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**Vision Australia Submission**

**Review of the Disability Services Act 1986**

Submission to: Department of Social Services

Date: 29 November 2022

Submission approved by: Chris Edwards, Manager Government Relations and Advocacy, NDIS and Aged Care, Vision Australia

Introduction

Vision Australia appreciates the opportunity to provide a submission to the Department of Social Services in response to the Consultation Paper titled ‘A New Act to Replace the Disability Services Act 1986’ (the Consultation Paper). This submission provides our response to the questions put forward in the Consultation Paper.

We welcome the review of the Disability Services Act 1986 to align it to the UN Convention on the Rights of People with Disability and Australia’s Disability Strategy 2021-2031, and to make it adaptable and flexible to current and emerging needs.

Question One – Objects of the Act

Vision Australia agrees with the proposed objects for the new Act, and considers that they clearly set out the general aims of the legislation. In the current environment though, and particularly with the detailed work being done by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, we suggest that the Objects should state that supports and services provided under the new Act not only be effective, innovative and high quality, but also delivered in a way that is safe, and free from violence, abuse, neglect and exploitation.

Question Two – Target Group

In the Consultation Paper, it is proposed that the target group for the new Act should be defined having regard to the social model of disability. Whilst we agree with a contemporary approach more generally in how disability is viewed, we are concerned that defining the target group in the manner proposed will mean that the new Act does not align with other important pieces of legislation, such as the Disability Discrimination Act 1992 and the National Disability Insurance Scheme Act 2013. We believe that this could possibly lead to confusion in how those Acts might operate alongside each other. We consider the definition in the current Act to be more workable in this respect. We would suggest, however, that the concept of ‘permanent disability’ be recognised as including a disability that varies in intensity, or that is episodic or fluctuating.

Question Three – Avoiding Duplication

We agree, at a high level, with the need to avoid the duplication of services and supports provided under different legislative schemes. However, we believe that this should be ‘unnecessary’ duplication, rather than duplication in a general sense. We are concerned, in this respect, that the language of the new Act not be so strict as to prevent flexibility should a situation require it. For example, at present, it is necessary for some people to rely on both transport funding under the National Disability Insurance Scheme (NDIS), as well as State Taxi Subsidy Schemes. This is because transport funding in NDIS packages is often inadequate and inconsistent from case to case. Should there be an inability to access both Schemes, this would result in an inadequate level of support for the person with disability, and leave that person without the practical mean to participate independently in their community.

Question Four – Definition of Disability

For reasons similar to those set out under the response to Question Two above, it is our view that the new Act should include a definition of disability, and that the definition should be a legal definition. In any future interpretation of this legislation, it is important that it is clear to whom the Act is intended to apply.

Question Five – Quality and Safeguarding Arrangements

Vision Australia welcomes the inclusion of regulatory alignment measures in the new Act. As is noted in the Consultation Paper, many existing service providers work in multiple sectors, with overlapping regulatory frameworks. This applies to Vision Australia, which in addition to the broader disability sector, also works in the NDIS and Aged Care sectors, and complies with separate regulatory standards within each of these sectors. These Standards tend to have similar objectives and requirements.

Vision Australia would support a system that recognised existing accreditation under similar regulatory schemes. We would suggest that a service provider already accredited to provide services under the NDIS be automatically recognised under the new Act, and that service providers not already accredited under the NDIS be required to meet equivalent standards. Such regulatory alignment would reduce administrative costs for providers, but do so without compromising the quality and safety of services and supports.

Question Six – Types of services funded under the new Act

Vision Australia agrees with broadly describing service and support categories to allow the flexibility for the Government to respond to emerging and changed needs. We would suggest, however, that there be some clarity and definition given to the types of services and supports which might fall within each of the categories. This would make it easier to comment on whether there are any additional support and service categories that should be included in the new Act. For example, one inclusion that we would recommend is a category for Assistive Technology. It may be, though, that this would come within the category of accessibility, or possibly even employment and training, or information and education.

Question Seven – Disability Employment and Rehabilitation Services

Vision Australia views the Employment Support Services Program and the Rehabilitation Employment Programs as two inherently distinct services, with different purposes, and which provide varying levels and types of support. We are concerned that any decision to combine the two programs could lead to a dilution of the employment services focussed on people with permanent disability. It is for this reason that we consider it necessary to retain separate provisions for these programs. We do not express any particular preference for how these programs should be funded, only that funding decisions consider how to achieve the best outcomes for people accessing these employment programs.

About Vision Australia

Vision Australia is the largest national provider of services to people who are blind or have low vision in Australia. We are formed through the merger of several of Australia’s most respected and experienced blindness and low vision agencies, celebrating our 150th year of operation in 2017.

Our vision is that people who are blind or have low vision will increasingly be able to choose to participate fully in every facet of community life. To help realise this goal, we provide high-quality services to the community of people who are blind, have low vision or have a print disability, and their families. Vision Australia service delivery areas include:

* Registered provider of specialist supports for the NDIS and My Aged Care Aids and Equipment;
* Assistive/Adaptive Technology training and support;
* Seeing Eye Dogs;
* National library services, early childhood and education services and Feelix Library for 0-7 year olds;
* Employment services;
* Production of alternate formats;
* Vision Australia Radio network including a national partnership with Radio for the Print Handicapped;
* NSW Spectacles Program; and
* Government advocacy and engagement.

We work collaboratively with governments, businesses and the community to eliminate the barriers our clients face in making life choices and including fully exercising their rights as Australian citizens. Vision Australia has unrivalled knowledge and experience through constant interaction with clients and their families, of whom we provide services to more than 26,000 people each year, and also through the direct involvement of people who are blind or have low vision at all levels of our organisation.

Vision Australia is well placed to advise governments, business and the community on challenges faced by people who are blind or have low vision as well as they support they require to fully participating in community life.

We have a vibrant Client Reference Group, comprising of people with lived experience who are representing the voice and needs of clients of our organisation to the board and management.

Vision Australia is also a significant employer of people who are blind or have low vision, with 15% of total staff having vision impairment. Vision Australia also has a Memorandum of Understanding with, and provides funds to, Blind Citizens Australia, to strengthen the voice of the blind community.