believe that the intent is to resolve those issues. Certainly, Work Assist is far more positive language to use to talk about it and to promote it.

I'm aware that our members have been out talking to employers about the changes that are on their way. Work Assist is something that's getting traction, particularly with ageing workforces and some large workforces. For example, one member is working with a local council that really is interested in the model. They have a high incidence of workers having to leave following injury or acquiring a disability. They've already got pilot programs in place with the provider to see how they could work the model for them moving forward, which is a really positive step forward. Those sorts of initiatives happening now in preparation make me very optimistic about how Work Assist might help to see more people with disability remaining in work rather than ending up in employment services at the front line.

Senator CAROL BROWN: What's your view on the National Disability Recruitment Coordinator?

Ms Gill: There have been varied views on the National Disability Recruitment Coordinator over time. There have certainly been changes to the program as it's gone through. I would say that how the national disability coordinator connects with providers and how the tripartite approaches are between engaging the employer, the providers and the Disability Recruitment Coordinator requires strengthening. It needs a better partnership approach across all of those to get it working. I don't know that many providers have the connections that they would like to have.

Mr Kane: As you would be aware, the NDRC has been around and has had a couple of different names since about 1998. It's always had an uneasy relationship with disability service providers and that's for a number of reasons. I will give a very general explanation. A lot of the people who come into a DES program are entry level. Through the 2000s, a lot of the jobs that that particular function found were at a high level, so they had the jobs but not the people. So neither party was wrong; there just wasn't the connection. Around 2010, there was a significant attempt to try to find a greater balance. I think that a lot of good work was done during that time, but I also think there was a perception of its capability that was already deep in the bones of the sector. What came out of that is a function that I think works really well and that is the disability awareness/confidence that it started to build with larger employers. Obviously, AND do that really well, and they're out there and about, but, as a government initiative, we would like to see that part of the objective remain. But we think the brokerage responsibilities, as I indicated, and particularly as David mentioned a few minutes ago, going into a market model should be seen to operate in the market itself.

Senator CAROL BROWN: In terms of the new Disability Employment Service, is there any element of it that needs to be further worked on in terms of ensuring that the objectives that we all hope to see—an increase in employment? I'm particularly asking about the weighting factors.

Ms Gill: There's still work to be done and there are disability reference groups looking at the performance framework and other aspects of the model between now and, obviously, implementation on 1 July next year. A range of issues are being worked through. There are certainly advisory groups working on these issues to be ready for 1 July. This is quite a fundamental reform to the framework. The service structure is not all that different, other than the fact that it's consumer focused, which is significant. But there's a lot of work to be done between now and then. With a new model and new reform, it's also making sure that the principles of the reform to actually enable the providers to be person focused and deliver the model as intended, and so that the prescription and compliance don't come back in and drive it in a different direction, are really imperative. So I think that there's a lot of work to be done and it will evolve over time before the implementation. And then it's going to be as it always has been. Employment service is an ongoing process throughout delivery of the contract, working in partnership with the Department of Social Services on DES. They have been working in partnership with the sector, which has been great, to make sure we continue to evolve the model even when it's live.

Mr Coles: And there's a significant piece of work that has been acknowledged that needs to be done, and that's on the assessment process—the actual entry process into the program. It has been acknowledged that it needs a thorough review. It's been acknowledged that it would have got in the way of the actual launching of the framework. So that's going to be the first cab off the rank once the framework is embedded. So we're happy with the progress in that area.

Senator CAROL BROWN: I have one last question. Given that the government has identified employment as one of the key priority areas under the National Disability Strategy in the second implementation plan, what would you like to see them concentrating on? Is there involvement from the peak organisations and consultation?

Mr Kane: The consultation process through the reference groups that Annette has mentioned, I think, are really good. There's a transition reference group. We had our last meeting yesterday. The performance framework reference group starts up in a couple of weeks. There is representatives across provider peaks, employer peaks and disability advocacy peaks. So there's a good mixture of stakeholders in there, along, obviously, with DSS, DOE and DHS.

Senator CAROL BROWN: Are there any consumers or just representative groups?

Mr Kane: They are representative of consumers. There is a person with a disability in that representation, as well, if that's where that question was going to. It's called Disabled People's Organisations Australia. The representatives in that represent an umbrella of various disability advocacy peaks. That consultation process has been reasonable. We think the communication to the sector or to stakeholders could be a bit more illuminating of the sort of momentum towards July 2018. Again—as, I think, Annette mentioned a few minutes ago—this is the most significant reform to DES since around 1992. It has undergone some significant reforms. This is a welcome significant reform because it intersects with contemporary disability policy, of which the NDIS is the biggest pragmatic thing in Australia. So we welcome that. But the communication, we think, can be more illuminating, at the same time as recognising that they've just had a grant application and there's probity, and so on and so forth.

If we wanted to see things into the new program—David mentioned the assessment review and reform. Sadly, that can't intersect with the start of, or prior to, the new DES. It is underway. There will be a reference group for that early in the new year, I understand. But it won't start at the same time. The assessment system has been one of the critical factors of the program and of the mainstream program for a long time. We have concern about that. We would like—I've got my fingers crossed—a transition pilot. They are very vague on the details as yet. That will go to about 1,000 participants across the country. We're not sure why it's a trial and not just a part of the program, because that might get people even deeper into communities via skills and the local sporting and other community activity networks that operate.

Senator CAROL BROWN: Is that pilot where DES provide a—

Mr Kane: That's right. The SLES program is the transition program inside the NDIS. This is outside. This is inside the DES or connected to the DES. As I said, we don't have a lot of the detail but we wonder what the trial is for and why the actual activity couldn't respond to itself, considering we have got a lot of data and a lot of evidence on transition programs.

Annette also indicated that a lot of the service model is pretty similar, except that we're giving the participant more choice and control, and I think that's a really good thing. Internationally, there are about three or four baseline actions that go to best practice in what internationally is called 'supported employment' but in Australia we call 'open employment'. One of them is transition, another is ongoing support and another is workplace modifications. The evidence for transition is there.

I'm not sure what another trial is going to bring up that we can't identify either nationally or within state work or internationally.

Senator CAROL BROWN: You've both mentioned and we've heard evidence throughout this inquiry around stigma and awareness. Is there going to be a separate awareness campaign undertaken by the government or is this all left to the employment provider?

Ms Gill: At this stage, I'm not aware of any commitment to do any national awareness campaigns to support the program. It's certainly something that the sector has called for. Again, not just DES but jobactive as well are looking at ways to improve workforce diversity and open up opportunities for people facing a range of disadvantage to be able to obtain employment. So we would certainly say more needs to be done on driving disability awareness and disability confidence as key barriers that continue to come up affecting people living with a disability's access to employment, but, also, as I said earlier, their capacity to continue facing rejection and not opting out of the system altogether. We would like to see more. Certainly national campaigns are great, but we also think that place based campaigns and better engagement on the ground in local communities to drive change are also key factors.

When the National Disability Strategy was released, local government was one of the key stakeholder groups that was going to be a strong partner in the delivery of the outcomes and there's been some great work done by individual local governments but it's not consistent across the board. Local governments have, in my view, quite a strong civic leadership role and they provide a great opportunity to demonstrate champions in inclusive employment. It's certainly not an exhaustive list, but I noticed that a number of council disability action plans are outward-facing strategies about what they'll do in the community and what they'll build or rectify, but they don't consistently have goals for themselves as an employer of people with a disability or for the retention of people with a disability. I really do commend lots of local governments for the work they're doing. I just think that they could be supported to take on more of that role.

Getting the momentum we need for awareness at a local level and the opportunity to have more champions in the community and build that momentum on the ground is probably going to have greater impact, and we've seen that in some areas. Where you can get enough employers together and you can start to create that, it actually gets momentum, and employing people with a disability is seen as something that should be done. It's a good business case. It's not just employment providers being able to negotiate giving someone a go, and that's really important.

One of the critical things for retention of people in employment—and I particularly focus here on some of the clients who we've supported in their transition from supported employment into open employment—is that feeling of connection, and having more people with a disability in the workplace actually creates that feeling so that people don't feel like the odd man out. Again, that local approach to building disability awareness and disability confidence, and getting community buy-in has tremendous impact. You can see that in a number of communities.

Mr Kane: Can I just add to that?

CHAIR: Yes.

Mr Kane: It's a really good question. It's one of those 'how do you do it and is government responsible' questions. We're all aware—we've talked about it a lot through this conversation—that awareness is key. That is what Channel 4 in the UK did last year in making disability their focus through all levels of their organisation and through all parts of their on-camera and off-camera activities. They run a number of soaps, and they brought people with disability into the storylines. They were played by people with disability that didn't refer to their disability. They were characters good, bad, evil and whatever. The Adam Hills show that's on Channel 2 comes out of what Channel 4 did last year. It's a good case study for a commitment by a large organisation and for the presence of people with a disability both in the organisation and in having an active campaign.

As I think you would be aware, Graeme Innes, after leaving the Human Rights Commission, started up the Attitude Foundation, and that's all about people with a disability telling their story. That's because as the Disability Discrimination Commissioner he recognised that the story has to be told.

We talked earlier about DES across the country. One of the stories that hasn't been told about DES across the country is that, in local communities, things are going on. But, if you step back, what's really going on is every day tens of thousands of people are being introduced to an employer, are being considered for employment and are starting employment. That's a really good story. So at a local level it's known, and, whatever happens, performance is ticked and checked, but the story isn't told.

There is a really good start-up venture called Starting With Julius. I don't know if you're aware of that. That is an incredible story about a child with Down syndrome. The parents already had a child and then they had Julius. They looked at television and other sorts of popular culture coming into their house and noticed there was not one representation of Down syndrome. So they activated, and companies like Target reacted and responded positively, and they now have a range of people with disability in their advertising.

Then, down at a local level—joining some of the dots that Annette was talking about—there is an organisation in Gippsland, Work Solutions Gippsland, which started this thing called Job Shadow Day three years ago. It started in the Republic of Ireland and it's now in about half-a-dozen European countries. It's the simple concept that you engage as many employers as possible to let somebody with a disability job shadow someone in the company in relation to the job or work or career that the person with a disability is interested in. It isn't a commitment to getting a job; it's just job shadowing. They started it three years ago. They had, I think, around 60 employers, and this year they had 180. It's a remarkable story at a local level. Not all stories have to be told at a national level, but at a local level it's not about Sale or Traralgon or Warragul; it's about the Gippsland area. They are just some examples.

Ms Gill: Another organisation in Barwon, Karingal, runs an annual event called Workplace Big Day Out. They run it in summer and winter. They get corporate volunteers, who pay their own way, to be in an activity day with people with a disability on community inclusion programs. They spend the day together interacting, doing a whole lot of social and leisure activities in a coordinated event. For many of those employers it's the first time that they knowingly have interacted with people with a disability, and the awareness that comes out of that event is huge. They've got up to 500 volunteers in each event now. It's an amazing thing. The momentum that builds up from those local, place based initiatives throughout the community has an astounding effect.

Senator CAROL BROWN: You may not be able to answer this question, but do you know what level of NDIS plans have employment supports?

Ms Gill: My understanding is that the overall percentage is actually quite low. It's been quite a challenge—having worked in the Barwon trial region in another role—getting people's employment goals to be reflected in their plan in terms of the supports they're allocated. We'd certainly advocate the use of employment assessment to inform NDIS packages more frequently. That would be highly valued. Planners don't necessarily understand employment pathway planning. The client may have a goal but not necessarily understand what supports they need to get there, so they're not able to advocate for the supports they want in the planning process. I would really recommend, in getting better traction and better service uptake, that we do—which is one of the categories of support—assessment in the first instance and come back and update the plan following that. People are then more likely to get a package of support that is meaningfully going to help them move into employment.

There are some good strategies that have been growing under NDIS. Again, there is the pathway program that has been developed by Karingal, which is now Karingal St Laurence, and is having great results in getting people with NDIS packages moved into open employment. But you've got to have the package of support right, and planners aren't necessarily equipped across that area of expertise.

Mr Coles: There was actually a figure put out. I can't specify to a person who put it out, but it was quoted officially that nine per cent of plans in June had employment in them in any way, shape or form and seven per cent of those referred to ADE pathways rather than to open employment. So, in effect, two per cent of plans in June were open employment focused. Whether that's changed, I don't know.

Ms Gill: I will comment too that we asked providers how many people who are receiving NDIS supports are in ADEs. One of the interesting things that came out of some of that investigation, and it was by no means across the whole country, was identifying people who had a package of support but didn't know how to implement that package of support and didn't understand how the package of support might relate to their involvement in DES—how those supports come together, what DES offers and what the NDIS offers that could improve their prospects of employment.

Mr Coles: I'll put my provider hat on now. EPIC Assist is working in Victoria almost exclusively in the NDIS employment field. We saw the opportunities there. We have noticed, very strongly, the lack of employment in plans, so what we're doing is encouraging participants who have community participation in their plans to have a discussion with us about whether that could benefit from an employment focus. We're working to provide evidence that they are in an employment pathway so that when the review comes they can go in there and provide evidence that employment is something that should be in the next plan. So we're talking employment, we're working with people to build their capacity to progress into employment but—

Senator CAROL BROWN: So it's not an either/or situation.

Mr Coles: No.

Ms Gill: No.

Mr Kane: DEA does identify this as one of the most significant issues, in relation to how the NDIS is developing, considering that when the Productivity Commission handed in its report independence through economic engagement was considered one of the key factors for success. At this stage, the take-up is so low and there are disability employment service providers, and they don't necessarily—it's based on the individual choosing but there are providers who work with employers that could make those connections and have those conversations. We think this is something that, between DSS, the NDIA and, obviously, key spokespeople in the sector, we've got to get a jog on about and get developed.

Ms Gill: Quite clearly, the feedback that we've received is that in many instances the person has a goal of employment, it hasn't been included in their package and providers have done work to help the person do a bit of an assessment of what supports they need, and then they've had to go and advocate for the plan to be updated. It hasn't happened as a natural part of the planning process. There's a lot of effort and resources, that are largely unfunded, going to assist people, to understand what they need, to go back and get their plan redone. If we can use the planning and assessment supports there first, it probably would assist more people to make that pathway go through.

Senator CAROL BROWN: In terms of DES staff, you must have some sort of training program that you put your staff through. Are they individual training programs or is there something that's been developed by the peak organisation?

Mr Kane: There's not a specified training pathway into DES. This is something that DEA has also identified and, particularly, as we go into the next stage of what DES is, that is in need of building. But for now—and I will just speak for DEA because I know that NESA also has a model—DEA created a program called DES Essentials about six years ago, which was specifically for somebody coming into the disability employment service sector. It wasn't aimed at explaining to somebody how to work to compliance or those sorts of things. The department, whether it was DEEWR to begin with and now DSS and DoE, has that sort of training. This was how to engage with the individual. The base of the DES program is the Disability Services Act, and out of the Disability Services Act is the disability service standards that any organisation has to, basically, comply with. The DES Essentials was about responding to the disability service standards for the staff member, the frontline staff, to engage with an individual. It wasn't phrased in that way back then but has a lot of person-centredness about it.

Senator CAROL BROWN: That's implemented at the provider level; it's not a national program.

Mr Kane: No.

Ms Gill: There's not a minimum entry qualification. There are certainly employment services qualifications, which include disability specialisation, that go from cert III through to graduate diploma levels, and you can do work in employment services up to PhD level. The industry attracts people from far and wide. We have a lot of allied health workers across employment services—particularly, people from mental health rehab areas. I know qualifications in the sector are an area of discussion that people often talk about. We're in the process of updating our census, but the sample that we have, looking at five providers—which is about 10 per cent of jobactive—would suggest that the order of tertiary qualifications across the front line, from that small sample, is around 60 per cent, which is your front-facing staff. We're about to update that, and we will have the results of that, hopefully, by mid-December. That'll be an exhaustive census of the front line, hopefully, to put some more evidence base around this issue.

CHAIR: Thank you. Senator Smith said he didn't have anymore questions. That's the end of our time, unfortunately. Thank you very much for your time today. It's very much appreciated. I think there were a couple of bits and pieces taken on notice for additional information, so the committee will be in contact about that. Thank you. We will now suspend for the lunch break.

Proceedings suspended from 12:31 to 13:19

CRISTOFANI, Ms Katrina, Director, Road Safety Policy and Transport Standards Section, Department of Infrastructure and Regional Development

JAMES, Mr Marcus, General Manager, Road Safety and Productivity Branch, Department of Infrastructure and Regional Development

SMITH, Mr Geoff, Assistant Director, Road Safety Policy and Transport Standards Section, Road Safety and Productivity Branch, Department of Infrastructure and Regional Development

CHAIR: Welcome. I remind witnesses that the Senate has resolved that an officer of a department of the Commonwealth or of a state shall not be asked to give opinions on matters of policy and shall be given reasonable opportunity to refer questions asked of the officer to a superior officer or to a minister. This resolution prohibits only questions asking for opinions on matters of policy and does not preclude questions asking for explanations of policy or factual questions about when and how policies were adopted. Have you been given information on parliamentary privilege and the protection of witnesses and evidence?

Mr James: We have.

Ms Cristofani: Yes, we have.

Mr Smith: We have.

CHAIR: Do you wish to make an opening statement?

Mr James: We appreciate the opportunity to address the committee this afternoon in relation to our submission to the inquiry into the delivery of outcomes under the National Disability Strategy 2010-2020 to build inclusive and accessible communities. The Disability Discrimination Act 1992, the DDA, allows the Australian government to make standards to ensure that people with disability are not discriminated against and to provide information about these standards. The purpose of the Disability Standards for Accessible Public Transport 2002, the transport standards, which are administered by this department, is to enable public transport operators and providers to remove discrimination from public transport services. Access to public transport is of course critical for people with disability in order for them to participate fully in community life and the economy. According to the Australian Bureau of Statistics, in 2015 almost one in five Australians reported living with disability—18.3 per cent, or 4.3 million people. More than half of people aged 15 to 64 years with a disability, 53.4 per cent, participated in the labour force, which is considerably less than the percentage of those without disability who participated in the labour force, 83.2 per cent. The transport standards also help to ensure that Australia meets its international obligations. The ratification of the United Nations Convention on the Rights of Persons with Disabilities in 2008 reflects the Australian government's commitment to promoting and supporting equal and active participation by people with disability in economic and social life.

Finally, the National Disability Strategy incorporates the principles underpinning the CRPD into the government's policies and programs directed towards people with disability. NDS policy direction 4, of outcome 1, focuses on developing a public, private and community transport system that is accessible to the whole community. The Australian government aims to ensure that transport standards continue to be efficient and effective in making public transport systems increasingly accessible.

Senator CAROL BROWN: Can you explain to the committee how, in terms of the NDS, your department feeds in information? Is there an interdepartmental committee that's formed to drive the NDS?

Mr James: I'm not an expert on their processes, but there is a committee that we feed information into in the NDS process. We're asked for updates and we provide that information via the Department of Social Services.

Senator CAROL BROWN: What's the name of the committee you provide information to?

Mr Smith: It's not so much a committee, it's directly to the department officers. The NDS division within DSS will request information on how we're going with our work, and we will provide it to them. They include it as a whole package, which, as I recall, went to COAG as part of a report. We feed that public transport information to them, but we continue with our own processes via our own committee.

Mr James: What I'm thinking of, I've realised, is that they've had processes, coordinated by Social Security and its predecessor, for updating the national strategy, and so they've had periodic meetings of officials across the Commonwealth to provide input into that process, but they're best placed to talk about that—.

Ms Cristofani: We have attended those.

Mr James: We have attended those, but not recently.

Mr Smith: No, not recently.

Senator CAROL BROWN: Do you remember when the last one was held?

Mr James: I'd have to check when that was, but it's probably best to check with them.

Senator CAROL BROWN: I'll put it on notice for you as well.

Mr James: Yes, okay. Absolutely.

Senator CAROL BROWN: So there's no formal IDC, it's just that your department is asked to provide the information when the reporting period comes up.

Mr James: In recent times we haven't attended an IDC—I think in the last six months, at least—

Mr Smith: I can't recall attending.

Mr James: but we will check. We are regularly, each year, asked to provide input to their processes, and we also maintain regular contact with that area in the Department of Social Security.

Senator CAROL BROWN: It is more of an informal arrangement?

Mr James: Yes, I suppose you could call it that. We talk to them as a matter of course; it's a bilateral relationship, I suppose. We know we can pick up the phone and talk about where we're up to, and vice versa if they have issues to feed into their broader processes which we're not fully aware of.

Senator CAROL BROWN: Is there work that you've been doing out of the *Willing to Work* report? One of the conclusions was that there needed to be improved access to public transport.

Mr James: We haven't been engaged in specific things in that area, other than what we're doing on the transport standards at this stage.

Senator CAROL BROWN: What are you doing on the transport standards? Before you respond to that, the transport standards have to be reviewed every five years, is it?

Mr James: Five years, that's correct.

Senator CAROL BROWN: When was the last review?

Mr James: 2015.

Senator CAROL BROWN: They were released in 2015.

Mr Smith: July 2015, yes.

Senator CAROL BROWN: It says in your documentation: 'The Australian government response was released in July 2015.' When was the review conducted?

Mr James: The review was conducted over the course of 2014.

Mr Smith: In late 2012 the terms of reference and an issues paper were released. We conducted nationwide consultations in 2013. In mid-2014 we released a draft report for a further consultation period, and the final report was provided; the Australian government response was provided to the government for consideration to release. As a result, it was publicly released in July 2015.

Senator CAROL BROWN: There are a number of recommendations?

Mr James: Yes. Do you want me to run through where we're up to with those or at least to give you the recommendations? We've mentioned them in the submission.

Senator CAROL BROWN: Did you accept all the recommendations?

Mr James: Yes. The government supported most of them. I can just run through them: recommendation 1, the government supported; recommendation 2—

Senator CAROL BROWN: Sorry, recommendation 1 was—

Mr James: The modernisation of the transport standards and the process for updating them.

Senator CAROL BROWN: We'll talk about each of those then. That was supported?

Mr James: Yes.

Senator CAROL BROWN: And, according to your submission, this work was to be completed by June 2017?

Mr James: It was, but it's not, and we can come to that. Yes.

Senator CAROL BROWN: You can tell me, then.

Mr James: It's quite a complex process, because it hasn't been done for 10 years, since the standards were introduced. We have to work with our state and territory colleagues, with the disability sector organisations and with the transport providers—for example, the bus industry, the rail industry et cetera—to work through, specifically, which particular technical standards should be updated and in what ways, given that technology has moved on and that needs have moved on.

We have a working group set up with our state and territory colleagues and the other stakeholders to work through those proposed changes. That is proving to be—well, it's an exacting and time-consuming process to get agreement. At the moment, the way we've done it is to break it up into two tranches of work. The first tranche is currently about 40 changes to the standards. Once they are agreed amongst state and territory officials and the people we're consulting with in the industry and the disability sector, we would then propose to go to a regulatory impact statement. That's currently now scheduled for the middle of next year. So, that's a year further on. That will be another consultation process, so it's just time-consuming and—

Senator CAROL BROWN: I'm not holding you to anything here, but how long would a regulatory impact statement take? How long would that process take to complete?

Mr James: We were aiming to complete that in about four months—I think that's right?

Mr Smith: Hopefully.

Mr James: Yes, that would be four months. And then we would end up with what's called a decision, a regulatory impact statement, which is one for states to sign off on and ministers. You're probably familiar with the process.

Senator CAROL BROWN: Yes.

Mr James: Then we would go to legislation with the Attorney-General's Department—have legislation drafted to make the changes to the standards. They would need to be put through in the first half of 2019.

Senator CAROL BROWN: We could be up to a second review coming, or another review coming!

Mr James: Yes, indeed. We're very conscious of that, Senator. It's one of the issues we're thinking about in terms of the scope of the next review as well.

Senator CAROL BROWN: You would probably understand that as we've been going through this inquiry, the issue around public transport is an issue that's raised consistently.

Mr James: Yes.

Senator CAROL BROWN: Another part of that issue is the exemptions that are granted as well. Do you have a role in those at all?

Mr James: We have a committee which I chair, the National Accessible Public Transport Advisory Committee, which of course we mentioned in our submissions. When we have proposals like that, they are put to the committee—say, from the rail sector in that case—and then the committee has to give its advice. More particularly, though, we then give advice back to the Disability Discrimination Commission on our views on that as a committee. That's the role that we have in relation to proposed exemptions.

Senator CAROL BROWN: So in that advice, are you indicating a support one way or another? You must be?

Mr James: It tends to vary. Geoff, you might want to comment, but we—

Senator CAROL BROWN: Just as a matter of course, your advice would—

Mr James: It tends to be consensus advice, because it's a committee of state and territories and ourselves.

Senator CAROL BROWN: Yes, okay—sorry.

Mr James: I think our last submission was sort of balanced, basically. Geoff, did you want to comment?

Mr Smith: Our last submission concerned the Australasian Railway Association submission for a temporary exemption process, which concluded in October 2015. Under the legislation, the APTJC, which is a subcommittee to NAPTAC, is called upon to provide advice to the AHRC on these exemptions. The committee considers each of the exemption applications. In the case of the ARA one it was quite extensive—at least 75 exemptions.

Senator CAROL BROWN: But what criteria do you consider them against?

Mr Smith: Obviously the legislation and what's involved and why they require an exemption in each particular case. Also, in relation to the ARA one, the AHRC had a consultant on board who provided independent advice about each of the particular exemptions. We also considered that advice as well—that is, the committee—and then the response was provided to the AHRC, who may either accept or reject our advice.

Senator CAROL BROWN: In your experience, what's the likelihood of an exemption applied for being successful? What are the figures?

Mr James: I can't give you that answer on the spot; I'd have to check. But usually, again, it's the AHRC that makes the decisions on these matters. But usually—

Senator CAROL BROWN: I know they make the decision.

Mr James: There are usually some requirements if they're going to agree—for example, reporting requirements. There were significant reporting requirements in granting the recent exemptions for the ARA. So they tend to strike a bit of a balance for them to continue on to meet the standards. Again, you'd have to ask the AHRC, but I think generally they've tended to agree with the conditions. That would be, in summary, my experience of their decisions. But that could be checked, of course.

Senator CAROL BROWN: Okay.

Mr James: As you know, Senator, they're trying—as we are with the transport industry in the room as well—to strike a balance between what is practicable and feasible and economically variable by industry as well as meeting the needs of people with disabilities in a reasonable way. But it's not always easy.

Senator CAROL BROWN: These are transport standards from 2002.

Mr James: Yes.

Senator CAROL BROWN: And we are in 2017. They're seeking exemptions from standards from 2002. Is that right?

Mr James: Some, it's true, are renewed—again, Geoff, you might know—but they're seeking exemptions for the next compliance threshold or target.

Senator CAROL BROWN: Oh, right. Yes.

Mr James: The end of this year is the one that they were particularly applying for, the December 2017 targets, where I think it's 80 per cent compliance.

Mr Smith: Yes, 80 or 90 per cent compliance generally across the board from the transport modes at the end of this year.

Mr James: That's what they were applying for an exemption in relation to. As you know, the compliance targets stretch out to 2032—I guess because, when they were designed, policymakers were conscious of the fact that it's going to take time for the transport industries and rail providers, for example, to adjust infrastructure and get things in place.

Senator CAROL BROWN: With the transport standards, what sorts of standards are in there that apply to people with disability? What type of thing are we looking at?

Mr James: We have some examples here. They're things like what sort of way-finding should be provided, how high handles should be, where they should be located, the access paths, the location of poles and things like that that might get in the way, and how wide corridors should be on buses, trains and things of that nature—those sorts of things. Again, it can be quite technical, down to how big a handle should be to be held onto or at what height it should be.

Senator CAROL BROWN: So is it more to do with physical disability?

Ms Cristofani: There's a wide range. It takes into account all different sorts of disabilities, including people who are blind or deaf—the audible announcements, visual signs, size and luminescence of signs and all those sorts of things.

Mr James: And some of the headings in the standards themselves are, for example, handrails and grab rails, doorways and doors, lifts, stairs, toilets, symbols, signs—

Ms Cristofani: Language.

Mr James: Language.

Mr Smith: Information provision.

Senator CAROL BROWN: Different languages?

Ms Cristofani: There are certain international signs for disability that are taken into account, but I don't think there's provision for different languages within the standards.

Mr Smith: Possibly some of the state and territory government agencies on their information sites if you are ringing up have different languages available. Depending on the state and the location they might be available.

Mr James: We could come back to you if you wanted some more information on how we deal with languages?

Senator CAROL BROWN: That would be good; thank you.

Mr James: Okay.

Senator CAROL BROWN: Does the department have communication with operators of public transport services about their responsibilities under the DDA?

Mr James: We don't tend to do that sort of communication at the federal level, other than through our national advisory committee, which has stakeholder bodies in the transport sector like the Bus Industry Council, the Australian Rail Association and the Australian taxi Industry Association. We don't have a budget for any sort of mass marketing or educational campaigns. We would approach the actual organisations. Under the way things operate, we would tend to rely on the states to do their own in terms of educating people about the standards. So that tends to happen much more at the state government level, because they're much more involved in regulating the services directly.

Senator CAROL BROWN: Do you monitor that, though? Do you do any monitoring of that information?

Ms Cristofani: We do ask for reports on compliance with the standards as part of our review process. That was contained in the second review. There is a report on compliance with the standards.

Senator CAROL BROWN: How often do you ask for that?

Ms Cristofani: That is part of the review process, which is the five-year review.

Senator CAROL BROWN: So every five years you have that?

Mr Smith: Yes.

Mr James: We don't have an ongoing monitoring process. I'd also have to say that it's a recommendation in the second government response to the second review that performance reporting standards be developed. That is still an area where further work is needed.

Senator CAROL BROWN: What recommendation was that?

Mr James: It's recommendation No. 2—that the Australian government, jointly with the state and territory governments, establish a national framework for reporting on progress against the standards.

Senator CAROL BROWN: Okay.

Mr James: For the last review, for example, we relied on states to make submissions about their progress and provide us the data that they could. But there is no national standard reporting framework for progress against the standards, and that is certainly an issue that's raised persistently by disability stakeholders.

Senator CAROL BROWN: According to your submission, work on that hasn't started.

Mr James: We have done some preliminary work in the last couple of years but, to be frank, we had to prioritise and the modernisation is really our top priority at the moment because of the amount of work involved. But it's still on our agenda to resume discussions with our state and territory colleagues about a national reporting framework. I imagine that it will be ventilated or discussed quite a bit in the next review process about how we can make some progress in that regard.

Senator CAROL BROWN: So when's that?

Mr James: The terms of reference for that review will likely be released before Christmas this year for the next review. They have to be jointly agreed between the transport minister and the Attorney-General, and the review will be conducted next year.

Senator CAROL BROWN: In 2018, but when will it report?

Mr James: Ideally, our plan is to have the report ready by the end of next year—next calendar year. Public consultation and submissions will be in the first half of the year.

Senator CAROL BROWN: And then do we have to wait for a government response?

Mr James: It's up to the government whether things like a draft report are issued, which is the usual process, or a final report. Sometimes, as you probably know, governments deliver both final report and government response together. Other times the final report can be put out, but I don't know how the government will want to handle that at this stage.

Senator CAROL BROWN: I'm just trying to get an end date—I'm not holding you to it—as to when, after you've done the review and you've had your consultations. Are you saying that that's not going to be completed by 30 June or 1 July next year?

Mr James: No. The review will be finalised, I anticipate, by the end of next calendar year, so we'd be aiming to finish it by the end of the year.

Senator CAROL BROWN: What do you mean by that, Mr James?

Mr James: That the final report is being provided to the government.

Senator CAROL BROWN: Okay. So recommendation no. 2 is on the—did you want to ask a question?

CHAIR: No. I want to go to Senator Smith—if we could take a break and go to Senator Smith.

Senator SMITH: Thank you, Chair. Just a thematic question: what is the best way to drive change or to drive the uptake of various recommendations?

Mr James: Interesting question.

Senator SMITH: Thank you.

Mr James: From a policy—

Senator SMITH: Merely going through a consultation process and the constant argy-bargy reporting backwards and forwards don't quite do it. I'm wondering what sort of internal mechanisms can you put in agreements to drive uptake.

Mr James: There are all sorts of things that you can do when you're trying to get policies implemented. Obviously, you can look at financial incentives. You can look at stronger regulatory approaches. They're probably, the two usual ones. Depending on whether you've got money or not, you can turn—

Senator CAROL BROWN: Isn't there a way of streamlining this whole process?

Mr James: Possibly, you could, but I do think that having put in this pathway of compliance targets over these couple of decades, it has—and our last review found this—led to an increase in compliance and upgrading of infrastructure and provision of services, and that's been quite noticeable, even if it's not fast enough, I know, for many people. So that certainty of forward path of targets has allowed industry, in particular, and state governments to think about how they can invest to try and meet those targets.

The complaints mechanism—and, again, you know why there are always arguments that it can be better and stronger—nevertheless has been a real pressure on transport providers to meet the targets or to try to meet them. Or, if not, to at least come up with a reasonable argument about how they can offer something different in the interim before they do meet them. I still think it's a pretty reasonable path, taking an objective view of it, and it seems to be getting results. But, of course, you can debate whether it's fast enough.

Senator CAROL BROWN: We have received evidence that the development and review of the transport standards is an ineffective process, very protracted and doesn't further the intent of the National Disability Strategy. Just for some of the process that you've detailed, Mr James, it does seem to be quite a lengthy process to say the least.

Mr James: I know it does seem complex and long, but I can reflect on the actual development of the standards, which did take many years to get agreement from these standards. There was a lot of negotiation, discussion, debate and a lot of technical work to work out what might be a reasonable set of standards. So, given the many years—probably six or seven years—that went into developing the standards, at least—

Mr Smith: I think development started post-1992 with the release of the DDA. It wasn't publicly released until the DSAPT in 2002. A lot of the drafting took place in the 1990s.

Mr James: Given how long it took to actual development—I'm not saying necessarily that all that time was needed; I couldn't comment on that—I'm not surprised it's taken us a few years to work through this, but if people are unhappy with that, that's fair enough. We'd all like to go a bit quicker—but resources being what they are and we have to work with what we've got—and we also have to seek consensus. Trying to get agreement is usually the toughest thing, because it affects transport operators, people with disabilities, their carers and governments. So inevitably it's a protracted and complex process to get agreement on what everyone can sign up to.

Senator CAROL BROWN: You've said that all governments reported progress towards implementing the transport standards since the first review and advised that the majority of the December 2012 compliance targets have been met.

Mr James: Yes.

Senator CAROL BROWN: What's that figure for the majority? What does that actually mean?

Mr James: We probably could give you some information in writing on that, because we did have actual reports from each of the jurisdictions on the extent to which their different transport modes had met the standard. From memory, the information was in percentages—

Mr Smith: A number of them were percentages; others were more anecdotal evidence. The states and territories provided different sorts of evidence—it wasn't all exactly the same.

Ms Cristofani: It's difficult to measure but we could do an analysis of how those standards were met and show you a few different ways in which they were met, including the percentages and specific cases of where they weren't met.

Senator CAROL BROWN: You indicated for the 2012 review of the standards that progress is much slower. They were 'occurring at an uneven even rate depending on the location population demand'.

Mr Smith: Yes.

Senator CAROL BROWN: Do you have any understanding of what's happening there?

Mr Smith: I think, Senator, much more evidence was provided about—

CHAIR: Sorry, I was just double-checking—Senator Smith, had you finished or did you have other questions?

Senator SMITH: No, I'm just following Senator Brown's line of questioning. I've still got one or two more.

CHAIR: I just wanted to confirm that, because we slipped back into Senator Brown. I'll come back to you after the answer to this question. Sorry to interrupt.

Mr Smith: That's alright. More of the evidence was provided about what was happening in metropolitan areas, rather than rural and regional areas, because they were able to get that information. A lot of evidence was also provided concerning state and territory government services, because they keep those statistics and they keep a handle on what they do. But private operators are really not compelled to provide these statistics. That's why we ended up with a discrepancy between rural and regional, private and public.

Mr James: And states. As I said before, we don't have a consistent national basis for collecting performance and compliance information. We rely on what we get from the states and the private sector at this stage. It remains an area where more work is needed so that we can measure progress more exactly.

Senator SMITH: Going back to your initial response to my question about how you can drive a better uptake of some of the reform initiatives and recommendations, what's the history of using financial assistance as a carrot?

Mr James: In transport, in my time at least—Geoff has been in it a bit longer—we haven't tended to use any financial incentives as part of the transport standards arrangements. We've really relied on just having, as I said, the compliance targets that have to be met and the complaints mechanism through the DDA.

Senator SMITH: There is no penalty in the compliance arrangements, is there?

Mr James: Only that if you don't comply and the AHRC finds against you, you then can be liable for civil action.

ACTING CHAIR: If someone makes a complaint.

Mr James: Correct. So that's the threat. I know that certainly most transport providers take that very seriously, because it is a big risk for them and, as you probably know, there have been a number of cases.

Senator SMITH: That's it. Thank you very much.

ACTING CHAIR: Are you aware of any financial incentives that are offered at a state and territory level?

Mr Smith: I'm aware of some that have been in the taxi industry—incentives for people to take up wheelchair accessible taxi licences to conduct those services. So I'm aware of incentives there, but I'm not aware of incentives in other aspects.

Mr James: The other areas that states use quite a bit as well—and, again, we don't have the detail—are their contractual arrangements, say, new bus services and things of that nature, where they can put in provisions around access.

ACTING CHAIR: Just before I move on: Mr James, did you say there was a committee within the department of transport that deals with disability issues?

Mr James: I mentioned that there was a committee, the National Accessible Public Transport Advisory Committee. It's called NAPTAC. I think we did mention it in the submission. We can send you the membership, if you like.

ACTING CHAIR: Yes, please.

Mr James: It comprises senior state officials. It comprises the major modal representatives like the bus industry.

ACTING CHAIR: But that committee is not set up to have any consultation with the Department of Social Services in terms of the NDS?

Mr James: Not formally, other than, for example, they are coming to talk to the next meeting of our committee in November in Melbourne. Social Security itself has agreed to come down.

Mr Smith: NDIS will come and address the members concerning transport services under the NDIS and any issues they may have.

ACTING CHAIR: I'm talking about the National Disability Strategy as well.

Mr James: We just stay abreast of what they do through the department at this stage. There is no formal linkage. They're not a member of the committee per se.

Mr Smith: No. They haven't been. They're invited to observe, if they wish.

Senator CAROL BROWN: We have had some evidence as well in terms of the complaints process. We were going through the recommendations. Recommendation 3 is that the Australian government consider the concerns raised about the complaints process, and that was noted.

Mr James: That's correct, Senator.

Senator CAROL BROWN: What does that mean?

Mr Smith: Senator, the recommendation 3 is the responsibility of the Attorney-General's Department in administering the transport standards. We administer the transport standards on behalf of the Attorney-General's Department, who own the standards and the DDA. As the complaints process through the AHRC is part of their portfolio area, that recommendation is for them to provide a response.

Mr James: Yes. So far their position has been that they consider the emphasis on conciliation to resolve complaints in the first instance to be effective and that it's a good, low-cost mechanism. That's the state of play at the moment.

Senator CAROL BROWN: I've been advised that I've got only one question.

CHAIR: Because it's two o'clock.

Senator CAROL BROWN: Oh, sorry. Time flies when you're having fun!

Mr James: There's a lot of territory you've got to cover.

Senator CAROL BROWN: A consultation paper was released by the minister, *The whole journey* guide. It indicates a move from regulation into a voluntary, industry-led approach—is that correct? That's not my question, by the way.

Mr James: That's all right. It's not signalling an intention to take the standards that way, I would stress. It was just felt, from talking to all the key players in the industry and the sector, that, at this stage, doing it as guidance would be the best approach first, and then seeing how that goes and what the uptake is. It wasn't meant to be a stronger signal than that, at this stage, about the future of the standards per se. It was just that it was felt that that sort of material was best as guidance in this instance. We'll see what the take-up and interest is out there amongst planners and people who design transport systems and deliver them. That's the intention.

Senator CAROL BROWN: So when is that consultation period? Is it complete?

Mr James: It's essentially over. Broadly, we are just about agreed with everyone that the product is ready to be released. We just need to get the minister to sign off, hopefully in the next month, and then it's likely to be released in the near future.

Senator CAROL BROWN: But it is a voluntary, industry-led approach?

Mr James: It's a voluntary approach—that's right.

Ms Cristofani: It is meant to be beyond compliance, though; it's not meant to be instead of. It was in response to the fourth recommendation, for governments to work better across governments and look at all of our standards, and of course to achieve those, but to look beyond compliance to ways to link the different approaches that different levels of government are taking. It has been developed in consultation with people with disability, and there were two rounds of consultation.

Mr James: It is an attempt also to try and capture others who have interest in or relevance to the way services are delivered or provided to people with disability—as I mentioned, people like planners or urban designers, and councils and other parties who may not always see themselves as having to deal with this issue in very specific ways. So it's trying to broaden the conversation, to pick up more of those as well.

CHAIR: Senator Smith, have you finished your questions?

Senator SMITH: I have, yes, thanks very much.

CHAIR: Thank you very much for your time today; it was very much appreciated.

BYRNE, Dr Anne, General Manager, Industry Transition Branch, Department of Industry, Innovation and Science

NEWHOUSE, Mr Kevin, Group Manager, National Construction Code Management and Product Certification, Australian Building Codes Board

SAVERY, Mr Neil, General Manager, Australian Building Codes Board

WOOD, Ms Cecilia, Manager, Building Industry Section, Industry Transition Branch, Industry Growth Division, Department of Industry, Innovation and Science

[14:03]

CHAIR: Welcome. I've got a bit that I have to read out; I'm sure everyone knows it off by heart by now. I remind witnesses that the Senate has resolved that an officer of a department of the Commonwealth or of a state shall not be asked to give opinions on matters of policy and shall be given reasonable opportunity to refer questions asked of the officer to superior officers or to a minister. This resolution prohibits us only asking questions on opinions of matters of policy and does not preclude questions asking for explanations of policies or factual questions about when and how policies were adopted. I presume you've all been given information on parliamentary privilege and the protection of witnesses and evidence.

Mr Newhouse: Yes.

CHAIR: I invite both organisations to make an opening statement, if you so wish, and then we'll go from there.

Dr Byrne: Thank you very much, Chair. I'll make some opening comments and then pass to my colleague Mr Savery. I'd like to note the key roles of the colleagues that appearing here today. Mr Savery will speak shortly, but the office of the Australian Building Codes Board, represented by Neil Savery and Kevin Newhouse, is responsible for implementing the decisions of the Australian Building Codes Board. The Australian Building Codes Board comprises an independent chair, up to five industry representatives, a representative from the department, senior executives from all state and territory governments, and a local government representative. The department's building policy team, represented by Cecilia Wood and me, has responsibility for representing the Commonwealth on the Australian Building Codes Board, and we also manage the secretariat for the Building Ministers' Forum.

Before commencing the discussion, I would also like to provide the committee with some policy context for the work on minimum accessibility standards for private dwellings in Australia and on the Disability (Access to Premises—Buildings) Standards, essentially to clarify the distinction between the two bodies of work, which we think is important for the deliberations of the committee. As you know, COAG considered the subject of universal housing design in the National Disability Strategy 2010-2020. It supported the aspirational voluntary targets developed by the National Dialogue on Universal Housing Design. These targets provide—importantly, I think—a non-regulatory pathway to improving housing accessibility, and COAG has encouraged industry to work collaboratively in advocating wider adoption of such non-mandatory, non-regulatory pathways.

At their 21 April 2017 meeting, the builder ministers, through the Building Ministers' Forum, agreed to propose to COAG that a national regulatory impact assessment be undertaken as soon as possible to consider applying a minimum accessibility standard for private dwellings in Australia. The Prime Minister subsequently wrote to first ministers to seek agreement to a national regulatory impact assessment to provide evidence on whether or not regulatory intervention is required. At its meeting on 30 June 2017, the Building Ministers' Forum endorsed the plan of the Australian Building Codes Board, which Mr Savery and Mr Newhouse can talk about as required and which includes undertaking a national regulatory impact assessment, subject to COAG first ministers' agreement.

In response to the Prime Minister, all first ministers have responded, and they support a national regulatory impact assessment, with three specific considerations: to explore silver and gold performance levels as options for minimal accessibility standard; that the BMF consult with disability ministers on the policy parameters and options for the regulatory impact assessment before work on the project by the Australian Building Codes Board commences; and that the regulatory impact assessment be developed using a sensitivity analysis and utilising case studies from South Australia.

As you would probably know, at their meeting on 6 October 2017, the building ministers agreed that a regulatory impact assessment for accessible housing for private residences would take account of all those issues identified by first ministers that I've just described. The BMF chair, who is the Commonwealth Minister for Industry, Innovation and Science, has since written to the chair of the Disability Reform Council ministers to request that disability ministers consider this matter. Following that consultation, the Australian Building Codes

Board will undertake the research and analysis and prepare a regulatory impact statement in accordance with COAG best-practice regulatory principles. There's a lot of information there. I wanted to give you the context, including the role of the Building Ministers' Forum in making the decisions that have led to the point of the process we're at now, where a national regulatory impact assessment will be undertaken.

Separate to this is another body of work on which my colleague Cecilia Wood and I, hopefully, can add some additional insights to the committee. This is the Disability (Access to Premises—Buildings) Standards work. The Disability (Access to Premises—Buildings) Standards, or the premises standards, as you know, came into effect on 1 May 2011 and are a legislative instrument made under the Disability Discrimination Act 1992. Schedule 1 of those standards, the access code, sets the performance requirements and technical specification for which a building certifier, building manager or building developer is required to avoid access related discrimination. The access code is replicated in the National Construction Code and enforced through state and territory building laws and regulations. As you know, the states and territories have constitutional responsibility and authority for building regulations, not in Commonwealth.

The first review of the premises standards was required, under the legislation, to be undertaken in 2015. The review was undertaken by the department, in consultation with the Attorney-General's Department. On 3 March 2017 the Australian government released the review report and the response to the review. Changes to the premises standards resulting from the review, including the recommended 21 technical amendments, will be in the public comment draft for the National Construction Code 2019, with the prospect that they could be adopted from 1 May, 2019. The building ministers, at their April 2017 meeting, agreed that a regulation impact assessment be undertaken to consider expanding the National Construction Code to include requirements for accessible sanitary facilities for people with a profound disability. This was one of the key outcomes from the review and one of the key elements of the response of the government to that review. The ministers also noted that some jurisdictions can progress requirements of accessible sanitary facilities independent of a national process.

So the department and the Attorney-General's Department are working together to ensure that the regulation impact assessment is conducted in a manner that reflects the Australian government's decision in respect of the premises standards, including the implications of that decision for the National Construction Code 2019. Our colleagues at the Australian Building Codes Board office, in consultation with the department and the Attorney-General's Department, are developing a regulation impact statement on the inclusion of adult change facilities in the premises standards. The ABCB office has undertaken targeted consultations to get preliminary input on potential technical specifications and is currently considering the consultation feedback that it has received. On 31 August a request for tender to undertake the regulation impact statement work on adult change facilities was published on AusTender. Those tenders close on 26 September 2017, and we expect to announce the outcome of that tender process shortly. I will now pass to my colleague Mr Savery.

Mr Savery: Thank you, senators, for this opportunity. I'm going to briefly assist you, hopefully, in understanding how we undertake the work that Dr Byrne has referred to. In respect of that, it's also important to understand that, whilst we are Commonwealth employees and we work within the department, we are a COAG body and we are somewhat independent from the department, because we represent the interests of nine governments, not just the Commonwealth.

The ABCB operates under an intergovernmental agreement, the mission of which is to address issues of safety and health, amenity and sustainability in the design, construction and performance of buildings. In doing so, the ABCB must have regard to a number of key objectives; establish codes and standards that are the minimum necessary to achieve its mission; ensure that, in determining the area of regulation and the level of requirements, there is a rigorously tested rationale for the regulation; provide regulations that are proportional to the issue so that the benefits to society are greater than the costs; ensure that there is no regulatory or non-regulatory alternative that would generate higher benefits; develop requirements that are performance based, verifiable and, as far as practicable, consistent across the state and territories; ensure the competitive effects of regulation have been considered; and, encourage a reduced reliance on regulations.

The ABCB prepares model regulation that is adopted by the states and territories and implemented through their respective legislation. The Commonwealth does not legislate for building regulation; however, policy decisions that it is party to, such as the NDIS, accessible housing and the access to premises standards, as has just been outlined in part by Dr Byrne, can have a direct bearing on the work of the ABCB and potentially on the future content of the National Construction Code. The ABCB reports directly to the Australian government state and territory ministers responsible for building and plumbing regulatory matters through what is known as the Building Ministers' Forum, which, again, Dr Byrne has referred to. Importantly, the NCC does not apply retrospectively to existing buildings, except in the circumstance where a significant new building work is being undertaken. Therefore, if any new requirements result from the work of the ABCB, they will in all likelihood apply to only new buildings and new building work. Thank you.

CHAIR: Thank you.

Senator CAROL BROWN: Dr Byrne, how does the department interact with the Department of Social Services in regard to the National Disability Strategy?

Dr Byrne: In relation to the wider National Disability Strategy, I wouldn't say that we have a broad conversation with DSS. In undertaking the review that I outlined previously, DSS was involved on the steering group, with the department and the Attorney-General's Department, to add their contribution to considerations in relation to matters associated with the review process. Going forward, we would anticipate that we will continue to have a dialogue with DSS as we advance the body of work that we have underway. They are certainly a group that, in terms of specific issues that relate to building policy and disability, we've had interactions with in the past. I would imagine that, as we proceed with our body of work, particularly into next year, when we set up arrangements for consideration by a range of experts in a number of matters that we'll be addressing next year, DSS may very well have a big contribution to make at that point as well. But to date their main contribution has been to the review process itself. Since that time we've been primarily working with the Attorney-General's Department and our colleagues in the office of the Australian Building Codes Board. We've also been working closely with our state and territory colleagues on matters that we need to advance, including around the collection of data relating to evidence around disability.

Senator CAROL BROWN: Within the department, is there a committee that deals with disability issues?

Dr Byrne: I'd need to take that question on notice, I'm sorry. Within our corporate area there may well be, I imagine, consideration of issues relating to disability in relation to the broad responsibilities of the department, but I don't know the specific governance within the department—unless my colleague Ms Wood is aware of anything?

Ms Wood: No. We'd have to take it on notice.

Senator CAROL BROWN: This is a committee that would deal with your obligations under the National Disability Strategy.

Dr Byrne: Again, my role and my colleague's role are really specifically around policy issues around managing issues relating to access of people with disability in relation to building. So I can comment on building policy issues, but in terms of the governance arrangements within my own department from a corporate point of view I'm not in a position to say how the National Disability Strategy is being progressed. But I'm happy to take it on notice and come back to the committee.

Senator CAROL BROWN: Thank you. I appreciate that, Dr Byrne. In terms of the reporting of the progress of the National Disability Strategy, I'm assuming that the Department of Social Services contacts your department to gain input; or does that not happen? You don't know?

Dr Byrne: Again, I'm not going to tell you I know things I don't know. What I've tried to describe is that the element relating to the strategy that my team is responsible for progressing relates specifically to the aspirational targets that all new homes will meet the universally accessible design specifications. That's the bit of work that we have responsibility for, working with our colleagues in the office of the Australian Building Codes Board and the states and territories. But what the reporting arrangements are—again, I'd need to take that on notice for the committee and come back.

Ms Wood: I can confirm that, in terms of reporting on the aspirational targets, through the Building Ministers' Forum secretariat there has been coordination of the outcomes from the states and territories, which have also been provided to the COAG Disability Reform Council. So our reporting process has been from the Building Ministers' Forum through to the COAG Disability Reform Council.

Senator CAROL BROWN: Right. Okay.

Ms Wood: That is chaired by the Minister for Social Services.

Senator CAROL BROWN: Okay. But there's no interdepartmental committee that you're aware of?

Ms Wood: Not that we're aware of.

Senator CAROL BROWN: So what are the key barriers? You've gone into a lot of detail, given us a lot of information, which we appreciate, but what are the key barriers in achieving the commitment in regard to accessible housing under the National Disability Strategy?

Dr Byrne: We need to separate out the conversation that goes to whether or not the current requirements, which is about non-mandatory targets, is sufficient, or whether there is in fact a need for further intervention. I guess that is the question that has been posed. So the issue is whether applying the minimum accessibility standard to new private dwellings in Australia is something that requires additional intervention by governments, or whether the original specification that this be an aspirational target is sufficient.

In terms of the balance, it would be fair to say that a number of stakeholders are of the view that failure to mandate the aspirational target in some form will mean that it is possible that those accessibility standards won't be met to a level that is satisfactory. But there is the alternative view that the additional regulatory weight and cost associated with that intervention may not be necessary; indeed, that the non-regulatory targets are sufficient. That's a policy question that we're tackling, but I invite my colleagues to add to that.

Mr Savery: That is the key purpose of the regulatory impact assessment. The problem that will be addressed through the regulatory impact assessment will more than likely be framed, to some extent, around: is there market failure? And in the event that there is market failure, what are the options available? These could be not only regulatory or non-regulatory, but also, if it is regulatory, what form of regulatory intervention, because there are different options, potentially, available through that process.

Senator CAROL BROWN: So is there market failure, or don't we have the data to be able to answer that question?

Mr Savery: We only have the evidence that has been provided to us ostensibly by the advocates for regulatory intervention. Again, the work that we will undertake as part of the regulatory impact assessment will endeavour to firm up that, including seeking evidence from a range of sources to assist us in determining whether or not there is a robust evidence base. As I indicated, one of our objectives under the intergovernmental agreement is that we have to have a verifiable evidence base upon which to make decisions.

Senator CAROL BROWN: Is any of that data collected?

Dr Byrne: In answer to that, and also in response to Mr Savery, it's quite clear that one of the main conclusions from our review is the lack of available data that can verify the claims that are being made. One of the things the Commonwealth intends to do, and the government's response speaks directly to that, is to ensure there's a mechanism in place in future where we can systemically collect data across the nation, which will actually provide that stronger evidence base so that we can collectively do our job together. Part of what Mr Savery's work will be is, as he said, to collect additional information as well, but I think that we'd have to say that for the department the lack of verifiable data is one of the challenges that we face collectively in policy intervention and advice relating to future measures.

Mr Savery: I was just going to say that there are probably two ways to look at the issue that you've raised. One is the gross numbers as has been presented, which is that the prospect of achieving the aspirational target of 100 per cent for new homes by 2020 is unlikely to be achieved based on the current numbers that are being produced, if those figures can be corroborated. The other is this: does that necessarily mean that the market will not deliver you a home with those features if you seek to have those features installed in your home and you're prepared to pay for them? They are two slightly different propositions, because it could be argued that if you were to approach a builder, a builder will build you an accessible home. But if they're actually just left to their own devices to go and put adaptable or accessible housing features in all new homes, then they may well not be prepared to do that because some consumers won't necessarily be prepared to pay for those additional features.

Senator CAROL BROWN: That's the argument that has been put across since we started this discussion. It's been solely the one argument. The whole idea around inclusive and accessible communities is that people with disability do have friends and they do visit homes. That proposition has been put to us through evidence in the inquiry, and there have been strong recommendations put by witnesses that we need to move to a mandatory position because having this voluntary code is not enough to drive the industry.

Mr Savery: We're aware of that. And, again, all I can say is that is the purpose of ministers having instructed us to undertake a regulatory impact assessment to enable us to build a corroborated evidence base upon which informed decisions can be made.

Senator CAROL BROWN: Given that they have made that decision, you would assume that they have accepted the proposition that there is a slowness, on a voluntary nature, to build to a universal, accessible design.

Ms Wood: I think what we're saying is that government has decided that the evidence is required to determine whether or not mandating is required, hence governments collectively deciding to do a national regulatory impact assessment. I also think it's important to note that this regulatory impact assessment is in respect of private dwellings because, where it comes to social and public housing, states and territories have already reported, as I said before, to the COAG Disability Reform Council on their progress in terms of achieving that voluntary target of accessibility for that type of housing. So this is about trying to have the evidence to identify, as Mr Savery correctly said, whether or not there is a market failure within private dwellings.

Senator CAROL BROWN: How long does the regulatory impact assessment process take?

Mr Savery: It's a fairly substantial undertaking, and it won't commence proper—that is, it the regulatory impact assessment by way of a regulatory impact statement—until the middle of next year. In the lead-up to all of that, we need to develop the scope and the methodology of the project; we need to undertake preliminary consultation with potentially a range of key stakeholders, both advocates for and those who are potentially not supportive of these changes; and we need to undertake research and analyse the outcomes of that research. From all of that, it will help inform the content of the RIS, particularly the options that we may wish to cost. Part of that process may well involve engaging with quantity surveyors, because they're the people with the necessary skills to identify what the potential costs of construction are that would result from any proposed changes.

Once the RIS is developed, as you may be aware it goes through a process that requires clearance from the Office of Best Practice Regulation. That is in the form of a consultation RIS. You then consult on the RIS, you take into account the outcomes of the RIS, consider any potential changes that are warranted and, in the development of the final RIS, there are a number of approval steps involved. I think it's worth making it very clear at this point that while the process I've just outlined is going to take in the order of two years to be completed, the earliest it would likely appear in the National Construction Code is in 2022, because that will be the next edition of the National Construction Code.

Senator CAROL BROWN: What was that last piece?

Mr Savery: If any changes are agreed to as a result of this process that I have just outlined, the earliest prospect of it appearing in the National Construction Code is 2022, which is the next edition after 2019.

Senator CAROL BROWN: Okay.

Dr Byrne: I would remind the committee that we are consulting the Disability Reform Council as part of the process. Again, the views of another group of ministers will be important to this process. I do accept, as a general rule, the sort of timing that Mr Savery set out, but, from time to time, ministers can make decisions outside of those normal cycles of the National Construction Code.

Senator SMITH: You call them 'aspirational targets'. Is that right?

Dr Byrne: Yes.

Ms Wood: That's correct.

Senator SMITH: In that aspirational target, is there a baseline at which no-one is expected to fall below?

Ms Wood: It's on page 34 of the 2010-20 National Disability Strategy. It doesn't set a baseline at which jurisdictions should not fall under. It simply says:

> An aspirational target that all new homes will be of agreed universal design standards by 2020 has been set, with interim targets and earlier completion dates to be determined.

Senator SMITH: Why don't we have a baseline at which jurisdictions shouldn't fall below? I'm thinking of the ageing of the residential housing stock and the ageing of hospital or public health facilities. You could actually have aspirational goals, but the situation deteriorates because existing stock doesn't get refurbished or renovated et cetera.

Dr Byrne: I guess that's a policy issue.

Senator SMITH: Is it a policy issue that you've considered?

Dr Byrne: What we're saying is that, from the point of view of the policy environment, we understand that COAG agreed to a non-mandatory aspirational target in February 2011 and now there's effort underway to undertake a regulation impact assessment to consider whether a different type of intervention is required, based on representations from a range of stakeholders. We're not in a position to comment on what the other policy options might be but would, rather, reflect on what the policy settings are at this point of time and what the next steps are.

Senator SMITH: You understand my point, don't you, that you could have aspirational targets and people might be moving towards them, but that doesn't necessarily mean that the total picture is one of improvement? It could actually be one of deterioration against community standards. Do you see what I'm saying?

Dr Byrne: We understand what you're saying, but my view is that is a matter that COAG would need to reconsider—the decisions it's already taken in relation to these matters. As I mentioned, basically the first ministers have agreed that the next step in this process is to undertake the regulation impact assessment work. That is the state of play. I don't not understand what you're saying; I'm just indicating that we can't comment on what COAG might ultimately decide in terms of a policy choice.

Senator SMITH: I heard you correctly, didn't I, when you said that the non-mandatory policy position was being tested or was being reviewed as a result of this regulatory impact work? Is that correct?

Dr Byrne: Mr Savery put it neatly when he said there's a range of possible outcomes from a regulation impact assessment—some might be regulatory reform and some might be non-regulatory reform, or it could be the status quo. I might pass back to Mr Savery to add to that.

Mr Savery: I was going to make the point that the first option, which included a regulatory impact statement, is the status quo. You're testing all other options against the status quo.

Senator SMITH: The status quo at the moment is non-mandatory and non-regulatory?

Mr Savery: That's correct, and it's based on the previous COAG decision to achieve the aspirational target through non-regulatory means.

Senator SMITH: When the stakeholders are sitting around the table, who argues the status quo position?

Mr Savery: I think the senator asked: which of the stakeholders supports the status quo position? Is that correct?

CHAIR: That's what I understood the question to be—yes.

Mr Savery: Through the chair, we haven't asked that question of the stakeholders. It would be pure speculation on my part at this stage to make assumptions as to whom those parties would be. There is a range of views amongst the stakeholders involved in this, obviously from the disability sector and those who advocate for greater social inclusion through to the construction and building sector, so it's quite a diverse group.

Dr Byrne: That's right. In relation to the building and construction sector, I imagine the sorts of issues it will raise include the additional costs that might be associated with any decision to mandate liveable or accessible housing features in new residential buildings. Also, there may be issues in relation to product manufacturing and whether or not there is a disadvantage, particularly to Indigenous domestic manufacturing, as a result of mandating specific inclusions. These are factors that I'm sure the stakeholder groups that have put in submissions to the committee or that you're speaking to will be able to speak directly to you about. But I think it would be fair to say that we're aware there are a wide range of issues, but we respect the fact that there is a balance of information.

The other point, just to clarify my earlier comment about evidence, is that a shared challenge between the premises standards and the universal accessible housing work is the lack of available quality evidence, and that's something that we're putting a lot of effort into to try and improve. We might add a couple of comments, if it's helpful to the committee, about the sort of work we try to do on improving data quality.

Ms Wood: One of the things that came out of the review into the premises standards was actually the lack of quantifiable data, which is why the government agreed as part of its response that it would put in place a data collection framework with the cooperation and support of all of our state and territory colleagues. In the April 2017 BMF meeting, ministers agreed collectively to provide support for the development of a data collection framework which could be used by each jurisdiction to collect the data required to inform the next review of the premises standards, and beyond. We expect to establish a steering committee for that working group, comprising the Commonwealth and four jurisdictions, early next year and we would hope to have the data collection framework in place by the end of 2018 so that we have some quantifiable data available to us at the time at which the next premises standards review is undertaken in 2020.

Senator SMITH: Is it mandatory for states to report against that data collection framework?

Ms Wood: At this point in time it is not. We have a commitment from BMF ministers to support this data collection framework, and the big challenge is to identify exactly what data we need to collect to determine whether or not it's currently being collected. But we need to then distil it so we have it available to us in a way that makes it informative and can be used to undertake analysis.

Senator SMITH: Why is it necessary to have a national approach?

Ms Wood: The states and territories are responsible for building regulations and collecting this kind of data. The Commonwealth has no access to building permits for the types of buildings, the requirements of those buildings or what developers may specify in terms of the facilities and features of the buildings. We actually have no visibility of that information, and the information varies from state to state. Getting agreement on a national framework is a way of measuring state against state against territory in a consistent manner so that we know that we're comparing apples and apples.

Senator SMITH: Wouldn't you know from disability service providers and disability organisations themselves which states had a better record or reputation, just from their lived experience?

Dr Byrne: I'm not sure if I understood your question but—

Senator SMITH: What I'm getting to is that it's obvious from your evidence that it is very hard to establish momentum and to keep momentum, so I'm thinking: what alternative mechanisms are there structurally to drive momentum? And I'm wondering: is it not better to put states and territories in competition with each other so that they can be publicly shamed or publicly applauded for their individual performance? More importantly, they might be able to copy each other when things go particularly well or avoid particular disasters if something is implemented poorly. Clearly, there's an issue around momentum. I don't want to be unkind, but it doesn't happen quickly, does it?

Dr Byrne: I don't know whether I can comment on some of what you've said, but I would just make the point that our general appetite is always to work collaboratively with the states and territories to try to build up a common set of activities that will lead to a national coordinated effort, and we do that across a range of areas in the building space. Certainly, where we've landed with this is that we'd like, if possible, to build a cooperative partnership with the states and territories to try to get better—

Senator SMITH: The risk of that is that it could actually be lowest common denominator—that is, that people agree to something that they know they can easily meet or only have to apply a limited amount of energy to, as opposed to a structure where they were actively competing against each other.

Mr Savery: I think it's also worth advising in the context of your question that this all operates in the context of the National Construction Code, if it ends up being regulated. The reason the work and the coordination are done in good faith at a national level is because it ends up in the National Construction Code, not state-by-state building codes. The National Construction Code has worked successfully for close to 25 years because there has been a spirit of collaboration and cooperation that hasn't necessarily involved a race to the lowest common denominator but through the objectives of the ABCB, which I outlined at the very start of this discussion, provide a lot of rigour and a lot of oversight to ensure that we have a robust framework with which to go forward. I think the disconnect that senators are possibly feeling at the moment is that because this issue is not in the regulated environment, because that's not what COAG agreed to back in 2010 or thereabouts, there's this momentum to get something in there by which we can then make judgements. That's the process that we're going through at the moment.

Senator SMITH: You said that the National Construction Code has been successful over the last 20 years. When you make that statement, what evidence do you point to? What three or four things do you point to to demonstrate that success?

Mr Savery: The first thing is that, by and large, the code is universally adopted by the states and territories, whereas in 1993, when the code was first put into place at a national level, you had eight state and territory code processes. That doesn't exist anymore. To the extent that it's been possible through practical means, all the states and territories have adopted the National Construction Code and follow it. As a result of that, you've got significant productivity improvements which were noted in 2004 by the Productivity Commission, which did a major review of the benefits of building regulation reform, and again in 2011 by the Centre for International Economics, which also undertook a major review of building regulation reform. The third response I would give is if you look at some of the subject matter that we've dealt with over the last 10 or 15 years, it's very complex. I think if they hadn't been dealt with at a national level, with the engagement of both governments—that is, all nine governments—and industry and key stakeholders, I don't know that you'd have some of the outcomes that we've got today around energy efficiency; the premises standard which is featured in the National Construction Code; or some of the issues around building resilience in the face of some of the major natural disasters like bushfires and cyclone prevention and those kinds of things. I just don't think they would exist to the extent that they do. We know from research that buildings that are built in accordance with the code are extremely good buildings. They are some of the best buildings you'll get in the world.

Senator SMITH: Excellent. Thanks very much.

CHAIR: I've got one last question: do the states and territories collect data?

Ms Wood: They do collect data, but the extent of the data they collect varies from state to state, which is why we've now put in place this process and got agreement to actually agree a standard set of data to be collected.

CHAIR: So they do, but it's to varying degrees of usefulness.

Ms Wood: One of the things that we're advised anecdotally by some of our state and territory colleagues is that it does not necessarily go down to the level of detail of the number of private dwellings that are actually built with accessibility features because they're simply normal residences that are subject to a development application and a building permit, and it doesn't necessarily specify the features of the dwelling.

CHAIR: Thank you very much for your time today. It is very much appreciated.

AHLIN, Mr Sam, Director, Copyright Law, Content and Copyright Branch, Department of Communication and the Arts

HRAST, Ms Jacqueline, Acting Director, Intergovernmental and Program Support, Access and Participation Branch, Department of Communication and the Arts

JOHNSON, Ms Marie, Board Director, Australian Information Industry Association

McALINDEN, Mr Kevin, Government Relations Lead, Australian Broadcasting Association

OWENS, Ms Helen, Assistant Secretary, Content and Copyright Branch, Department of Communication and the Arts

SILLERI, Ms Kathleen, Assistant Secretary, Consumer Safeguards Branch, Department of Communication and the Arts

[14:45]

Evidence from Mr McAlinden was taken via teleconference—

CHAIR: Welcome. I remind witnesses that the Senate has resolved that an officer of a department of the Commonwealth or of a state shall not be asked to give opinions on matters of policy and shall be given reasonable opportunity to refer questions asked of the officer to superior officers or to a minister. This resolution prohibits only questions asking for opinions on matters of policy and does not preclude questions asking for explanations of policy or factual questions asked about when and how policies were adopted. I will double-check that information on parliamentary privilege and the protection of witnesses and evidence has been provided to you. Yes? Excellent. I invite you—whoever wants to—to make an opening statement, and then we'll go to some questions.

Ms Silleri: The representatives of the Department of Communication and the Arts today are collectively representing a number of areas from across the department. Our department advises the Australian government about the communications, content and arts industry sectors. This includes television, radio, internet, phones, post, changes in digital technologies, and access to content, including arts and culture, as well as the regulatory settings that support these areas of policy. We provide advice and develop and deliver programs so that Australians can enjoy the benefits of modern communications and access to content across all platforms that will ensure that our cultural identity is maintained and built upon. We also develop policies and develop programs that encourage excellence in the arts and help to protect our cultural heritage and support public access to and participation in arts and culture in Australia.

We have representatives from consumer safeguards, copyright, content, and arts access and participation—quite a broad area. We hope we are able to answer most of your questions. I'm from the Consumer Safeguards Branch. I have responsibility for issues related to consumer safeguards in primarily telecommunications and public interest services but also access to content via audio description and captioning. So, I think the issues I will be able to speak to you about today that are of most interest to you will be the national relay service, which provides equivalent to a telephone service for deaf, hearing impaired and vision impaired Australians, as well as captioning and audio description.

Ms Owens: As the assistant secretary of the Copyright and Content Branch, some of the areas of interest that I may be able to help you with are what we are currently doing in terms of copyright reform and also some details on the Marrakesh Treaty and the impact those reforms are having in the disability sector. I can also answer some questions on access to content across platforms, if that's of interest to you.

Ms Johnson: The AIIA is pleased to be here today and we'd like to thank the committee for the opportunity to participate in the hearing today. I'll cover three areas in this short opening statement to help with context in the discussions. My own background is a connection with disability and accessibility, the AIIA role and purpose, and a perspective on the role of technology and innovation to the achievement of accessibility and inclusion outcomes. I'm the managing director of the Centre for Digital Business. I advise organisations globally, mentor start-ups, and speak and commentate on issues such as innovation, technology, digital identity, co-design and artificial intelligence. My background includes public and private sector experience in Australia and internationally. I'm a board director of the Australian Information Industry Association, a member of the New South Wales Digital Government Advisory Panel and a member of NZTech. For a number of years and until recently I was the contracted head of the technology authority for the National Disability Insurance Agency. I was responsible for the full-scheme technology business case and led the co-design and co-creation effort with people with disability to deliver Nadia. Previously at Microsoft, I led Microsoft's worldwide public services and e-government business. I have family members with disability and I understand and share their struggle. I believe that humanised technology can make a difference in their lives and in the lives of millions of Australians. I have this submission and I have my CV attached to it.

Regarding the AIIA role and purpose, the AIIA is Australia's peak representative body and advocacy group for those in the digital ecosystem. AIIA is a not-for-profit organisation that has since 1978 pursued activities to stimulate and grow the digital economy, to create a favourable business environment and to drive Australia's social and economic prosperity. AIIA's members range from start-ups and incubators that house them to small and medium-sized businesses, including many scale-ups and large Australian and global organisations. While AIIA members represent about two-thirds of the technology revenues in Australia, more than 90 per cent of our members are SMEs. The national board represents a diversity of the digital economy, and more information is on the website.

To give a perspective on technology innovation, jobs growth and accessibility, the impact of technology and innovation on inclusion and accessibility is well known. Humans have always sought to augment their own capacities. The UN Convention on the Rights of Persons with Disability refers to augmentative and alternative communication, modes and formats of communication of their choice, and for people to receive information and ideas on an equal basis. The Productivity Commission report on the NDIS in 2011 placed heavy emphasis on an ecosystem of technology innovation as essential to scaling and sustainability of the scheme. This is beyond the administrative operations of the NDIA. The PC's report referred to the anguish in searching for information as confusing. Technology innovation design and data analytics are also key themes of the Productivity Commission inquiry into introducing competition and informed user choice into human services—the Harper review, which noted the increasing demands on services from an ageing population as a driver for innovation in service delivery. Public and private expenditure on human services is significant. The PC estimates almost $300 billion in 2013-14 with demand projected to grow as people live longer, incomes grow and technology breakthroughs increase the range and number of services available to users. The traditional and templated approaches to service delivery have not worked, and this point is heavily emphasised in the Harper review.

The NDIS is the first social reform to be based on choice and control, and the various Productivity Commission reports point to others that will potentially follow. All are fundamentally dependent on the adoption of technology innovation and its diffusion throughout the service delivery ecosystem and the economy more broadly. The NDIS assistive technology strategy estimates that when the scheme is fully rolled out in 2019-20 NDIS funded supports for assistive technology will reach $1.06 billion per annum. But what if the market is much larger? If, as the Productivity Commission has estimated, the spending on human services is expected to reach $300 billion per annum, the AT market could potentially be around $4 billion per annum instead of the $1 billion per annum estimated. This market growth opportunity is of significant interest to the AIIA and its members. Spending of this size will accelerate innovation in the AT market in Australia, encouraging investment and the development of emerging solutions. As knowledge of this spend filters through the Australian and global technology community, the expectation is that Australia could become a hub of AT innovation, and this is expressed in the NDIS AT strategy.

The global AT and technology innovation market will increasingly see the Australian market as a potential incubator of new technologies and will explore the market opportunities. There is also significant research efforts across the global technology innovation ecosystem into the demographic convergence of disability and ageing populations. Emerging from global R&D efforts underway, breakthroughs in computing power and design are driving the convergence of technology solutions for disabled and ageing populations, with considerable mutual benefit. The two can no longer be treated in isolation to one another. This research is showing also that people experience functional or situational disability in different circumstances.

Situational disability is a term used to describe a temporary state imposed by a person's current environment that results in accessibility issues, such as not being able to look at your phone when you're driving the car. Situational disabilities impact all people universally and there are opportunities and unrealised potential for all people to benefit or leverage technology advancements that were initiated to reduce the impact of physical or cognitive disability. An example of this is SMS, which is now pervasive. When SMS was introduced into Australia, it was accelerated as a result of the intervention of the Human Rights Commission so that people with hearing impairment and their families could communicate with one another with the same access opportunities as the general population, as mobile technology and devices became mainstream. So the need to address situational disability means that supplies of technology have far greater commercial incentives for improving the usability of their products and lessening the impact of situational disabilities for all people.

In the policy development and decision-making process, however, there is a challenge in how awareness is raised regarding high potential and high impact technology and service innovations. This challenge is a potential barrier to further innovation cycles and the mainstreaming and timely application of these innovations more broadly. The following is a real-life example, illustrated to prove this point. I have this person's permission to use his example. Australian entrepreneur Jim Barrett is an exercise physiologist, operating a spinal cord recovery centre, Making Strides, on the Gold Coast. Part of the great work that Jim Barrett and his team do involves a wearable exoskeleton called the ReWalk so that people with spinal cord injury get the benefits from getting upright and walking around while achieving a number of health benefits. The ReWalk offers clients a form of passive gait training in a wearable exoskeleton. Each step is initiated by a user by changing the user's upper body position and powered by motors in the hip and knee joints. The ReWalk exoskeleton is enabled by an internet-connected software that has 200 personalised measurements and sensors for each person. This means that the rehabilitation professional—in this case, Jim Barrett—can connect remotely to the exoskeleton while a person is wearing it and conduct a remote consultation. The exoskeleton generates data about a person's rehabilitation progress—not previously possible. Attached to this opening statement is an article about another of Mr Barrett's clients, Mr Paul Jenkins. A motorcycle accident left Mr Paul Jenkins wheelchair-bound in 2006. He believes the exoskeleton will revolutionise spinal cord injury recovery in Australia.

Mr Barrett has clients in remote areas of WA—areas that do not have a spinal cord rehabilitation facility or even a physio. Mr Barrett would be very happy to travel to Canberra to provide the committee with a demonstration of the ReWalk exoskeleton. This is an example of technology innovation and the internet-of-things changing the servicing model, opening up service provision and growing new tech industry sectors, improving lives and, at the same time, reducing lifetime costs. What this example illustrates is that we need to redefine service delivery and move beyond the contracted-out and traditional funding model to envision smart homes, internet connected assistive technology and servicing innovation as part of the servicing ecosystem—that is, to understand these service innovations, the ReWalk and smart homes, for example, as part of funded supports.

As a growth driver in this country, the AIIA is focused on maximising this phenomenal opportunity and preparing for the skills for the future. In September this year, the AIIA released a report, *Skills for today. Jobs for tomorrow*, a position paper which calls on the urgent need for government and industry to develop a practical strategy and action plan to prepare Australians for the jobs of the future. This report drew on Department of Employment figures, which projected total employment to increase by 948,000 over the five years to 2022. Significantly, two areas with the biggest projected employment growth are health care and social assistance, and professional, scientific and technical services, with, altogether, a full 37.8 per cent employment growth just in these two categories. The AIIA paper also highlights that people will need a minimum level of digital skills to find employment in the future. With almost one in five Australians, or 4.3 million people, reporting that they live with disability—that is the figure from the ABS—this employment demand and skills gap is both an opportunity and a serious human capital challenge for Australia. AIIA's paper identifies technologies such as artificial intelligence, robotics and machine learning and how they are impacting 10 industry sectors. But the jobs will be different, augmented by new technologies, and I believe this is of great importance to the scope of this committee and the AIIA.

I've already mentioned the ReWalk and the internet of things. The AIIA paper also calls out virtual assistants, enabled with artificial intelligence, as an innovation to transform customer engagement through a highly personalised and contextual experience. This is particularly important for people with disability, the disadvantaged and the ageing, who struggle with websites, forms, bureaucratic information and call centres. A workforce where humans and virtual assistants, or digital humans and employees, work together is emerging. This is not a distant future, and already the Nadia innovation is rapidly being applied in commercial settings internationally. We need a workforce skilled in science, technology, engineering and maths that can create and not just use the technology across all industry sectors. While the focus on STEM training is not new, if Australia's to be a global leader, we need innovators who can solve complex problems across multiple disciplines and for this to be applied in the area of accessibility. Psychologists, for example, play an increasingly important role in co-design. So we will see human science, technology science and the science and creativity of design combining in new ways and generating new jobs. As the example with Jim Barrett and ReWalk illustrates, digital skills are not just about IT and STEM but about innovation and co-design in new servicing models. This is a real example of the internet of things and interconnected devices transforming lives and servicing that is happening now. Importantly, the AIIA would like to emphasise that digital skills and co-design need to extend upstream to new policy and program design. Digital skills and co-design skills cannot be an afterthought; these are essential competencies for executive and policy leadership.

In summary, while history shows that technology has been and continues to be a significant driver of job creation, effort and thought are required to ensure that Australia reaps the benefits of its own innovations to build inclusive and accessible communities. Equally importantly, Australia should not be shy of the magnificent opportunities and interest that have been sparked globally in the fields of co-design, natural language, artificial intelligence, empathetic systems and service innovation by the remarkable public policy of the NDIS and other user-choice models flagged by the Productivity Commission. The AIIA looks forward to making further public policy contributions through the following questions. How do we get the innovation and technology industry involved in co-creating outcomes so that the transition of these key policy areas is sustainable and the economy and the Australian technology industry grow with this opportunity? How is awareness raised regarding these high-potential and high-impact technology and service innovations amongst policymakers, planners and other decision-makers, not only in the NDS but in other programs, for these to be considered as reasonable and necessary funded supports? This is a key challenge and potential barrier to innovation and a challenge to the diffusion of innovation and its mainstreaming throughout the economy. The AIIA looks forward to continuing to participate in these conversations.

CHAIR: Thank you. Mr McAlinden, do you wish to make an opening statement?

Mr McAlinden: I do. Thanks, Chair, for the invitation to the ABC to appear at today's hearing.

One of the key outcomes of the National Disability Strategy is to ensure that people with disabilities live in communities that facilitate inclusion in social, cultural and civic life. As Australia's pre-eminent cultural institution, and as a public broadcaster, the ABC strives to be inclusive and accessible to all Australians. We understand that access to news, information and entertainment helps to ensure that people can participate in society as equal and active citizens.

The ABC has long been at the forefront of delivering media-accessible services. We were the first broadcaster to introduce captions as a regular service on Australian television, captioning out the television news broadcasts in 1990. Today, the ABC delivers more captioned programs than any other broadcaster, and well above the legislated hours set by the Broadcasting Services Act. This includes the provision of captions on many programs on our multichannels and, importantly, more than 12,000 hours of captioned programs on iview.

At the government's request, the ABC has conducted two technical trials of audio description in Australia: first on the broadcast platform in 2012, and then the 15-month trial on iview in 2015-16. We are also currently an active contributor to the government's Audio Description Working Group, and look forward to the Department of Communications and the Arts report later this year. The ABC was also pleased to broadcast a full Auslan-interpreted news bulletin last Thursday in recognition of national deafness week.

The ABC delivers its services working within a defined funding envelope. This requires the corporation to be innovative and creative in its approach it. It also means that there is an opportunity cost for any additional service that we provide. The ABC recognises that there is further work to do to make our content more accessible, particularly as the digital divide shrinks and more people go to their mobile devices for access to information and entertainment. The ABC is in the process of developing a corporate strategy that delivers a coordinated approach to media access, and we hope to release a public document in the near future.

I'd be pleased to answer any questions you have. Thank you.

Senator CAROL BROWN: Firstly, to the department: do you have a disability committee within the department that directly relates to the National Disability Strategy?

Ms Silleri: I'd have to check on that. I'm not sure that we have a committee that relates directly to the strategy. We may have a stream of work, but I'm not sure that we have a committee. But I'm happy to get that information for you.

Senator CAROL BROWN: Do you have a stream of work?

Ms Silleri: I think that we regularly report against an indicator that draws on all the areas of work within the department. I think it occurs across government, about parts of government that are contributing to broader strategies around disability and inclusion.

Senator CAROL BROWN: What is the formal process in the department to report on the implementation of the National Disability Strategy?

Ms Silleri: That's something I'd have to take on notice for you.

Senator CAROL BROWN: Okay. So, to everyone: what are the key barriers to people with disability accessing appropriate communication channels and technologies?

Ms Silleri: I think that's many and varied, depending on the form of disability and the form of technology or communication access that is being sought. In the area that I'm responsible for, we deal primarily with an equivalent to a telephone service for the deaf, the hearing impaired and the speech impaired. Often the barriers there are information—knowing how to access the services that are available and knowing how to use the various devices that enable access to communication.

Another area that I work in relates to caption and audio description, which our colleague from the ABC mentioned. Often, again, it's understanding how you can access the services that are available. It's not so much with captioning because that's become a very well-known tool that's available in many broadcasts to enable content to be enjoyed by deaf and hearing-impaired people. Audio description, while it's not a legislative safeguard at this point in time, is available on a number of different streaming services, and many people are not aware that they can access it. I think Kevin from the ABC may tell you that when the trials were held on the ABC in 2012 and 2015 people who inadvertently stumbled across audio description weren't entirely sure what it was. So there is always a barrier around information and understanding of the technologies that are available and how to access them. So when you can get through those you can accomplish quite a bit.

Senator CAROL BROWN: So before other people respond, are you also responsible for the National Relay Service?

Ms Silleri: Correct—yes.

Senator CAROL BROWN: Are any of the funds that are currently allocated to the National Relay Service being transferred to the NDIS?

Ms Silleri: No, they're not.

Senator CAROL BROWN: Has there been any roll back of the service at all?

Ms Silleri: No, there hasn't. There has been a rebalancing between the outreach service to service that—I will step back a bit. The National Relay Service has two components—the contract has two components. The first is the delivery of the actual communications service. The second is the delivery of an outreach service to support that communications service. What we've done is: we're in a process of refocussing the outreach service to do exactly the things that Ms Johnson was talking about in terms of pushing the outreach to encourage and make people aware of a number of mainstream and new technologies that are available to provide assistance to communications, and not just the National Relay Service. There has not been any roll back of National Relay Services. The full suite of options is still available. In fact, we're trying to look at ways to make more options available.

ACTING CHAIR (Senator Carol Brown): Is it a 24/7 service?

Ms Silleri: It's 24/7, except for internet relay services, which is Auslan via internet.

ACTING CHAIR: And seven days a week?

Ms Silleri: Correct.

Mr Owens: I will add to that. From a copyright perspective, with some of the barriers that were around previously before the government actually did quite a bit of a work on the ratification of the Marrakesh Treaty and the introduction of the bill, the disability access bill and other measures bill earlier this year, it was difficult for people with a disability to access copyrighted material. Those materials were not produced or made accessible in formats that were readily consumable by people with a disability. So the ratification by Australia on the 10 December 2015 did mark an important advance for us to help overcome those significant barriers that limited the availability and accessibility of literature, and precluded some Australians from full participation in society. Even with the significant amount of digital content made available online, the vast majority of published materials worldwide is not presently available in accessible formats. So that's still a barrier—and that's a technological barrier. It's important then that the Marrakesh Treaty is a mechanism to provide disabled people with equitable access to books and other material in formats accessible—for example, in large print, braille and audio. To facilitate the cross-border sharing of that accessible content across the nations that are signed up to the treaty is important for accessibility going forward.

The Copyright Amendment (Disability Access and Other Measures) Act 2017, which largely will come into effect on 22 December, 2017, replaces the current exception and statutory licence schemes for disability access in the Copyright Act, with two new simplified and more flexible exceptions. This includes a fair-dealing exception that allows people with a disability or those assisting them to make accessible copies of material and, secondly, a new exception for organisations that will allow educational institutions and other not-for-profit organisations to make accessible copies, for people with a disability, where material can't be obtained in the correct format and within a reasonable time at an ordinary commercial price. Not only are we addressing the issues around the cost of accessing the material but also it's a much broader access.

Under the new regime, a person with a disability is more broadly defined to cover any disability that causes the person difficulty in reading, viewing, hearing or comprehending copyright material in a particular form. A wider range of organisations will be able to assist people with a disability, including schools, libraries and other not-for-profit organisations that are assisting them. And organisations will be able to make accessible copies of a wider range of copyright material, including printed material, sound recordings, films and television, and sound broadcasts.

ACTING CHAIR: Thank you, Ms Owens. Would anyone else like to comment?

Ms Hrast: In terms of the National Arts and Disability Strategy, one of the priority areas is to address barriers to access and participation. We recently had an evaluation of the strategy and how it's gone so far. Broadly, the review found that the culture of participation of people with a disability has improved and we're seeing different methods of application and improvements to physical access of national cultural institutions. So I think we are identifying barriers and being able to work through them through the cross-jurisdiction of the NADS strategy.

Ms Johnson: I'm speaking on behalf of the AIIA and in my own capacity of running my own business. I'm not speaking for the NDIS or with knowledge of it, I just want to be very clear about that. Overall, the innovation technology industries are doing a huge amount of R&D in this area. Globally, the issue of accessibility is a huge commercial opportunity. As populations age it then becomes a mainstream feature in different technologies. The AIIA believes that we've got a very significant contribution to make, not as an afterthought through a procurement process but up-front in policy design so that policymakers can have early access and perspectives to what's coming, not in the distant future but quite soon.

From a person who's been across this space for many years, if not decades, I have to say that the accessibility of government forms, applications, websites and even call centres is really a huge barrier for people with disability—from a cognitive disability, through to physical and sensory disabilities. While the NDIS is doing huge work, to be commended, people with disability also run businesses, also are great technologists, also have insight into technology that a great many people in the bureaucracy simply don't have because they haven't had to navigate that way. One of the things that the AIIA itself is very focused on is co-design and how co-design can bring to policy formulation insights that people with lived experience actually have, rather than them just being recipients of the output of the policy process. The AIIA itself is a very strong advocate and is involved in a whole range of forums, to do with accessibility and inclusion, across the Commonwealth as well as state governments.

ACTING CHAIR: How do you think the Commonwealth and state governments are faring, in regard to compliance of the web content accessibility guidelines?

Ms Johnson: Okay. I think there's a long way to go, to be frank. While the web accessibility guidelines may be met in terms of compliance, if you speak with people with disability, with cognitive disability, for example, what is there is almost incomprehensible. This is a barrier for people with cognitive disability. What are the new tools and mechanisms that can present content, not just content, but in a way that people are able to actually understand, without always having the intervention of a third party to do that? So whilst it certainly, I think, has helped in some way, for people with visual disability, and to a certain extent in some areas from a cognitive disability in having some more-simplified content, I think there's a long way to go. All you have to do is go to any government website and put in the word 'forms' and see what happens.

Senator CAROL BROWN: I have! Who is responsible for ensuring that government websites are compliant?

Ms Owens: I will answer that. Each agency is expected, within the context of their own website, to make sure that their web content is accessible. But the central policy around that lives with the Digital Transformation Agency.

Senator CAROL BROWN: I wanted to go to captioning regulation and the consultation that was undertaken. The submission period ended on 29 January. Has a report been produced?

Ms Silleri: Are you referring to the department's consultation?

Senator CAROL BROWN: Is that the one about captioning regulation and reform consultation?

Ms Silleri: I think that was the ACMA's report. That was Australian Communications and Media Authority's report. We had an early consultation process around captioning, which was looking at a slightly reduced set of issues than the ACMA's.

Senator CAROL BROWN: Have you produced a report?

Ms Silleri: No, we haven't produced a report.

Senator CAROL BROWN: When did that complete for you?

Ms Silleri: It was some time ago. It was in 2016.

Senator CAROL BROWN: So, probably January 2016.

Ms Silleri: I could be. There were two processes at around the same time.

Senator CAROL BROWN: Was a report produced?

Ms Silleri: No.

Senator CAROL BROWN: Why is that?

Ms Silleri: We were consulting on prospective changes to legislation. That's currently being considered by the government.

Senator CAROL BROWN: What is being considered?

Ms Silleri: Prospective changes around what we were consulting on. Prior to our process—

Senator CAROL BROWN: You did a report coming out of the consultations?

Ms Silleri: Not at this point.

Senator CAROL BROWN: I'm confused.

CHAIR: So am I.

Senator CAROL BROWN: What is the government doing?

Ms Silleri: We're considering changes to the current legislation around captioning. We were consulting on specific issues around captioning quota arrangements, the reporting requirements, and the consistency around the way the exemption regime was applied. There had been some earlier regulatory reforms looked at, through the deregulation act of 2015, and there were some issues that weren't picked up in that process, which we were consulting on.

Senator CAROL BROWN: What is happening with that information that you gathered through your consultations?

Ms Silleri: The government is considering the options around what potential changes can be made.

Senator CAROL BROWN: So, that consultation informed recommendations to government?

Ms Silleri: Yes.

Senator CAROL BROWN: When did they get those recommendations?

Ms Silleri: Some time in 2016.

Senator CAROL BROWN: Mr McAlinden, I want to ask you about captioning, as well. You talked about the amount of captioning you do. What is the percentage over your programming does that apply to?

Mr McAlinden: The ABC, like other broadcasters, is required by legislation to caption 100 per cent of programming between 6.00 am and midnight on our main channel, which we comply with. But, overall, over 24 hours a day for last financial year on our main channel we captioned 90 per cent of programming. For our multichannels, we captioned the majority of programming on those channels, as well. For example, on ABC2, from 7 pm to midnight, we captioned 97 per cent of programming. Across 24 hours a day it was 76 per cent of programming. So we do caption well above our legislative requirements under the Broadcasting Services Act.

Senator CAROL BROWN: Do any of your programs include audio description?

Mr McAlinden: The ABC conducted two technical trials of audio description: one via television in 2012, for a 13-week period; and a second online trial via the iView platform, for 15 months from 2015 to 2016.

Senator CAROL BROWN: Nothing now, though?

Mr McAlinden: No.

Senator CAROL BROWN: You're just involved in the government working group, or whatever it's called?

Mr McAlinden: That's correct. We're participating in the government working group on audio description.

Senator CAROL BROWN: We have talked to people around the ABC's development and operation of Ramp Up. That not operating, is it?

Mr McAlinden: No, that ceased publishing new material in June 2014.

Senator CAROL BROWN: Why did that happen?

Mr McAlinden: The ABC was funded for the Ramp Up portal from 2010 to 2012, and then received additional funding for two years, from July 2012 to 30 June 2014. When that funding was exhausted, the ABC was no longer able to maintain that service.

Senator CAROL BROWN: Why was that? You couldn't find the money within your budget?

Mr McAlinden: That's correct. At the time, we were also funded for discrete funding by government for our education portal, Splash. The communications department at the time was undertaking an efficiency review into the ABC. We had to absorb a number of cuts at the time and it just wasn't possible for the ABC to make an ongoing commitment to the Ramp Up service.

Senator CAROL BROWN: There's no other discussion around it at the ABC?

Mr McAlinden: No. The portal is archived, so material produced for Ramp Up is available. We also have a curated site for our news service, which contains all stories on issues around matters of disability. But at this stage there's no further consideration of reinstating the Ramp Up service, as it was.

Senator CAROL BROWN: Can you recall what the budget for Ramp Up was?

Mr McAlinden: It was approximately $250,000 per year for the four years, plus just under $60,000 for the set-up costs initially.

Senator CAROL BROWN: It was very well received, I understand?

Mr McAlinden: Certainly. Stella Young, the editor at the time, is very much missed by everyone in the community. She was a very strong advocate for the disability community. Yes, it was a fantastic site for people with disabilities to have a voice in the community.

Senator CAROL BROWN: You said $250,000 per annum?

Mr McAlinden: That's correct, yes.

Senator CAROL BROWN: It's not a great deal of money.

Mr McAlinden: As I said, at the time, we were absorbing other costs as well. The funding for Splash was no longer being provided by government. We were in the middle of an efficiency review being undertaken by the department which indicated there would be further budget cuts to the ABC. Our Australian network contract was also cut in May 2014. There were a number of issues at the time that made it a difficult financial environment to continue with the ramp-up service.

Senator CAROL BROWN: Just to go back to the National Relay Service, we have had concern around how that is working. Is there a refocusing of the National Relay Service?

Ms Silleri: We did our consultation process last year, 2016, and we did report on that. From that report, there were a number of recommendations, one of which was that we would retender for the service in 2018, which is when the current contract expires. We were exploring a number of issues in our consultation process, primarily around the rapid increase in usage of the NRS and whether or not the current budget was enough to sustain that and whether or not the service was structured in the most sustainable way to deliver it for the long term. We spoke about a number of options through our consultation process and, out of that, we are going to retender and consider how we can deliver the service more efficiently and more sustainably.

We also are looking at the introduction of a registration process so that we will be able to understand the various aspects of the National Relay Service which are being used more than others and how they are being used. We are also, as I mentioned earlier, thinking about a refocus of the outreach service so we are not purely focusing on a relay service to facilitate communications but we are promoting and exploring the use of more mainstream technologies which a number of people with disability will be able to use as well as and, in some cases, instead of the relay service.

Senator CAROL BROWN: I've got a couple of questions that I'll ask Ms Johnson but she may have to take them on notice, if you don't mind.

Ms Johnson: No problem.

Senator CAROL BROWN: What specific recommendations would your organisation make to this committee on improving accessible online information? Are communication accessibility standards best delivered through a regulatory intervention or industry based initiatives?

Ms Johnson: So those are on notice?

Senator CAROL BROWN: Yes. The secretariat will contact you. My only other question is to Mr McAlinden. Did the ABC consider self-funding Ramp Up at all?

Mr McAlinden: I think we took a lot of things into consideration at the time. As I said, in the context of the broader financial environment at the ABC in 2014, we couldn't make an ongoing financial commitment to Ramp Up.

Senator CAROL BROWN: I'm not sure if that was a yes or a no, actually? Specifically regarding Ramp Up, was it ever considered that the ABC would take over the funding, considering it's $250,000 per annum?

Mr McAlinden: At the time, we would have considered it but we also had to consider the broader environment, knowing that we were undergoing an efficiency review and that there were other cuts being made at the time. We did consider it but it wasn't possible.

CHAIR: Thank you for your time today. The secretariat will be in contact about those questions on notice. Your attendance is very much appreciated.

Proceedings suspended from 15:34 to 15:45

BROADHEAD, Mr Peter, Branch Manager, Disability Employment Services, Department of Social Services

CARAPELLUCCI, Ms Flora, Group Manager, Disability, Employment and Carers, Department of Social Services

FLINTOFT, Mr Craig, Director, National Disability Policy Section, Department of Social Services

JENSEN, Benedikte, Group Manager, Department of Employment

LYE, Mr Michael, Deputy Secretary, Disability and Carers, Department of Social Services

O'REGAN, Ms Carmel, Branch Manager, Labour Market Policy, Department of Employment

RAINGER, Ms Anne, Director, Department of Employment

CHAIR: Welcome. I remind officers that the Senate has resolved that an officer of a department of the Commonwealth or state shouldn't be asked to give opinions on matters of policy and shall be given an opportunity to refer questions to superior officers or to a minister. This resolution prohibits only questions asking for opinions on matters of policy and does not preclude questions examining for explanations of policies or factual questions about when and how policies were adopted.

I invite whoever wants to make an opening statement to make an opening statement, and then we'll ask you lots of questions.

Mr Lye: I have some opening comments. I hope these aren't telling you how to suck eggs. The Department of Social Services welcomes the opportunity to appear before this inquiry into the National Disability Strategy. Our agency has the lead role for disability and carer policy within the Commonwealth, including implementation of the strategy, supporting full scheme roll-out of the NDIS and promoting disability employment. The National Disability Strategy was agreed by the Council of Australian Governments in February 2011 and is Australia's overarching policy framework for disability reform. Responsibility for achieving the outcomes under the strategy rests with all levels of government and, importantly, mainstream agencies across governments have responsibility in ensuring their policy and programs are inclusive of people with disability. Many of the mainstream systems on which all Australians, including the estimated 4.3 million Australians with disability, rely are delivered by state and territory governments.

As you would be aware, the strategy spans six broad policy areas, and economic security, which we're discussing today, is one such area. It is obviously of great significance because it is through economic security that people with disability will have greater ability to exercise choice and control in their lives. Improving employment outcomes is the key to achieving economic security, and it is a significant challenge for governments, employers and society more broadly.

Australians with disability are underrepresented in the work force. More than 14 per cent of working aged people have a disability; however, only 53 per cent of those are either participating in work or seeking work, compared with 83 per cent of people without disability. To address these low participation rates, the department has developed reforms to the Disability Employment Services, or DES, program, which the government announced in the 2017-18 budget. These reforms aim to improve choice and control for jobseekers, engender competition between providers and strengthen the link between provider revenue and performance. The new DES program is scheduled to commence on 1 July 2018.

As part of these reforms and the broader government agenda, the National Disability Strategy encourages a continued focus on building awareness and capacity so that employers are confident and well equipped to employ people with disability. The strategy is now in its seventh year of operation, and it is a useful time to consider progress so far, as well as where more work needs to be done. The significant achievements under the strategy to date include the development and rollout of the NDIS; improvements to the built environment through the premises and transport standards; development of the television captioning standard; development of *Disability Inclusion Planning—A Guide for Local Government*; development of the Digital Transformation Agency's digital service standard; the As One APS disability employment strategy; the introduction of the National Plan to Reduce Violence against Women and their Children, which identifies women and children with disability as a particular focus area; and the development of the Australian Government Plan to Improve Outcomes for Aboriginal and Torres Strait Islander People with Disability.

Over the past year, the department has been working in partnership with state, territory and other Commonwealth representatives to reinvigorate the strategy and drive further progress. The Disability Reform Council first agreed to reinvigorate all government's efforts towards achieving the strategy's aims in September

2016. In March this year the council agreed to a particular focus on health, mental health and the criminal justice system, with specific attention to resolving NDIS mainstream interface issues with these important service systems. A series of workshops are currently being held on each of those focus areas, in order to harness ideas and insights from across the sector, including from disability advocacy organisations, employers and academics. We are also exploring opportunities for enhanced reporting against the strategy as well as a more coordinated communications approach.

Over the life of the strategy there has been greater community awareness of the challenges facing people with disability; however, there has been a continuing lack of awareness of the strategy itself. Efforts to increase community awareness of the strategy are continuing as part of the reinvigoration process. While there have been achievements made through the strategy, we are aware that more needs to be done across each of the strategy's policy areas, and DSS will continue to encourage continuing effort across governments and the broader community to improve outcomes for Australians with disability. I thank you again for the opportunity to appear, and I welcome questions.

CHAIR: Does anybody else want to make an opening comment? No. Senator Brown.

Senator CAROL BROWN: To the Department of Employment: do you have a committee that is set up to look at the department's work in terms of its requirements under the National Disability Strategy?

Benedikte Jensen: We're members of the interdepartmental committee that is chaired by DSS that brings together all relevant parts of the Commonwealth to look at progress against the strategy. Within the department, there are two levels of governance committees, one at the branch head level, where, for instance, Carmel is represented, and one at the group manager level that is the internal governance bodies for all the work in terms of employment services policy and program. Where there are activities relevant to the strategy, those two governance committees within the Department of Employment get regular reports, but, with respect to the strategy itself, the more significant body is the whole-of-government committee, of which I am personally a member. It's generally represented at the band 2 level and is chaired by a deputy sec, but that's obviously more for Michael and his colleagues to talk to.

Senator CAROL BROWN: So there is an interdepartmental committee?

Ms Carapellucci: Yes, that's right.

Senator CAROL BROWN: Who's that made up of?

Ms Carapellucci: As Ms Jensen said, it is chaired by a deputy secretary in the Department of Social Services, Mr Lye, and it has representatives across other government agencies.

Senator CAROL BROWN: Every department?

Ms Carapellucci: Not every department. It has quite broad representation, so Employment, Health, Transport, Education, Industry—

Mr Flintoft: Not Industry.

Mr Lye: We can provide a list of the participating departments.

Senator CAROL BROWN: How often does this committee meet?

Ms Carapellucci: It doesn't have a regular meeting schedule. There will be periods when there's particular work going on where it meets more frequently and then there might be times when it doesn't meet for a few months.

Senator CAROL BROWN: That might be the reason the transport department wasn't aware of it—they may not be part of it. Those officers may not have membership on it. Why did the government or council decide there was a need for a working group on the reinvigoration of the NDS?

Mr Lye: I wasn't there at the time, but it is a 10-year strategy and, over that sort of period of time, priorities that are important to the states and to the Commonwealth do shift. So the reinvigoration was really a chance to ask: 'How are we going? What do we need to think about to bring into focus areas that we need to address or which have become more important? Where are we doing really well and don't need to worry so much?' I think those three areas of focus—health, mental health and criminal justice—probably pretty strongly reflect a concern by both levels of government about the interplay between the emerging NDIS and the broader service system. I think criminal justice is an issue which particularly state governments are concerned about because of incarceration rates of people with disability.

Senator CAROL BROWN: What's the working group actually doing?

Ms Carapellucci: The DRC working group on invigoration?

Senator CAROL BROWN: The NDS reinvigoration working group.

Ms Carapellucci: It's looked at, as Mr Lye indicated, a number of strategies for areas which should have a particular focus.

Senator CAROL BROWN: I understand that.

Ms Carapellucci: In relation to health, mental health and criminal justice, there was a particular focus on mainstream interface issues. There was a view that, with the NDIS rolling out, it was—

Senator CAROL BROWN: I understand that, but what's their role now? The government have identified the priorities.

Ms Carapellucci: They've just recently signed off on recommendations for the Disability Reform Council that will be considered by the council at its upcoming meeting in November as to what the focus of that reinvigoration should be. They also, in previous iterations, identified issues such as better communication about the strategy, greater awareness raising and taking opportunities, for example, when ministers from all jurisdictions might be speaking at public events to highlight the strategy as well.

Mr Flintoft: Can I just clarify the question: are you referring to the NDS reinvigoration working group under the National Disability and Carers Advisory Council?

Senator CAROL BROWN: Yes, I am.

Mr Flintoft: That's not the officials working group; that's the subgroup of the advisory council. They're doing a range of different activities in support of reinvigorating the strategy. One of the significant pieces of work they have been working on recently is undertaking a review of state and territory disability plans and the range of actions that are occurring across the country to try to get a picture of the range of things that are occurring but also the examples of best practice, learnings across jurisdictions and those types of things that can be shared across sectors, as well as providing broader advice on a range of policy issues to government.

Senator CAROL BROWN: How are they doing that?

Mr Flintoft: The working group is made up of experts in the disability field. Obviously, they have particular interests. They do that through a series of meetings. They have regular face-to-face and teleconference meetings. They gain advice from their networks and those types of things as well.

Senator CAROL BROWN: Are they going out broader than that? What's the funding for their work?

Ms Carapellucci: The role of the National Disability and Carers Advisory Council is to provide advice to ministers on issues around disability and carers with a particular focus on the National Disability Strategy.

Senator CAROL BROWN: I understand that.

Ms Carapellucci: The working group provides advice to the broader council and to ministers. There isn't a specific budget associated with the work of that group but the work that they do is supported through the department.

Senator CAROL BROWN: So, other than what Mr Flintoft indicated, they're not going out to do separate consultations; they go out and talk to people in the community individually.

Mr Lye: They are on that council because they have an expertise. They bring their personal expertise to the council. In practice, they go out to their constituencies and talk to them about what they're up to—there's no doubt about that—but they're there to bring their expertise to the table.

Senator CAROL BROWN: From the discussions we've had with some of the witnesses that have come before the inquiry, I have to say that many of them believe that the National Disability Strategy has been put to one side while there's concentration on the NDIS. Would you agree with that statement?

Mr Lye: There's no doubt that the NDIS is a very big and complex piece of work and the National Disability Strategy sits around that. We are paying a lot of attention to the NDIS rollout, as you'd be aware. I think it would be fair to say that one of the areas of focus under the NDS—which is a focus because of the NDIS—is the interface between that broader service system and the NDIS proper. To that extent, we're concentrating on some of those things where there's an interface issue, but I wouldn't say that we've discarded the NDS or we're not paying close attention to the NDS.

Senator CAROL BROWN: Can I get some dates from you in terms of the second implementation plan? When was that released?

Ms Carapellucci: That was released in December 2016.

Senator CAROL BROWN: And that's the implementation plan that goes from 2015 to—

Mr Flintoft: To 2018.

Senator CAROL BROWN: Is there a progress report due or have I missed a progress report? Well, you won't be able to know that.

Ms Carapellucci: There's a progress report due covering the period to the end of the calendar year 2016. Mr Flintoft's team has been developing that progress report. It's currently going through clearance processes. Obviously, that's a progress report to COAG, so it needs to go through the various channels. But we're aiming to have that approved by the end of this calendar year or very early next calendar year.

Senator CAROL BROWN: So we won't be seeing it for little while, then? Are they normally released?

Ms Carapellucci: They're normally released, yes.

Senator CAROL BROWN: I don't know why I thought that progress reports were released every two years. Was that not the original suggestion?

Mr Flintoft: The first progress report covered the period to the end of 2014 and was released—I don't have that exact date on me—about a year after that, because it was covering that earlier period. This will be similar. They're covering two-year periods.

CHAIR: So 2014 to 2016?

Mr Flintoft: And 2016 to 2018, and, presumably, 2018 to 2020, towards the end of the life of strategy.

Senator CAROL BROWN: Obviously, people involved in the disability sector know all about the disability strategy, but, Mr Broadhead, they're unclear about what is actually being achieved. The plans appear to be coming out late. The reporting takes quite a long time. So I don't blame them. The department tells me that raising awareness of the National Disability Strategy is one of their priorities, but I don't see that happening.

Mr Lye: Senator, I think that's a fair comment. That's why in the reinvigoration we are focused on that, because I think it's fair to say there isn't the kind of awareness that we would like of the strategy.

Senator CAROL BROWN: I might ask just a couple more questions, and then I will come back to the Department of Social Services. Since we've got Employment here, I will follow up on a couple of questions from evidence earlier or just to get some clarification. Who has the National Disability Recruitment Coordinator? Mr Broadhead.

Mr Broadhead: I should speak for the purposes of Hansard.

CHAIR: Yes.

Senator CAROL BROWN: Yes, that's right. How is that travelling?

Mr Broadhead: I would say well, but it's a small element of a larger program. It was introduced some years ago, initially, I believe, as a brokerage service—it was before my time—to assist particularly large employers in the interface with employment support providers in terms of filling vacancies. You will see in our portfolio budget statements that we have had a target for some years of 300 vacancies created through that mechanism. It was changed, however, I think in December 2013, to be more focused on providing general support. So it works with the employers to increase their disability confidence, to help them look at their recruitment processes and those sorts of arrangements to try and encourage or equip them to better recruit people with disability or include people with disability in their recruitment.

Senator CAROL BROWN: How has that refocussing been travelling?

Mr Broadhead: There are mixed views. It has continued to meet its performance requirements in terms of the vacancies identified. The latest number was 311. I think it would be frank to say that there's a bit of tension between views about how it could best cater to the needs of employers and how that works within the framework of the disability employment support that is provided. I think disability employment service providers would prefer a more direct relationship with employers, whereas its previous model, when it was operating as a brokerage, tended to be between the employers and the employment support providers. I think that's why it was rearranged in 2013. I don't know that we have got the right mix and balance. We had a discussion as recently as yesterday with a group of stakeholders about whether or not we should continue with the current model or go back to more of a brokerage model. That was at a meeting with our stakeholders yesterday, held at the department. We're continuing to look at it and continuing to listen to the people who work with that role to see what improvements we may be able to make.

Senator CAROL BROWN: Out of the *Willing to work* report—

Mr Broadhead: I can deal with that. The department did provide some support towards it being undertaken.

Senator CAROL BROWN: What is your department doing in terms of the recommendations of the report?

Mr Broadhead: Well, a number of things. That report focused on two particular groups in the population: those with disability and the elderly, or older Australians. We're particularly focused on those with disability, of course.

There were many recommendations in that report, but amongst them, for example, were recommendations about the Disability Employment Services program. You may be aware that the current program finishes mid-next year. We're in the process, following announcements in the budget earlier this year, of making some changes to that program. Amongst those, for example, there was a need to focus on better job matching that involved longer-term outcomes. For example: in the new program, there's the introduction of a 52-week outcome payment. At the moment, we pay our last outcome payment after six months. From 1 July next year, we'll be tracking people's retention in employment and rewarding providers where they support people through to a year in employment. It's a balancing act, because once you get beyond that period there is the question of how much is due to circumstance and how much is due to the actions of the service provider and a payment to providers. We think that's probably as long as we can push it out,. But that's one example of a change in the program that reflects one of the recommendations in that report.

On other things that we're doing: we're looking at how to better engage with employers, both through that program and more directly. Inevitably, the number of people with disability in employment reflects the hiring decisions of employers, and how we can work with employers to increase their willingness and uptake of people with disabilities is one of our questions. I have to say that it's a challenging question in terms of how you influence behaviour and understanding—and this is not meant to be in any way critical—particularly when you look at 68 per cent of employment on one count being with small business. How you reach small business in terms of influencing their behaviour and understanding is quite a challenge. But that's work we're engaged in. I don't want to speak at too great a length in case you have questions!

Senator CAROL BROWN: I was very interested in what you were telling me. Are there targets within the APS for employing people with disability?

Mr Broadhead: I can answer for my own agency. The general rule, as I understand it, is that there isn't a target across all agencies. But for my own agency, yes, we do. That was set by the immediate past secretary at 10 per cent. My recollection is that in the way we measure it, we're currently at about 10.6 per cent.

Senator CAROL BROWN: Mr Lye, are you able to let me know about other departments?

Mr Lye: Senator, I'm not sure that there's a whole-of-APS target. But I am aware that other agencies have targets.

Mr Broadhead: There are.

Ms Jensen: I can comment. It's probably best to talk directly to the APSC to see who is responsible for the overall Commonwealth approach. My understanding is that there isn't a set target, but that each department is encouraged to have a disability strategy. Within our own department we've got a disability champion and a disability employee network to promote the correct support for people with disabilities within the department. And we've got a disability action plan, so the executive is actively looking at how we're doing in terms of that level of support as well as in recruitment and retention of people with disability.

I think that's probably an example of the general approach, that rather than having set targets each department is encouraged to have a set of approaches which continue to have the focus on how we're going in terms of recruitment and retention of people with disabilities.

Ms Carapellucci: I might add to what Ms Jensen has been saying. Most departments do have a disability champion. The Australian Public Service Commission convenes a network of these disability champions, where, basically, they exchange ideas about initiatives that they can pursue or particular initiatives that may have worked well in a particular department and that might be able to be picked up by other departments. The APSC does run a specific graduate program for graduates with disability. I think it's only been run for one year and they're going into the next year of that. We can certainly provide on notice—we can seek it from the Australian Public Service Commission—a bit more information about the work that's underway.

Mr Broadhead: Also, the Australian Public Service Commission has particular service-wide-endorsed strategies for the recruitment of people with disability. That includes what they call their RecruitAbility initiative, which enables the direct short-listing of candidates with disability to proceed through to interview, for example. That's not the whole of it, but it's an example of strategies that are being used.

CHAIR: One of the issues that's come up in what we've been talking about is that the people who find it hardest to find work are those with more complex disability. Could you provide us with detail around that? That's certainly some of evidence we've taken during this inquiry.

Mr Broadhead: It is true, but I—

Mr Lye: Are you saying that generally or in the APS?

CHAIR: Generally.

Mr Broadhead: It's absolutely true, but disability is not unidimensional. So when you say that different people have different challenges, some people may not have multiple sources of disability and yet their challenge may be great and others may have multiple sources of disability. So it's multidimensional, but we will do what we can to illustrate it.

CHAIR: I understand that. I'd like to get a feel for how the APS is managing that particular issue, if possible.

Mr Broadhead: Okay.

Ms Carapellucci: We'll need to get that from the Public Service Commission, but I'm sure we can do that.

CHAIR: Thanks. I don't know if people have heard, but Senator Parry, the President of the Senate, has announced he'll be resigning tomorrow. That's the note that we've just been passing between us.

Senator CAROL BROWN: We were talking about Willing to Work.

Mr Broadhead: Yes. Sorry, was there a question?

Senator CAROL BROWN: My question is: what aspects of that report has the department taken up? What are you working on?

Mr Broadhead: I mentioned restructuring the way we pay for outcomes, up to a point. Another area that they particularly recommended was for our star-rating system, which rates, in my view, the relative effectiveness of our employment service providers in actually supporting people into employment—that that should be linked to the achievement of longer-term outcomes. Introducing a 52-week outcome payment gives us a more reliable source of data to actually measure that in our performance ratings. We're about to meet for the first time with a reference group of people from the sector to look at that performance framework and how we'll adjust it for the new arrangements. Amongst those things being considered is how we measure long-term outcomes.

Senator CAROL BROWN: Are the payments that will be made to the providers weighted payments?

Mr Broadhead: Yes. They're not the same for everybody, if that's what you mean?

Senator CAROL BROWN: Yes.

Mr Broadhead: The intention is that coming into the new arrangements—I should try to make this as simple as possible—that they're inversely proportional to people's assessed likelihood of getting employment. In other words, the slimmer your chances of getting employment the more funding is paid out in the event that it's successful.

Senator CAROL BROWN: The more assistance you might need to get employment?

Mr Broadhead: Yes. Particularly important in that approach is that without such an arrangement, it's possible—and I'm conscious of provider peak representatives sitting behind me, but we don't want this to happen—for providers to be picking and choosing people based on: 'Oh well, they'll be easy to get into employment and I get the same payment for them as for working with those who are harder to get into employment. If I don't get more for them, why would I support them? I'll go for the ones where I can get a higher turnover and the same payment.' Adjusting the payments to be proportional to the difficulty of getting people into employment ensures that there isn't an incentive to go after the easy and 'park' the hard.

Senator CAROL BROWN: Has that decision been made, as to what category—

CHAIR: Yes.

Mr Broadhead: We've published a table showing the current case load distributed by the categories that will be used in the coming arrangements.

Senator CAROL BROWN: All right. I may have to get that again.

Ms Carapellucci: If I could add to Mr Broadhead's answer: the new funding model was developed by actuaries based on the actual performance of the DES program, I believe from 2010 through to—

Mr Broadhead: Yes. They looked at seven years of data and they looked at the characteristics of people that affect their likelihood of outcome. The other thing I should say is that it's not just about the characteristics of the people; there is also some allowance for differences in labour markets. Again, that's important because, as we know, there are parts of the country where labour markets are relatively depressed compared to the national. Again, if you want to support people in those areas, then there shouldn't be a financial penalty for working in those areas because it's tougher to get people into employment in those areas, if you see what I mean. So it's attempting to take an even and distributive approach allowing for those kinds of differences—

CHAIR: A regionalisation approach.

Mr Broadhead: Another recommendation of the report was accessible, user-friendly information. We're particularly focused on how we can do that for the upcoming arrangements. We have endeavoured to do this in the past and we've had some successes and some outcomes that were less so, but we are now focused on what kinds of information we can provide and how we can make it readily accessible. Again, we are focused on doing this particularly in the lead-up to the new arrangements, not least because a feature of the new arrangements is to make it easier for people with disability to choose their provider and change their provider if they're not happy. In order to assist them in doing that, we would like to get information in front of them about who provides what, claims the providers themselves may make about how they work and also, over time, information about their performance.

We're wrestling with the issue of whether and how we might incorporate the personal ratings of people with disability about the experience they have had. We currently do a follow-up survey through our colleagues in Employment, I hasten to add, who do the work—or at least contract it out—which does follow-up at the program level to understand people's experiences of the program as a whole. While that is good to have, it doesn't give people the capacity to discriminate between providers. We're wrestling with how to assist people to put up views about the providers so that, when people are choosing, they can be aware of other people's experiences. The difficulty, of course, with that is, if people tip a bucket or say things that are untoward, you don't want to be sponsoring that on a government website. We need to have some care about how we moderate it and ensure that it's not unrepresentative. So that's a challenge for us, but we're wrestling with it.

Senator CAROL BROWN: Have you completed that?

Mr Broadhead: We did look at ongoing support funding, which was another area that the report identified. In the end, and in consultation with our reference group, who were involved with us in the design of the new system, ongoing support in disability employment services—sorry, I should explain the context—is available to somebody once they are in employment. Sometimes it's support for them, sometimes it's support for the employer or colleagues. We provide it at three levels: one is called 'flexible', one is 'moderate' and one is 'high'. These are different levels of funding, essentially. Flexible is also intermittent, whereas the others tend to be more steady. From memory, the top payment is $12,000 per year over quarterly payments, and this is for support in the workplace.

There was a question about how this is done. We did canvass the possibility of changing those payments in our discussion paper, but, in the end, there wasn't support for changing those arrangements. At least for the commencement of the program next year, we have left them as they are. There was also a question in the report about incentives for providers to place people in positions which exceed what we call their 'benchmark hours'. One of the outcomes of assessment of people going into the program is both a current and a future work capacity. It's how many hours per week they can reasonably work. 'Current' obviously is as they are, and 'following supports and interventions' is particularly for those receiving some rehabilitation and that's the level they're expected to achieve. The majority of people supported through the program end up in part-time work, because that reflects their capacity to work. This particular recommendation was about having incentives to put people into work that exceeded their benchmark hours.

In the end we haven't done that because of concerns that, if you create an incentive where a provider gets an additional award for putting somebody in work above their assessed work capacity, this may create incentives that have unwanted consequences for the people, as you're basically putting them into work that requires them to work too long hours. So, again, it was considered but, in the end, we did not want to put that in. There's nothing preventing people taking work above their benchmark hours should they wish to do so, but we didn't want to create an incentive for providers to push them to work more than their benchmark hours.

Senator CAROL BROWN: As you transition to the new DES, is there a transition pilot or is that going to happen?

Mr Broadhead: No. We are transitioning, but we haven't got there yet. The announcement was in the budget this year, and the start-up date—the first date it will be in operation—is 1 July next year. So we're in that process at the moment. We don't have a pilot, but we do have a period which we call 'transition', which is a formal period under the current arrangements. In technical terms, we have a series of contracts with providers that will come to an end and we will be seeking for them to sign up to new contracts by the end of March. From that point, there'll be a period where we're winding up the old and ramping up the new, and we call that the transition period. That would be taking place in April, May and June next year

An important focus in that is that a number of people may currently be supported by providers who are not going to continue in their locality to provide that service. We expect this to be less than a quarter of the total participants, but there's a need obviously to have an orderly means of ensuring that they continue to receive support as their current provider ceases and new providers becomes available. That's what we term the transition period.

Senator CAROL BROWN: One of the issues witnesses have put to the committee—and I think that Mr Lye mentioned it as well—is confidence and awareness in terms of people with disability in employment. What work are you doing around that?

Mr Broadhead: I mentioned the national disability recruitment coordinator and that's one of the things that they do.

Senator CAROL BROWN: I was talking more generally.

Mr Broadhead: Again, I don't want to give anybody the impression that online training is the answer to everything, but we're currently developing are modules available online for people to use to understand issues of employing people with disability and how to be confident in employing people with disability. Those modules will be made available so that those who have an interest can go to them. We'll be promoting that, of course, through trade associations and other kinds of people. DES providers, I expect, will promote themselves as well. That's one avenue we're taking.

Senator CAROL BROWN: And we're going to judge the success of the new refocused DES by employment rates?

Mr Broadhead: Yes. I don't want to suggest that this will solve all problems instantaneously.

Senator CAROL BROWN: You're a part of government; I'm sure it won't.

Mr Broadhead: That's harsh! We're definitely trying to make the program more effective in a couple of different ways. We're trying to make it more responsive to people with disability and to employers and to put more competitive pressure on providers to do that effectively and to structure the payments so that those that are good at it flourish and grow, and, in that way, to improve the performance of the program.

You may recall that the program was uncapped in 2010—prior to that, there were bits that were uncapped and bits that were capped—and the aim there was to get more people in to support them to get employment. And it has been successful in that regard. In the last three years of the program to date, there have been more people being supported and achieving employment than there were in the last three years of the previous program. But we still think there are more people who could be eligible for the program and supported, but aren't in the program, than there are in the program. So we think there's an issue about getting people to look beyond the people who are already presenting and trying to bring them into the program.

CHAIR: Do you mean people who are accessing jobactive providers or who just aren't accessing any employment—

Mr Broadhead: No. We published some data which shows that there are, in our estimation, more than 200,000 people who have an assessed work capacity of eight or more hours a week, which is the minimum for participating in the program, and who are not in work or education. As I speak, there are 189,000 or so people in the program. In our estimation, there are about 200,000 who could be, as best we can tell, but aren't. So one of the things we would like to see is not only improved performance, in terms of the work the program does with the people in the program, but also more outreach to try to bring people into the program.

Senator CAROL BROWN: Is that work going to be conducted by the providers?

Mr Broadhead: Yes. We are certainly expecting our providers to be a bit more active in seeking out people.

Senator CAROL BROWN: How are they going to get access to these 200,000 people?

Mr Broadhead: I will answer that in a somewhat roundabout way. One of the reasons the program wasn't as successful in its current guise, in bringing more of those people in, is the way the program's structured. People bid in the tender process and received what's called market share. So as a provider I would put my hand up and say, 'I'll take 30 per cent of the business,' which is the way it's referred to, but it's 30 per cent of the people who need support within a region. And the outcome of the tender process might be, 'Actually, you've got 25,' and somebody else has got 20 and so on.

We have then managed referrals, through our colleagues in Human Services, so that providers received—within a tolerance above and below that amount—the amount of the market share for which they bid. So, in a sense, I think the program has been focused on dealing with those who were sent to their door as opposed to looking beyond those sent to their door to who else might be out there. One of the elements of the new arrangements is that there will be no market shares awarded in the new arrangements. Providers will have to work to attract participants. If I were a provider, I wouldn't be focusing only on those who are already in the program, I would be focusing on anybody who is eligible to be part of the program. They will have an incentive to do that, under the new arrangements, in a way that they haven't had in the past.

Senator CAROL BROWN: We'll be watching that; I wish you well.

CHAIR: Do you have questions you want to put on notice?

Senator CAROL BROWN: Yes. I might put some—

CHAIR: The alternative is, if the department doesn't mind, we can keep going to a quarter to, and then we will have had an hour on this session and an hour on the next session, if you want to ask more.

Senator CAROL BROWN: I'll just put mine on notice.

CHAIR: There will be more questions on notice. Thank you very much.

GUNN, Ms Stephanie, Acting Deputy Chief Executive Officer, Participants and Planning Experience Group, National Disability Insurance Agency

RUNDLE, Ms Vicki PSM, Acting Deputy Chief Executive Officer, People and Stakeholder Engagement Group, National Disability Insurance Agency

[16:35]

CHAIR: For people's information, in the next 10 or 15 minutes Senator Brockman will appear via teleconference in place of Senator Smith, who has to catch a flight. I remind officers that the Senate has resolved that an officer of a department of the Commonwealth or a state shall not be asked to give opinions on matters of policy and shall be given reasonable opportunity to refer questions asked of the officer to a superior officer or to a minister. This resolution prohibits only questions asking for opinions on matters of policy and does not preclude us asking questions around explanations of policies or factual questions about when and how policies were adopted. I see Ms Gunn has arrived. I invite you to make an opening statement. Mr Lye, you don't need to say anything else, do you?

Mr Lye: No.

Ms Rundle: Firstly, we'd like to thank you very much for asking us to come and present evidence to the committee. We always want to be as helpful as we can be, and we'd be very pleased to answer whatever we can. If we can't, we'll obviously provide that for you on notice. The key thing we wanted to say—and I'm sure it's been pointed out during the course of the day, especially with our DSS colleagues here—is that the NDIS sits within a much broader service system. Particularly, the National Disability Strategy goes to all of those pieces that need to be in place, and you'll see in our submission to the committee that we make the point very clearly that, without a strong National Disability Strategy, with all of the other mainstream supports remaining in place, people aren't going to be able to get the supports that they need, because it's part of the system. The second thing is that, obviously, one of the key outcomes for people in the scheme is to be able to achieve that broader goal of social and economic participation. Again, that goes very much to inclusive and accessible communities. Beyond that, Ms Gunn and I will be very happy to take any questions that you have.

CHAIR: Senator Smith, do you have any questions before you go?

Senator SMITH: No. I've got plenty of opportunity, so it's quite okay.

CHAIR: I want to go to the point that you just made, Ms Rundle, about the NDS complementing what the NDIS is doing. We've had a lot of feedback that all the focus has been on the NDIS and the focus hasn't been on the strategy. The points you made I take on board very strongly, and people have made the point to us that the NDIS can't function unless we've got a really strong strategy in place that's working particularly with mainstream organisations. In terms of how you've found it from the agency's point of view, is your take on it that it hasn't received as much focus because the NDIS has taken the focus?

Ms Rundle: I'm happy to start and hand over to Ms Gunn, but I would firstly say that I'm quite involved with our policy department, of course, on the National Disability Strategy more broadly and I'm aware, having participated in a number of forums looking at the NDIS, that there's a strong commitment by government and government departments to the National Disability Strategy. My most recent department, a couple of years ago, was the Department of Employment, and I know that for that department it was very important and key. So I wouldn't like to convey any impression that it's not adequate and that therefore the impost is affecting the scheme, though it is fair to say that having those strong supports more broadly in place means that the scheme will serve those people who it's meant to serve and they are also able to access supports outside of the scheme. But I would very much want to recognise the work that's going into the National Disability Strategy now, actually.

CHAIR: I think it would be fair to say that the overwhelming evidence we've had is that the scheme has not received as much attention overall as the NDIS. I'd say it's overwhelming. Would you say that too, Senator Brown?

Senator CAROL BROWN: Yes.

CHAIR: People have made a lot of comments, and you can see them, but one of the key, overwhelming comments that we've had is that people feel it's been secondary to the NDIS. You can expect a lot of focus on the NDIS. Some people were more critical than others, but it is a fairly clear comment that we've got back through the submissions and particularly through our oral evidence.

Mr Lye: They're very different beasts, I think. The NDIS is obviously very focused, with a $22 billion investment and an enormous amount of change, and then obviously the NDS is long range and multilateral. There's not specific funding attached to the National Disability Strategy, and so you are looking to try to get action from all levels of government, and I think that moves at a different pace, necessarily. So it doesn't surprise me that stakeholders would say, 'Well, I can see all this focus and activity on this NDIS thing with this big investment, versus the National Disability Strategy.' We're not sure in our minds that that equates to it being less important.

CHAIR: People aren't saying they thought it was less important, and I didn't say that either. But people felt it hasn't received as much attention. I take on board everything you've said about how there's not funding that goes with it and it was a long-term strategy.

Mr Lye: Yes.

CHAIR: People feel like not as much effort has been put into it or it hasn't received as much attention, because of the need to focus on a huge, mammoth task, which the rollout of the NDIS was. So people aren't arguing that it wasn't as important or that it's not seen as being as important. It's just that it hasn't received as much attention.

Mr Lye: Yes. I know that NDIA and we are very focused on the NDS, because what we do not want to see happen is other levels of government retreat from their responsibilities. I'm not accusing them of doing that; I'm just saying we don't want to see—

CHAIR: I'm quite happy to accuse them of retreating from their responsibilities. You might not, but I will.

Mr Lye: Just because that's not part of the NDIS catchment, we do not want to see people retreat from their obligations and from mainstream obligations, because in fact it will harm the NDIS.

CHAIR: Yes.

Mr Lye: So, even if you take a view that you're very focused on the NDIS, you have to be focused on this other area; otherwise it won't work. We're really conscious of that. I think that, as we go through the rollout of the NDIS, every day the issues pop up—the interface between carers and areas like mental health and the health system—and we are paying close attention to those areas because we've got to get that right.

Senator CAROL BROWN: When you talk about the attention you're placing on, say, health, what exactly do you mean by that?

Mr Lye: We're very engaged with our state and territory colleagues in the NDIA, so those three blocks of people typically will sit down and say, 'How is the actual detailed interface going to work with the health system once NDIS is a reality?' That might involve a workshop where we sit down with the health experts in the states and say, 'Let's talk it through: what does discharge planning look like?'—all those bits and pieces in the health system on which we need to interface properly with the NDIS. We're trying to get practical about those things.

Senator CAROL BROWN: I think people understand that, and they certainly understand the service gaps or the issues that have to be resolved in terms of what is and what is not a mainstream support. But what I think people are concerned about—to take public transport, for example—is the work that needs to continue there to make sure that the mode of public transport is accessible. That is the issue that they're talking to us about, and the work that's been done to make sure that people who are working in the health system have an awareness about how they deal with people with disability. That's what we're talking about, not really that interface between the NDIS and the states and territories. But the concern was that there is a whole lot of work that still needs to be done, and I think we all accept that. And their concern is that they're not hearing anything, and that somehow the NDS had just been put to one side and a lot of people hadn't heard about—and maybe they didn't need to hear about it—the reinvigoration of the NDS work group. And these are people who are actually interested in strategy. I didn't ask everyone; I'm not suggesting that. But those that I did ask were not aware of it.

Mr Flintoft: Also, a reality of the strategy is that the way the strategy is delivered across agencies and across governments means that activity is not necessarily badged as the strategy, for instance. If you look at state and territory disability plans, they'll be running their own plans with their own vision to meet their state's needs that are consistent with the strategy, but the actions that are achieved under those aren't necessarily promoted as being under the strategy, for instance.

Senator CAROL BROWN: I understand, but then you see the improvements on the ground, don't you?

Mr Flintoft: Yes.

CHAIR: Yes, so you still know that those points from the strategy have been met.

Mr Flintoft: Absolutely.

Senator CAROL BROWN: I was going to ask about—and now that you've brought it up—the reporting of how the state and territory governments report to you on their progress. How does that work?

Ms Carapellucci: Because the strategy is an agreement between the state or territory and the Commonwealth government, it's not so much that the states and territories report to the Commonwealth; it's more that collectively we report to COAG.

Senator CAROL BROWN: But who puts the report out?

Ms Carapellucci: It would be released by COAG.

Senator CAROL BROWN: But who puts it together?

Ms Carapellucci: DSS kind of does the grunt work, if you like, in getting input from states and territories. This time around—and I'm not sure whether it happened last time around—we also did an online stakeholder survey, which you may or may not be aware of. The intention of that was to get a broader range of views about progress under the strategy than you would get from just simply going to governments. It wasn't designed to be a nationally representative sample or anything like that; it was an online survey that anyone could respond to. But we got about 600 responses. The responses are in line with the sorts of issues that have been raised today—that there has been progress in some areas of the strategy but in other areas more work needs to be done, that there isn't a broad awareness of the strategy and that that's a challenge in terms of getting that greater awareness. The report to COAG will then kind of bring in what the states and territories say, what stakeholders have said. We've also given disability peak organisations the opportunity to provide feedback on the strategy that will also be reflected in the report. So we envisage that the report itself will be a fair kind of overview of how the strategy's going rather than trying to—

Senator CAROL BROWN: But is the information that you get from states and territories all consistent? Do they all report in the same way?

Mr Flintoft: The states and territories will report against their own disability plans in their own jurisdictions through their own processes, but they will contribute information on activities that have been undertaken during the reporting period to be included in the report.

Senator CAROL BROWN: And local governments?

Mr Flintoft: Local government, yes. The states and territories are collecting information on local government and key achievements in local government. You will appreciate that there's a large number of local governments, so it's not a matter of every local government reporting through that progress report. But we'll have examples of good practice in that space as well. And obviously local government has a key role to play in implementing the strategy, and I'm not sure whether senators are aware that the department sponsored a category award in the local government awards over the last few years around local governments' best practice towards the NDS. And there are some good examples of some positive work happening in local government. The winner last year was the Brisbane City Council, which not only had developed a disability plan but also actually carried it through and delivered it and had a range of achievements.

CHAIR: Yes, we heard some really good stuff about what they were doing when we were up there on Monday.

Mr Flintoft: Yes. There are a number of good examples like that. We sponsor that award to sort of promote that best practice across local government. We also provided some funding to the Australian Local Government Association two years ago, I think it was, to assist them to redevelop their guide for local government planning, to bring it up-to-date—it was previously developed in the early nineties around the Disability Discrimination Act—in line with the National Disability Strategy and broader reforms in disability to promote good planning and engagement.

Senator CAROL BROWN: Okay. I'm loath to ask this question, and I know this is a COAG strategy, but how do you judge how successful the states and territories have been? Are there benchmarks? Any KPIs or anything like that?

Ms Carapellucci: No, there aren't KPIs as such. The strategy—and Mr Flintoft will correct me if I'm getting the terminology wrong—has trend indicators. And it's probably fair to say that the whole area of reporting is an area that does require some work. The indicators that are in the strategy are based around the data that was available at the time that the strategy was developed. We've started to think about what a disability framework might look like post 2020, and one of the issues that we're looking at there is how to get a more robust reporting framework. We're working with the Australian Institute of Health and Welfare, which is doing some work for us on looking at what data is available and what the gaps might be and what some options might be for filling those gaps. And in our consultations with stakeholders there was a bit of a view that because this work is going to take some time it's probably best for that to feed into a post-2020 disability framework rather than trying to change how we report against the current strategy sort of midstream.

Senator CAROL BROWN: So you are considering improvements to the reporting?

Ms Carapellucci: Yes.

Senator CAROL BROWN: But not until post-2020?

Ms Carapellucci: Yes.

Mr Lye: The work with AIHW—I suppose our view is that having that evidence base that's independent is very important. We might be working towards the performance framework for post-2020, but with the work with AIHW we may land, hopefully, earlier than that.

Senator CAROL BROWN: Thank you. You can't give me any—

Mr Lye: I can't give you a date, no.

Senator CAROL BROWN: Just don't say, 'Shortly.'

Mr Lye: No, I won't.

Ms Carapellucci: If I could just add to what Mr Lye has just said, for example, if the AIHW were to recommend the collection of a new data source, there are long lead times in developing those sorts of things. Often it is several years to get an additional question into an existing survey—things like that. We just need to be realistic in terms of what we can do within the time frame.

Senator CAROL BROWN: I think enhanced reporting is something that people that are relying on the strategy would appreciate. As I said before, people are not aware of how this strategy is really travelling. I wanted to go back to something you said, Mr Lye, in your opening statement. You talked about a number of standards that have been produced. Are they voluntary or mandatory standards?

Mr Lye: I will just go back to those ones, and Mr Flintoft might be able to help us.

Mr Flintoft: The two sets of standards referenced there—I won't have the technical name in my head—were the transport standards and the access to premises standards. I think they were the ones in the opening statement.

Mr Lye: Premises and transport standards. Then there was the television captioning standard and the digital service standard.

Senator CAROL BROWN: Don't bother with the first two; I'm aware of those. Those second two—the captioning and the digital service standard—are they voluntary as well?

Mr Flintoft: To be honest, I'm not aware. We would have to take that on notice. They'd sit under the responsibility of the Department of Communications and the Arts. We would have to check with them.

Senator CAROL BROWN: One of the big issues that has come out of this inquiry is that people—obviously not all witnesses, but quite a lot—have a view that the strategy needs to be given some more gravitas, be a priority area and be moved from DSS to Prime Minister and Cabinet to be able to drive the strategy across governments and across all the departments. Do you have a view? You knew this was coming.

Mr Lye: Did I? I didn't. I can't really answer that. I'm aware that governments choose to have things located in Prime Minister and Cabinet or in a line agency. Indigenous Affairs is a great example, where it has both resided in our portfolio at various times and is now located in Prime Minister and Cabinet. Governments make those choices. We would say that we take or job very seriously in leading the strategy, and that we could do that as well as anybody else. We back ourselves. Others might have the view that we don't.

Senator CAROL BROWN: It wasn't a criticism, I don't think, of DSS really and certainly not of you, Mr Lye, since you have only been there a short period of time. The suggestion was more about the fact that people have felt that improvements have been inconsistent and that a lot of the improvements have been really based on goodwill and really not that strong driving force; more of a centralised coordination that people believe that you need for something that's going over three levels of government and, of course, in business and in the community. So it wasn't a criticism of DSS other than the fact that this is what is needed to really drive the improvements that we hope to achieve under the strategy.

Mr Lye: I think the data issue, the evidence issue is very important. To state and territory governments and to the Commonwealth, we can present a story to you to say, 'This is what we've achieved over a period of time under the NDS.' And we can probably tell you quite a compelling story. Having an evidence base through an independent data source keeps us all accountable at all levels of government. Certainly the funding that the government puts into our DROs, our disability representative organisations and advocacy organisations, is another way in which you have a degree of transparency, even our NDCAC body.

Senator CAROL BROWN: We haven't had an increase in DRO funding for a number of years.

Mr Lye: I'm just saying to you: those kinds of independent institutions provide a level of accountability. But the evidence base, which is independent, if we get that right, can tell a story about people with disability in Australia, in any location, that's a more accurate assessment of how we're travelling than a report we put together to say: this is what we've achieved. I think it's good to be able to point to things that are good practice and you hope something good that's happening in Queensland will be picked up in South Australia or what not. But I think that independent source of advice—

Senator CAROL BROWN: Picking up on that point of reporting, has it ever been considered that the reporting is not regular enough? Really, how many reports have we had since the introduction? One.

Ms Carapellucci: Some of that comes down to data availability. You'd be aware the ABS survey of disability AGN carers, which is one of the key data sources we use, is run over three years. We considered, for example, whether we should be moving to annual reporting and we discussed this with states and territories but, in the end, kind of landed at retaining the reporting every two years simply because we didn't think that there was the dita availability.

Senator CAROL BROWN: But we're not meeting it every two years, are we?

Ms Carapellucci: We are reporting every two years; it's just kind of a bit of a delayed reporting.

Mr Broadhead: The report necessarily has to follow the period on which the report is about. The period finishes and then you compile the report. So the report is always following the close of the period. If you're reporting on a couple of years, 2014 to 2016, then you compile a report in the following year; hence it comes out at the end of the following year, essentially.

Senator CAROL BROWN: How many reports have we had?

Mr Flintoft: There have been two reports but the first progress report was the 2014 one that was released in 2015. So this will be the second progress report coming up.

Mr Broadhead: Which is 2015-16.

Senator CAROL BROWN: Has there been one?

Mr Flintoft: Yes.

Senator CAROL BROWN: And we're waiting for the second?

Mr Flintoft: Yes, that's correct.

Senator CAROL BROWN: We're in 2017. I understand.

Mr Lye: It is two calendar years.

Senator CAROL BROWN: I understand. You talked about the awareness of the strategy. Do you have regular consultation and engagement on the strategy both inside government—obviously, you probably do—and outside government?

Ms Carapellucci: Yes. Mr Flintoft might want to add to this. As I mentioned earlier, in terms of the reporting we did the online survey. We have regular discussions with external stakeholders that cover a range of issues. Certainly people are free to raise issues around the National Disability Strategy. It's probably fair to say we don't have a dedicated forum for doing that other than through the National Disability and Carers Advisory Council, which meets twice a year. Again, that's a relatively new body. To date, it's only met twice.

Mr Flintoft: As you're probably aware, the strategy was informed by extensive engagement with people with disability. That was quite some time ago, but the issues remain relevant. That resulted in the *SHUT OUT* report. There are probably a number of other mechanisms that we regularly engage through. We engage with particular forums around particular issues. Through the second implementation plan, there's a commitment to hold three workshops on specific issues each calendar year. So there's a workshop on issues impacting on Aboriginal and Torres Strait Islander people with disability involving representatives from that sector, experts and those types of people. There is one on employment issues impacting people with disability which is coming up soon. In consultation with stakeholders, there'll be a third workshop this year on criminal justice issues where people will be engaged.

We also through Commonwealth agencies promoted the development of disability engagement protocols. Quite a number of agencies have developed those over the life of the strategy. The aim of those is to ensure that people with disability are engaged by mainstream policy areas—DSS has one as well—in everyday business and in the development of policy and programs and the services they deliver. I can tell you the departments that have those, if that would be of assistance. The Australian Bureau of Statistics has an engagement plan, as do the APSC, the Department of Communications and the Arts, the Department of Education and Training, the Department of

Employment, the Department of Foreign Affairs and Trade, the Department of Health, the Department of Human Services, the Department of Infrastructure and Regional Development, the Department of Social Services, the Department of Veterans' Affairs and the NDIA. Many of those agencies would have engaged with representative organisations in the development of those as well.

CHAIR: Do you comment on their engagement plans?

Mr Flintoft: They're not plans in the sense that we'll engage with people at this point in time around particular issues; it's more that general informing staff they have a responsibility to engage with people with disability. So we offer provide comment on those in their development, yes.

CHAIR: But they're more internally focused rather than—

Mr Flintoft: They are internally focused in the sense that they aim to impact staff of agencies but externally focused in the sense they're trying to promote engagement with people with disability on policy and program issues.

Senator CAROL BROWN: How does DSS drive change within Commonwealth departments in terms of initiatives that are actually going to have an impact on the ground? Do you have a role there?

Mr Lye: We do through the interdepartmental committee process. Through the current reinvigoration strategy, we are working with the states in trying to think about what the areas of priority are we need to focus on in the last part of the current 10-year plan and into the next plan, the post-2020 plan. It's difficult. We have this choice between trying to concentrate on fewer things and go harder at them or trying, as we are at the moment, to cover a lot of bases. We've obviously got a lot of layers of government. In my mind, you've got to do both those things.

Senator CAROL BROWN: Departments can work on their initiatives and report; through your IDC, you can monitor any progress. I just wondered why we always talk about minimising the projects or initiatives that we're working on. Transport, building and housing have been raised a lot. You would probably be aware of where the department is up to with the Building Code. Do you have any involvement in that?

Ms Carapellucci: The Building Codes Board?

Mr Flintoft: Not directly. We have some involvement. But that issue is a matter for that department. We're not driving that policy, obviously, or that piece of work.

CHAIR: Particularly at the beginning of this inquiry, there was a strong focus on building standards, both for housing and for business and general office accommodation, for example. I heard what you said—it's for that department. But do you do any advocacy with them in trying to drive their agenda? We've heard this afternoon that any change to the Building Code is not likely to happen until 2022—another five years. For the people we've been talking to, that's extremely frustrating. The strategy has been in place since 2010 and they've been told that the nearest they're going to get to any change is two years after the strategy is supposed to finish. That's why people are talking—

Mr Lye: We do advocacy, and obviously issues filter up. We prosecute those with other agencies. I think Mr Flintoft is making the point that they need to take responsibility for the pieces of work, but—

CHAIR: Some people would argue the whole of government should take responsibility for it and drive it, and that's why they argue from the point of view that Senator Brown was articulating around PM&C taking a much stronger role to drive change, rigorously.

Mr Lye: I hear what you're saying. I'm not going to criticise—I can't.

CHAIR: I'm not expecting you to criticise. Let me ask a direct question: how strong has the advocacy been to other agencies? I am not disputing the fact they have control over their agenda, but, quite frankly, some departments don't seem to be driving the agenda very strongly. Certainly, if all the stakeholders that have given evidence to us have been so consistent in what they've been saying, I'd say there's an issue there. People feel a great sense of frustration. Do you understand that sense of frustration, when people have been told to wait at least another five years?

Ms Rundle: I was going to make a small contribution to this conversation by talking briefly about what the NDIA do contribute, in a small way, I suppose. Our specialist disability accommodation policy and guidelines expect that the accessible living standards and all of the Building Code standards would be adhered to, and we build those into what we would encourage investors to look at. Last year we ran a couple of showcases, I believe with our colleagues in DSS. I wasn't in the role at the time, but I do know that in 2016 we did this, and about 1,300 people attended. What we tried to do was get participants together with providers of housing so that we could think about the sorts of things that would make housing more appealing to participants so that investors would start looking at those sorts of things, particularly accessibility.

The other thing I guess I would add is—and you know this—states and territories are actually responsible for the provision of housing, as well. So there is an element here where we're all working with them, as well. But I just thought I would add that in. And, in fact, in our SDA guidelines we actually have a set of principles that go to accessibility. I know that wouldn't surprise you.

Mr Lye: I understand what you're saying about the—it's very hard for us to come here, and we wouldn't come here and say, 'We've been trying hard with X department and they have demonstrably been difficult to deal with.' That's not a winning strategy for us.

CHAIR: Strange that!

Mr Lye: But we do, obviously, care about getting progress. We do advocate internally on issues. We're also prepared to hear where the community is saying, 'Look, these areas are really important to us, and we don't think you've done well enough', and renew our efforts. It is a difficult beast because of the layers of government and the expanse that you're covering. So it's a complicated exercise to get change. That doesn't mean it's impossible, but it's difficult.

Mr Flintoft: It's probably fair to say that other agencies often seek out advice from DSS when they're developing core scheme programs, as well. So we often have input into a range of different things that are occurring across government in promotion of principles of a strategy.

Senator CAROL BROWN: We heard earlier the ABC, essentially, say that they discontinued ramp-up because of a reduction in funding from the government. What do we do there? How do we ensure that, where there are initiatives put up, they're working? People rely on them. Then we see a funding decrease, or a reallocation, I suppose, of funds within the ABC itself. What can we do to ensure that services are actually not taken away? This is all about making sure the services and supports are out there for people with disability to be included and be able to access the community. You don't want to hear about actual services that are important to people to be taken away. Is this not a question to ask of someone else?

Mr Lye: In part, it's a question for the ABC around their effort.

Senator CAROL BROWN: I did ask them.

Mr Lye: Then, I suppose, within the APS where we have our mechanisms there's an opportunity for us to say to individual agencies, 'Look at the sum total of your commitment to NDIS and to people with disability. How are you going in that regard?' If one program is ending, then you ask, 'Why is that? Are you diminishing your effort? Or have you worked out there's a better way to do something and you actually are moving forward but in a different way?' That's a conversation that goes back to the advocacy question. It's something that can happen via our governance mechanisms for the NDIS.

Senator CAROL BROWN: But, in this case, it has been, clearly, a funding issue. That's what they said—they had a reduction, and this is one of the things that—

Mr Broadhead: We're not really in a position to comment on a change in funding in another agency.

Senator CAROL BROWN: Sorry to interrupt, but I'm just asking, where government funding is concerned, whether there's a way to make sure that it doesn't affect the ABC, and that the reduction doesn't affect services and supports that are there for people with disability.

Mr Lye: We'd need to go back and have a look at the total effort there. If you looked at the total effort in our portfolio between the NDIA, DHS and DSS, you'd see the massive investment going into services for people with disability. But there might be a program in our portfolio that's changing. I think, in fairness to the ABC, you'd need to look at the total effort and see whether they're actually lifting their weight or not. I'm not aware of what else they're doing.

Senator CAROL BROWN: In regard to the ABC, what obligations are there upon the ABC to provide services for people with disability?

Mr Lye: I'm not aware. We could go back and get more detail around their obligations. I presume it comes out in their charter, but I'm not aware.

CHAIR: I want to follow up on the SDA issue. I've gone back to my notes that I took on Monday, because we heard from a number of organisations that are working on, particularly, accommodation for young people and getting people out of nursing homes. One of the points that was made around SDA was that they said they don’t get accreditation—I've written down here 'for high-care housing'—before they're built. They said that's an issue because it deters investors because they don't know if they're going to get accredited, or at least an indication.

They also said there's not a location register and that's putting off investors too because—as I understood the argument—they're not sure if there's going to be a whole lot built in a specific place. That's deterring investors as well. They're also concerned about legacy stock, but that's a separate issue to the two issues of the register and the accreditation process, which, of course, then directly relates to accessible housing and whether people are able to move out of nursing homes, for example. Have you got a comment on that?

Ms Rundle: I think this partly goes to our market stewardship role in terms of providing really good information to the SDA market—the potential market and the existing market. We're aware that we need to provide much better disaggregated information. I know you'll understand this because you've been closely involved in this, but the implementation of SDA has really only been playing out in the last six months.

CHAIR: I know. We've only just got the rule fixed and all those sorts of things.

Ms Rundle: We really don't have the experience that we need with SDA yet to be able to even share anything that is very meaningful with the market. But we have been working with a lot of people as they've been approaching us—potential investors and others. We're not financial advisers and we're very mindful of that. But we are able to give them advice about accessibility and, where we can, where we believe that we'll have market gaps. We've been working, for example, with some people in the Hunter area on this very thing so that we could help them.

We're also mindful that we need to be really careful about what is commercially sensitive and that we make sure that whatever we do is fair and open to the whole market, that we don't preference anyone. We've been really mindful of that. We've been doing what we can, but we know that we need to provide more information—especially in relation to your first question, about the accreditation. It's absolutely correct that it isn't done until the building is done, but if we're clearer about those parameters and what would be required then that will give people a much greater degree of comfort.

CHAIR: It's the degree of certainty before they invest large sums. Before they commit to large sums of money, you go through a process—maybe a two-stage process for accreditation? I understand the point: they could get accredited and then do something different. You don't want that, but you could do something that, as you've said, gives people comfort or more certainty around their investment.

Ms Rundle: That's right. On your comment about a register, this is something that we've been working through with states and territories. You would know that in the state and territory systems they've always had a vacancy management process—pretty much most of them—especially the big states. That means that they've kept records of all of their properties, and a lot of them they either fund or run themselves. They know when there's a vacancy. They try and match people to that vacancy so they don't have redundant vacancies—although you'd also know that our funding mechanism itself allows for vacancies in properties, because we understand that's an issue.

The NDIS was never funded to run this role nationally. So this is a little problematic, and we are currently working through this with states and territories. Some states and territories are indicating that they would still play a vacancy management role, possibly, for a while longer. Others are saying they don't see any need, possibly, for them to continue in that role. We actually think this is something where, when you've got a fully developed e-market, an e-market would have a good role. We have also seen already that some of those markets are merging, where local providers are saying, 'We can at least tell you where we think there are SDA properties or SDA properties being built off the plan.' The only thing that doesn't do is match the participant exactly to the property. This is the individual nature of the scheme, so you can't really easily share participant information across a property of five beds or three beds or two beds.

CHAIR: That information is very useful. My understanding of the point that was being made is that it's more from a sense of enabling people to decide where they think they want to focus in terms of building. For example, in Queensland they made a point about it being in a particular place. If there's already quite a lot of activity there, why would you want to further invest there? You might want to look at where the gap is in the market. That was the sort of information that I understood they were looking for to give signals for where might be a good place to put further investment.

Ms Rundle: I don't know whether you were in the room during estimates the other day, but I think I was saying, when we were asked about the market generally and market development, that we understand and acknowledge that our previous market position statements haven't been disaggregated enough and that we are working on something that would look a bit different. SDA is one of the first of what we call a market insight that we are working on, which will give people a bit more information about SDA. The other thing I would hasten to add, because I want to make sure I don't leave the committee with the wrong impression, is that, even though we're still working through the vacancy management role and functions, when a participant in a region locally becomes one of our participants we work really closely with them. We are fairly well connected in the regions in terms of knowing who the providers are. Our plan is that we'll work quite closely with our participants and plan-support coordinators in helping them match up a likely property. I didn't want to leave you with the impression that there's an unmet need there.

Senator CAROL BROWN: What is the percentage of plans that have employment supports in them?

Ms Rundle: I'd have to take that on notice.

Ms Gunn: I don't have that. We'll have to look it up. It will be in our quarterly report. I don't have that with me.

CHAIR: I don't have the latest one we were given a couple of weeks ago either.

Senator CAROL BROWN: So is that broken up by whether they work in open employment or work within a disability enterprise?

Ms Gunn: No, I don't believe it does. I think it just identifies that there's assistance for employment support funded and not, therefore, the nature of that support.

Mr Lye: I think we estimate only around 1,000 supported employees wouldn't be eligible for NDIS, and I think we've got 20,000 people in ADEs. I'll give you that figure from our side of the fence, but that doesn't cover the field in terms of the question you asked about employment supports. Ms Rundle may come back to you and say my number's off the mark, but that's what I have for ADEs.

Senator CAROL BROWN: I think we know there are around 20,000 or so.

Mr Lye: In ADEs?

Senator CAROL BROWN: In ADEs.

Mr Lye: Yes. My notes tell me that there are—

Senator CAROL BROWN: I'm just trying to get an understanding of whether they have actually got employment supports.

Ms Carapellucci: The figure that Mr Lye quoted would be our estimate as to how many of those employees would be eligible for NDIS once it's rolled out nationally.

Mr Lye: They wouldn't have employment supports—or they would?

Ms Carapellucci: They would. But it's not a figure for how many right now have employment supports.

Mr Lye: No.

Senator CAROL BROWN: No, I understood that.

Ms Rundle: It is also the case, as Mr Lye just acknowledged, that the ADEs are just one part of the employment focus for the NDIS. That's sort of more in the supported employment space, where we would look to try and actively get as many people into employment as we could, even those not in ADEs, obviously. And the other focus we'd have is moving people out of supported employment into full independent employment.

CHAIR: Yes, I would have thought that's where a lot of people would want to be going. One of the reasons I think Senator Brown is asking about this—and, certainly, I am very interested—is that this morning we were told that there is not as much employment support in packages as perhaps people expected there would be.

Senator CAROL BROWN: Nine per cent, I think the figure was.

CHAIR: Yes.

Senator CAROL BROWN: That meant two per cent for those people that were in open employment, and seven per cent for people that are in supported employment.

Ms Gunn: Those figures don't sound familiar at all, so I will take the opportunity to provide you with the absolutely correct data. But it probably is correct to say that the take-up of exploring employment opportunities has been slower than we had hoped. You'll see it as a gradual increase over the period of time a person is in the scheme. For those who have been in the scheme longer, that rate increases.

CHAIR: Okay. If you could provide that level of granularity, that would be really useful. Thank you.

Senator CAROL BROWN: The announcement that was made about the plan for investment in Aboriginal and Torres Strait Islanders—is that one of the priority areas coming out of the NDS, or is that separate?

Mr Lye: I don't think we describe it as a priority area, do we?

Ms Carapellucci: It's not a priority area, but the release of that plan was an action identified in the second implementation plan.

Senator CAROL BROWN: So it's coming out of the NDS?

Ms Carapellucci: Yes.

Senator CAROL BROWN: All right. So where are we? We've got the announcement; what happens now? You have probably told me. I'm just trying to locate the release.

Mr Lye: It's still fairly early stages. We're working very closely with the Department of the Prime Minister and Cabinet to work out exactly how we're going to run those projects, and we also want to consult with stakeholders on the specifics of the projects, because obviously stakeholder support is going to be really important. The project on the allied health in remote schools trial is looking at working in remote communities to try and improve early identification of Aboriginal and Torres Strait Islander children with disability, and then try to tailor approaches to meet their educational needs and make sure that they've got the appropriate supports in place. We anticipate that project will commence some time in 2018. While DSS is providing funding, PM&C will be leading the work on that project.

Senator CAROL BROWN: Who?

Ms Carapellucci: Prime Minister and Cabinet.

Senator CAROL BROWN: That's what I thought you said.

Ms Carapellucci: We anticipate that the other one, which is the prison-to-work research project, will be led by DSS. That's going to look at the methods and processes for identifying and assessing disability and impairment among Indigenous prisoners and ex-prisoners in all jurisdictions, in both remote and non-remote areas. It's going to look at a range of disabilities, including underlying mental illness, hearing loss, cognitive impairments, foetal alcohol syndrome and acquired brain injury. It will be looking at how methods could be improved to link Indigenous prisoners with disability to both rehabilitation and employment opportunities when they're in correctional facilities and as they transition out. We're looking at funding of up to $800,000 over three years for that particular project. We're in the development stage, as I said. Again, with this one, we're working very closely with the Department of the Prime Minister and Cabinet.

Senator CAROL BROWN: So you're looking for these all to be up and running some time next year?

Ms Carapellucci: Yes.

Senator CAROL BROWN: This is my last question, Chair. We've talked about awareness campaigns and awareness of the strategy, but one of the main issues that has come through—and I think we have touched on it in this discussion—is around people's attitudes to people with disability. It has certainly been raised consistently throughout the inquiry. When we talk about an awareness campaign, I wonder whether there are any plans to have something put together around community awareness of people with disability, not the strategy.

Mr Lye: I don't think there's a plan at the moment. I think we're looking at that issue around awareness. So we're at an earlier stage. I wouldn't rule it out, if you are getting feedback and we get feedback about that, but I think at this stage we're—

Senator CAROL BROWN: I understand it in the context of what Mr Broadhead said about employment. It certainly is an issue more broadly in the community.

Ms Gunn: Senator, we acknowledge that as a priority area in the Information, Linkage and Capacity Building program under the NDIS at least, and we will over time see that as one of the four primary areas for attention and funding. So, with that whole issue about community awareness, community initiatives, we can put all the sorts of capacity building and funding in a person's plan, but if they go out and seek to explore and engage in community social participation and the door stays shut then our scheme won't achieve what it needs to achieve at all. We will explore a national focus for ILC. As you know, we have to do that as a transitional thing, as the jurisdictions evolve out of the direct service delivery. By the time we get to a national framework for ILC, that will absolutely be a key component—awareness, attitude and inclusion opportunities. As you know, through the announcement of the participant pathway reforms that we talked about last week, one of our key activities and objectives for engaging early with our participants is to better connect and better identify opportunities for them to fulfil their goals through stuff that happens just like everybody else does in the community. Where we see opportunities for improving inclusion and those opportunities for individuals, then we are very hopeful that our LACs and our early childhood partners will start to take an increasingly more active role in pushing, tweaking, encouraging, suggesting opportunities for inclusion.

Senator CAROL BROWN: When I asked you, Mr Lye—and thank you for that, Ms Gunn—I was really talking about through the NDS and whether there's any engagement about it with states and territories. That is one of the consistent messages we've been receiving—that we need to do more.

Mr Lye: Are you saying that there's a need for—

Senator CAROL BROWN: We need to do more, putting aside what Ms Gunn said and what they'll do under the NDIS. But there was a lot of concern around stigma and how people without a disability interact with people with disability. When we were talking about the NDS, the strategy itself, someone essentially just said, 'Don't worry about raising awareness about that; we want you to raise awareness around stigma and enabling people to have a greater understanding of people with disability and having confidence.' Who drives that sort of initiative?

Mr Lye: We would take that feedback on board. I'm aware that, in the family violence space, the Commonwealth and the states have funded a national campaign in that context, to raise awareness and try and achieve some attitudinal change. We don't have a view one way or the other. We're happy to take that on board if people are saying that. I haven't heard it personally, but I don't doubt that you've heard that message. It's something we can have a look at.

Senator CAROL BROWN: You probably need to look at your reporting regime as well.

Mr Lye: Okay. Thanks.

Senator CAROL BROWN: That wasn't a question.

CHAIR: Senator Brockman, you didn't want to ask any questions after all that you've heard? No. He's probably on mute. He had texted me saying he didn't have any questions. I was just double-checking. Thank you very much for your presence here today and for answering all the questions that you did and for providing the information that you did. There were a number of questions that you took on notice. The secretariat will be back to you about time lines for that. My goodness, we're adjourning one minute early. Are you sure you don't have another question, Senator Brown?

Senator CAROL BROWN: How often does the IDC meet and how many meetings have you actually had—or did you take that on notice?

Mr Lye: I think we gave you an answer.

Ms Carapellucci: Yes. We indicated that it doesn't have a regular meeting schedule but it meets on a sort of as-needs basis.

Senator CAROL BROWN: Can you let me know the meetings thus far?

Ms Carapellucci: Yes. I can take that on notice.

CHAIR: Thank you. That nicely used up that minute. We'll adjourn now before we think of anything more! There may be a few more things that we cogitate on and send through. Thank you to all our witnesses today, thank you to broadcasting and thank you to our secretariat.

Committee adjourned at 17:44