

National Disability Services

Reforming WA Disability Legislation

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About National Disability Services

National Disability Services (NDS) is the peak body in Western Australia and Australia for non-government disability service providers, with approximately 160 members in Western Australia and more than 1100 members nationally.

We provide information and networking opportunities to our members and policy advice to State, Territory and Commonwealth governments. NDS has a diverse and vibrant membership, comprised of small, medium, and larger service providers that deliver direct and indirect support to people with disability. Our members collectively offer the full range of disability services; from supported independent living and specialist disability accommodation services to respite, therapy, community access and employment. NDS is committed to building a more inclusive community and to improving the disability service system to ensure it better supports people with disability, their families, and carers.

Introduction

National Disability Services welcomes the opportunity to make a submission on reforming the WA Disability Legislation. NDS and its members is one of many stakeholders who have contributed to the review of the Disability Services Act 1993.

NDS has welcomed the Western Australian Government's consultative approach to this reform and recognises this reform process as a pivotal moment to shape the ongoing inclusion and empowerment of people with disabilities in Western Australia.

The disability landscape has undergone a fundamental transformation in the period since the development of the Disability Services Act in 1993, including through the adoption of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), and the introduction of the National Disability Insurance Scheme (NDIS).

The review of the Disability Services Act provides an important opportunity to update and embed in legislation the State Government's continuing support and investment in improving the lives of people with disability in WA and to fulfil its obligations to implement the State Disability Strategy.

The State Government must enhance social and economic inclusion for people with disability in our community. A key focus is maintaining a robust connection with mainstream services and ensuring the state's efforts towards inclusive community outcomes for people with disability remain strong, both within and outside the NDIS. It is important to note that the NDIS only provides funding support for 11.65 per cent of people with disability in WA.

A well-resourced Office of Disability should be emphasized in the legislation to support its leadership role in innovation and local decision making, enabling effective implementation of the State and National Disability Strategy. This is crucial to fulfill WA's commitment to the NDIS and improve the lives of Western Australians with disability and their families.

The reform of the Disability Services Act is timely and offers an opportunity to align the legal framework with modern understandings and treatments of disability. It also allows for pioneering commitments to inclusion and accessibility in Western Australia.

This submission offers feedback on key issues in WA's disability legislation. It draws on insights from local disability service providers to ensure that the legislation effectively safeguards and promotes the rights of people with disabilities, while considering the complexity of the broader disability service ecosystem.

Feedback on questions to be considered.

Definition of 'disability'

1. Do you think the current definition of "disability" in the Disability Services Act adequately covers all types of disability? Why? If not, how would you change or improve the definition?

The current definition is not contemporaneous and assumes a service approach to disability. The definition should reflect the contemporary, social model understandings of disability and be grounded in the recognition of the rights of people with disability as stated in Article 1 of the Convention on the Rights of Persons with Disabilities (UNCRPD).

Article 1 – Purpose

The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Persons with disabilities include those who have long-term physical, mental, intellectual, or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

Footnote citation number 1. Footnote description: [Convention on the Rights of Persons with Disabilities](#) June 8 2023. The definition should recognise the diversity of people with disability and the impact of intersectionality.

Principles

2. Would you change the current Principles in the Disability Services Act, including adding new Principles or excluding current ones? Why?

The principles should reflect the general principles which are outlined in Article 3 of the Convention on the Rights of Persons with Disabilities which also includes “the respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.” Footnote citation number 1. Footnote description: [Convention on the Rights of Persons with Disabilities](#) June 8 2023

Principle 9 in the Disability Services Act states: ‘People with disability who reside in country areas have a right, as far as reasonable to expect, to have access to similar services provided to people with disability who reside in the metropolitan area.’ This principle raises a question around who determines what is reasonable for people with a disability to expect when they reside in country areas – cost should not be the excuse for not following the UNCRPD. Recognising that people with disability who live in regional, rural and remote areas have the same rights as others and should not experience discrimination or sub-standard services based on location.

The Disability Services Act also needs to include a principle which specifically responds to and advances the rights of First Nations People with disability and at the intersection.

In addition, it is suggested the Disability Services Act be explicit in referring to the social model of disability, where limitations experienced are not the cause of a person's disability as opposed to the medical model of disability framing the person with a disability as something that needs to be fixed or treated.

3. Do you think we should continue to have Principles or rework them into a Disability Inclusion charter.

A charter establishes the foundational framework and rights of an organization or institution, while principles provide guiding concepts and guidelines for the development and interpretation of legislation. Charters are more specific to the entity they govern, while principles are broader concepts that apply across various legal contexts.

When reworking the Principles into a Disability Inclusion Charter, the Charter should be aligned with the Articles of the UNCRPD.

In this context the Charter should outline what a person with a disability could expect. For example, the right to participate, be heard and be included, this translates into – I have the right to have my voice as a person with disability heard, acknowledged, and considered in decision making processes.

The other question a Charter raises from the NDS consultation was – how the charter would be implemented, actioned, monitored, and enforced.

Safeguarding

4. What safeguarding mechanisms do you think would protect people with disability from violence, abuse, neglect and exploitation?

The Australian Human Rights Commission 2018 report, *A Future without Violence* discusses safeguarding in relation to the violence against people with disability in institutional settings. The report identifies six elements of safeguarding which equally apply to safeguarding in the reform of the Disability Services Act.

These are:

- a human rights-based approach (i.e. one in which people with disability are empowered to have choice and control in decisions that affect them)

- a connected and integrated system (in terms of ensuring that safeguards and mechanisms compliment and build on each other, rather than being duplicative or increasing regulatory complexity);
- independent oversight and monitoring (with independence maintained through the inclusion of community visitors in the Safeguarding Framework, adequate powers and funding for independent individual and systemic advocacy organisations);
- robust prevention and response elements (such as provider screening, and complaint and reporting systems for service recipients);
- accessibility for people with disability (including an accessible legal process available to people to enforce their rights in relation to services covered by the Act);
- continuous systems improvement through data from service providers and the experiences of end users that allows for ongoing assessment of quality and safeguarding. Footnote citation number 3. Footnote description: [A Future Without Violence \(2018\)](#) accessed June 9 2023

There is also a need to understand safeguarding practices in relation to children with disability. Safeguarding strategies include provision of protective behaviours information and education for children with disability, recognising the importance of listening to children's voices, and embracing a community of practice approach. Footnote citation number 4. Footnote description: [Understanding safeguarding practices for children with disability when engaging with organisations | Australian Institute of Family Studies \(aifs.gov.au\)](#) accessed June 9 2023

These safeguarding mechanisms, when implemented effectively and supported by comprehensive policies, can contribute to the protection of people with disability from violence, abuse, neglect, and exploitation.

5. As one aspect of safeguarding, how can complaint mechanisms be made easier to use for those persons with disability receiving State services.

To make complaint mechanisms easier to use for individuals with disability receiving state services, it's important to consider their specific needs and provide accessible and inclusive avenues for raising complaints. Here are some strategies to achieve that:

Accessibility in complaint processes: Ensure that complaint mechanisms are accessible to individuals with disabilities. This includes providing multiple communication options such as phone, email, text, and accessible online forms. Make sure the complaint process is available in different formats, such as plain language, or easy-to-read formats, to accommodate diverse needs. This also includes access to individual advocacy support.

Supportive assistance: Offer support and assistance to individuals with disabilities who may require help in navigating the complaint process. This could involve providing accessible information, guiding them through the steps, or offering assistance in filling out complaint forms. Support may come from disability advocates, trained staff, or helpline services.

Training for staff: Train staff members who receive and handle complaints on disability awareness and communication techniques. This will help them better understand the needs of individuals with disabilities and provide appropriate support during the complaint process. Staff should be knowledgeable about disability rights, respectful language, and accessible communication methods.

Clear and simple complaint procedures: Ensure that complaint procedures are clearly defined, well-publicized, and easily understandable. Use plain language and avoid jargon or technical terms. Provide step-by-step guidance on how to file a complaint, including information on the required documentation or evidence, and specify the expected timeline for response and resolution.

Flexible communication options: Offer a range of communication options to accommodate different disabilities. For example, individuals with hearing impairments may require the use of sign language interpreters, video relay services, or text-based communication. Consider using accessible technology, such as videoconferencing with captioning or assistive communication devices, to facilitate effective communication.

Confidentiality and privacy: Ensure that complaint mechanisms maintain confidentiality and protect the privacy of individuals filing complaints. Clearly communicate the measures taken to safeguard their personal information and assure them that their complaint will be handled discreetly.

Feedback and updates: Provide regular updates and feedback to individuals who have filed complaints, keeping them informed about the progress and actions taken. This helps maintain trust and confidence in the complaint process.

Continuous improvement: Regularly evaluate the effectiveness of complaint mechanisms through feedback from individuals with disabilities and disability advocacy organizations. Make necessary adjustments based on their input to ensure the process remains accessible and user-friendly.

Empowerment and awareness: Promote self-advocacy and awareness among individuals with disabilities about their rights and the available complaint mechanisms. This can be done through information campaigns, workshops, or support groups. Empowering individuals with knowledge and skills will enable them to navigate the complaint process more effectively.

By implementing these strategies, complaint mechanisms can be made easier to use for individuals with disability receiving services.

It's essential to involve individuals with lived experience of disability through co-design processes and evaluation of these mechanisms to ensure their effectiveness and inclusivity.

Care and Neglect

6. Is the offence of ill-treatment of people with disability important to you? Why?
7. Should State legislation make provision for an offence of ill-treatment of people with disability by a carer or service provider? Please give a reason for your answer.

The Disability Service Act currently contains the 'offence of ill-treatment', which provides a criminal penalty of \$4,000 or imprisonment for 12 months for anyone who ill-treats or willfully neglects a person with disability in their care. The offence needs to go beyond just "in their care" and include the public.

Access and Inclusion

8. What do you think should be included in WA disability legislation to promote inclusion and social participation of people with disability.

Disability Access and Inclusion plans (DAIPs) were intended to assist public authorities to be inclusive, however from the consultation which NDS undertook this is not a reality for people with disability. There is little evidence that DAIPs are improving outcomes for people with disability as there are no sanctions for public authorities to ensure the DAIPs are effective. DAIPs should be evidence based and audited against “best practice” standards so there is at least some accountability and transparency in their implementation by public authorities.

Disability Access and Inclusion Plans (DAIPs) can play a crucial role in promoting social inclusion for people with disabilities. While DAIPs primarily focus on improving physical access to facilities and services, they can be expanded to encompass a broader range of measures that foster social inclusion. Here are some ways DAIPs can be applied more broadly to promote social inclusion:

Accessible communication: DAIPs should include provisions for accessible communication, ensuring that information, documents, and communications are available in formats that are accessible to individuals with different disabilities. This can include providing information in plain language, large print, audio formats, and ensuring that websites and digital content are accessible to people using assistive technologies.

Inclusive community events: DAIPs can encourage the hosting of inclusive community events that cater to the diverse needs of people with disability. This may involve providing accessible transportation options, accessible venues, inclusive activities, and communication support such as sign language interpreters or captioning services. By facilitating participation in community events, DAIPs help foster social connections and a sense of belonging.

Collaboration with community organizations: DAIPs can promote collaboration between service providers and community organizations that specialize in disability inclusion. This collaboration can involve joint initiatives, shared resources, and coordinated efforts to organize inclusive activities, workshops, and social events. By

working together, these organizations can enhance social networks and provide a wider range of opportunities for social engagement.

Employment and training opportunities: DAIPs can address social inclusion by including provisions that promote employment and training opportunities for people with disability. This may involve partnering with local businesses to encourage inclusive hiring practices, providing vocational training programs, and offering support for individuals with disability to enter the workforce. By promoting economic inclusion, DAIPs contribute to social integration and participation.

Awareness campaigns and education: DAIPs can incorporate awareness campaigns and educational initiatives that aim to challenge stereotypes, promote disability awareness, and foster inclusive attitudes in the community. These campaigns can be targeted at the public, schools, businesses, and public service providers. By raising awareness and understanding, DAIPs help reduce social barriers and promote acceptance and inclusion.

Community engagement and consultation: DAIPs should actively engage individuals with disability and disability organizations in the planning, implementation, and evaluation of initiatives. This can be done through regular consultations, focus groups, and involvement in decision-making processes. By ensuring the voice of people with disability is heard, DAIPs support social inclusion and empower individuals to actively participate in shaping their communities.

Social support networks: DAIPs can encourage the development of social support networks for people with disability, creating opportunities for peer support, mentoring, and socialization. This may involve facilitating the formation of disability-specific support groups, promoting inclusive recreational activities, or establishing online communities where individuals can connect and share experiences.

Evaluation and monitoring: Regular evaluation and monitoring of DAIPs are essential to assess their impact on social inclusion. By collecting data, soliciting feedback from individuals with disability, and conducting surveys or assessments, organizations can identify areas for improvement and adjust their strategies and actions.

DAIPs should be evidence based and audited against “best practice” standards so there is at least some accountability and transparency in their implementation by public authorities.

By expanding the focus of Disability Access and Inclusion Plans beyond physical accessibility and incorporating measures that foster social inclusion, organizations and communities can create more inclusive environments and promote the active participation and social engagement of people with disability.

Promoting social inclusion for people with disability is a crucial endeavor and the collection of data can be a way of shifting the dial on diversity and inclusion of people with disability.

The Women's Gender Equity Agency (WGEA) provides a good example of the impact that data can have on shifting the dial on diversity. The Workplace Gender Equality Agency is a statutory agency created by the Workplace Gender Equality Act 2012. The Agency is charged with promoting and improving gender equality in Australian workplaces.

For seven years, non-public sector organisations in Australia with more than 100 employees reported annually to WGEA on gender equality policies and practices in their organisations. This world-leading database has advanced our understanding of what initiatives works to create more gender equitable workplaces and what this can mean for better business outcomes. Footnote citation number 5. Footnote description: [Gender Equity Insights 2021: Making it a Priority - BCEC](#) accessed June 13 2023. Because of the longitudinal nature of this data collection, in 2020 Bankwest Curtin Economic Centre (BCEC) tested the proposition – ‘do more women in leadership positions within an organisation lead to better company performance?’ – what they found was a causal relationship exists between increasing the share of women in leadership and subsequent improvements across a suite of company performance metrics. Footnote citation number 6. Footnote description: Cassells R and Duncan A (2021), Gender Equity Insights 2021: Making it a priority, BCEC|WGEA Gender Equity Series, Issue #6, March 2021.

WGEA as an already established agency where non-public sector organisations in Australia with more than 100 employees report annually on gender equality policies and practices in their organisations. Similarly, non-public sector organisations in could also be encouraged to report on their diversity policies and practices for people with disabilities.

By implementing a reporting framework like WGEA which is focused on disability inclusion, organizations could be encouraged to prioritize and improve their policies and practices for people with disabilities. This would help drive social inclusion and create more equitable and accessible workplaces.

Making people with disability heard

9. The DS Act currently provides for the Ministerial Advisory Council on Disability – is the Ministerial Advisory Council on Disability an effective tool for letting the Minister for Disability Services hear the voices of people with disability? How can this be improved?
10. How can WA disability legislation ensure the views of the community, particularly those with lived experience, are shared with the WA Government?

A vibrant and responsive governance model for the Disability Services Act should utilize and renew existing structures, such as the Disability Services Board and the Ministerial Advisory Council on Disability. These structures need to be reinvigorated to enable local decision making and service responses tailored to specific regions. They play a critical role in delivering appropriate conditions, inclusion opportunities, and services for people with disability across different locations.

The Disability Services Board should have a mechanism to ensure the State's contribution to the NDIS has proper checks and balances, guaranteeing that the NDIS fulfills its promise to Western Australians with disability and their families. Effective governance and understanding of human services systems operating across the State are necessary for managing the State's financial contribution to the NDIS and its interface with State-based and mainstream service delivery. Additionally, the Board should ensure the implementation of the State Disability Strategy, the Disability Services Act and the effectiveness of DAIPs, resulting in positive outcomes for people with disability.

The Ministerial Advisory Council on Disability is a crucial engagement mechanism for the Minister to directly hear from people with disability and their families. It should include accountability mechanisms for co-designing and developing policies and initiatives.

Ongoing service provision for specific cohorts

11. What roles should the WA Government and Communities continue to have in the disability sector?

The governance structures for the Disability Services Act need to be persistent in their oversight of the ecosystem. Breaking down barriers and silos is complex and challenging, requiring long-term commitment, energy, and attention. Streamlining governance to a single mechanism would not fully address the frustrations experienced by people with disability and their families in navigating complex service systems. Effective governance structures should be accompanied by appropriate secretariat support and resourcing from the Office of Disability to strengthen their purpose, role, function, accountability, and reporting.

In the market-based approach of the NDIS, it is crucial for the State to protect against serious market failure especially for people with high and complex support needs. The Disability Services Act should incorporate the State Government's responsibility to work in partnership with the NDIS and ensure that people with disability in emergency and crisis situations are not left to rely on health, hospital, and justice systems as providers of last resort.

To support and promote inclusion and social participation of people with disability the State should be more involved and have stronger role alongside the Commonwealth Information, Linkages and Capacity building program (ILC) allowing initiatives to be locally based and relevant to local communities. Local funding builds local capacity, encourages innovation, and allow regions to partner with local government and other stakeholders. This type of funded activity should be aligned with the State Disability Strategy (SDS). [See Appendix 1](#) which outlines a way forward for ILC.

12. Would you change the current Objectives in the DS Act, including adding new Objectives or excluding current ones? Why?

Currently the objectives are a lengthy list which sit in a Schedule and are disconnected from the Principles of the Act.

To operationalize the Principles of the Disability Act, align them with the objectives listed in Schedule 2. This connection creates a framework promoting dignity,

autonomy, inclusion, fairness, accessibility, collaboration, and accountability for people with disability.

Appendix 1

Overview of ILC to date (Information, Linkages and Capacity)

The Information, Linkages and Capacity Building (ILC) strategy was developed as a key component of Tier 2 in a three-tiered National Disability Insurance Scheme (NDIS). Tier 3 provides individualised funding to eligible people with disability to purchase the supports they need. In contrast, Tier 2 was broadly conceived as helping to:

- connect ALL people with disability to their communities and to both disability and mainstream services,
- provide individual and mainstream service capacity building,
- enable people with disability to achieve economic and community participation goals, and
- provide relevant, useful and timely information. Footnote citation number 7.
Footnote description: Productivity Commission 2011, Disability Care and Support, Report no. 54, Canberra

As part of Tier 2, ILC provided \$134M of grant funding per year for projects that were designed to “create connections between people with disability and the communities they live in. The projects aim to build the knowledge, skills and confidence of people with disability, and improve their access to community and mainstream services.”

Footnote citation number 8. Footnote description: [Information Linkages and Capacity Building \(ILC\) program | Department of Social Services, Australian Government \(dss.gov.au\)](#)

A more in-depth explanation of the ILC program can be found on the [DSS website](#), which includes a list of successful ILC projects to date. In October 2020, control of ILC transferred from the NDIA to DSS.

DSS has continued to administer the ILC program as per the investment strategy developed by the NDIA for the period 2019-2022. Footnote citation number 9.

Footnote description: [Information, Linkages and Capacity Building Investment Strategy | Department of Social Services, Australian Government \(dss.gov.au\)](#).

With the current investment period closing, a new investment strategy is expected to be released by DSS within the next year to 18 months. The current NDIS Review can reasonably be expected to make recommendations pertaining to the future role, strategy and/or investments in ILC. Footnote citation number 10. Footnote description: [Terms of Reference: Building a strong, effective NDIS | NDIS Review](#) (Objective b). This may also impact the timing of any new ILC strategy release.

DSS. In summary, the report identified the ILC program as a “piecemeal”, “scattergun” and patchy “jigsaw” of funding that “undermines the achievement of ILC outcomes.” Footnote citation number 11. Footnote description: Wilson, E., Qian-Khoo, J., Campain, R., Brown, C., Kelly, J. and Kamstra, P. (2021). Informing Investment Design: ILC Research Activity Summary of Findings, Hawthorn: Centre for Social Impact, Swinburne University of Technology.

Underperformance of ILC to date

In 2021, the Centre for Social Impact (CSI) at Swinburne University of Technology was commissioned by DSS to undertake a gap and needs analysis of the ILC program for

This mirrors the widespread perceptions across the sector that ILC investments to date have failed to deliver the societal and community impacts that were hoped for.

More specifically, the findings from the CSI report include:

- There is a lack of projects in remote and very remote areas across all streams, in all states and territories.
- ILC projects have not been delivered to the most disadvantaged Local Government Areas (LGAs) in the country.
- Local Area Coordinators (LAC) have not delivered community capacity building and linkages as intended.
- ILC grants have become the main investment in community capacity building and linkages and are therefore insufficient.
- There has been a contraction of services available to people with disability without NDIS funding.

- Disconnect between the societal/community change agenda of ILC and the current funding mechanism which promotes 'scattergun' funding.
- The 'change' activities require building of trust and ongoing/long term investments to address entrenched and complex issues. Short term, stop-start funding will inevitably fail to deliver the desired changes.
- Competitive grants program disincentivises collaboration, shared learning and partnering to replicate or scale successful initiatives.
- Short term funding leads to workforce and knowledge loss. Footnote citation number 12. Footnote description: Wilson, E., Qian-Khoo, J., Campain, R., Brown, C., Kelly, J. and Kamstra, P. (2021). Overview of results: Informing investment design, ILC Research Activity, Hawthorn: Centre for Social Impact, Swinburne University of Technology. p51.

The report authors also note several critical observations regarding the ILC strategy, namely:

- "The Tier 2 landscape has changed since the commencement of the ILC grants investment. After the initial focus of individualised funding via the NDIS, the focus is increasingly shifting to the supports available in Tier 2 via mainstream and community activities that must, therefore, adequately understand and cater to the needs of people with disability." Footnote citation number 13. Footnote description: Wilson, E., Qian-Khoo, J., Campain, R., Brown, C., Kelly, J. and Kamstra, P. (2021). Overview of results: Informing investment design, ILC Research Activity, Hawthorn: Centre for Social Impact, Swinburne University of Technology.
- Context affecting ILC includes LAC not delivering information, linkages and capacity building to people with disability as originally envisaged.
- There is also a noticeable contraction of LAC services to non-NDIS participants and a poor understanding of the critical need for this function in the post-NDIS environment.
- Need for improved investment governance through a more robust advisory structure.
- A closer focus on sustainability is required. and
- There are inherent problems with stop/start funding and the various impacts of withdrawing funding.

Underpinning this, of course, has been the well-documented reduction of state and territory spending on disability services outside the NDIS. This is neither surprising nor unexpected given the long history of cost-shifting that occurs between different levels of government in Australia. But it is unhelpful and has had a significant impact on the balance of power and apparent viability of different types of organisations that are intrinsically important to the health of the overall disability ecosystem.

Western Australia prior to the NDIS

In the two decades before joining the NDIS, Western Australia's disability sector exhibited a relatively healthy ecosystem. Collectively, it supported many people with disabilities and their families to learn about, explore and develop contemporary models of support. And it ensured that many of the people with high support needs received adequate and appropriate support.

Alongside an increasing trend towards individualising people's support funding, the innovative (mostly smaller and often peer-led or family-led) organisations in this ecosystem contributed to increased demand for different types of services. There were a range of capacity building grants to these peer-led, peak, and capacity building focused organisations. Several new providers emerged focusing on individualised services rather than congregate models. And a robust and largely effective LAC operated in ways that provided direct connection and oversight by government while also fulfilling some of the remit of what has become known as ILC.

A critical element of the success of LAC in WA was that local control, collaboration and decision-making were critical structural requirements for this innovation to be realised. Local really meant local and it operated within a context of interconnected levels of state-wide policy and other regional and local initiatives. The loss of an effective LAC system in WA has magnified the failings of the ILC program. Footnote citation number 14. Footnote description: Bartnik, E., Langoulant, B., and Shean, R. (2022). See me, know me: Building trust and sustainability in the NDIS, Perth: The Not-for-profits UWA Research Group, The University of WA.

Finding a way forward for ILC

At present, DSS oversees the funding for the ILC grants program, with state and territory governments complementing this through their strategies and funds. The Western Australian State Government, through the Office of Disability, oversees A Western Australia for Everyone: State Disability Strategy 2020-2030 and an associated *Action Plan* with funding for access and inclusion initiatives. Other states and territories have their own Disability Strategies and Action Plans. In addition, all Australian governments have committed to progress achieving the goals of the Australian Disability Strategy.

With the current bilateral negotiations in progress with each state and territory, the recent change of Federal Government and the NDIS review, now is the time to reinvigorate and refocus the NDIS including the ILC program. 2023 is the year for action and change.

Bartnik, Langolout and Sheen's paper highlights that WA had a strategy that weaved governance, Disability Access and Inclusion Plans, grants funding and Local Area Coordination into a connected and integrated system. The approach recognised interconnected levels of state-wide policy and regional and local initiatives. Footnote citation number 15. Footnote description: Bartnik, E., Langoulant, B., and Shean, R. (2022). See me, know me: Building trust and sustainability in the NDIS, Perth: The Not-for-profits UWA Research Group, The University of WA.

The previous direct LAC system was one complete state-wide system. With the transition to the NDIS the LAC system is now a third-party Partner in the Community reporting to the NDIA. It is not connected structurally with the WA state government and its disability access and inclusion initiatives.

The local control, collaboration, and decision-making that underpinned the strong history of innovation in WA disability services and support have been largely eroded.

The joint commissioning of the ILC investment strategy and the grants process is a pivotal opportunity to rebuild this capability. It is timely therefore, to bring together some of WA's thought and practice leaders to consider alternative mechanisms and models for investing in ILC activities and achieving ILC goals.

On the 31st of March 2023, 30 thought leaders from the disability ecosystem came together to generate solutions that could be proposed to governments. This group included stakeholders from:

- community-led organisations.
- advocacy organisations
- disability service providers
- interested stakeholders who have provided thought leadership to the sector.

See **Appendix 1** for full details of those who attended the workshop and the questions which were used to facilitate the conversation.

The intent of this meeting was to ensure a more effective ILC program into the future and generate some “blue sky thinking’ about alternative approaches to funding and delivering ILC.

The way forward for ILC

The way forward for ILC has been informed by the thought leadership from the meeting in March 2023 and underpinned by the analysis of the literature.

The following questions were central to the conversations, as was the analysis of the literature.

- What conditions are required to enable and promote bottom-up experimentation? And how can ILC be used to develop and sustain these conditions?
- What potential solutions or alternatives for how ILC funding is allocated and used should be considered to ensure that ILC more effectively achieves program outcomes? What ILC program design features will enable this.

From this meeting the following insights should be considered in the way forward for a commissioning model for ILC:

1. Joint commissioning (moving from WA government being consulted to joint partners on the shared investment)
2. WA Government has clear responsibility for systems and outcomes

3. Using the following Collective Impact Principles of practice to underpin and build the capacity of the community. Footnote citation number 16. Footnote description: Accessed 20 April 2023 [Collective Impact Principles of Practice](#).
 - Design and implement the initiative with a priority placed on equity.
 - Include community members in the collaborative.
 - Recruit and co-create with cross sector partners.
 - Use data to continuously learn, adapt, and improve.
 - Cultivate leaders with unique system leadership skills.
 - Focus on program and system strategies.
 - Build a culture that fosters relationships, trust and respect across participants.
 - Customise for local content.
4. Appropriate funding model - amounts and longer term contracting
5. Sustainable disability and family led funding (instead of project funding)
6. Publicly available outcomes / reporting framework
7. Holistic, collaborative approach, including service users
8. Clarity of roles across different ILC entities
9. More community ownership on local level

Commissioning decisions need to be taken at the right level with a need for flexibility within a complex system. The importance of sharing or devolving power – with commissioning closer to communities and people. Moving away from centralized, rules-based compliance to a focus on the quality of the relationship, sharing power and devolved commissioning to providers, alliances, communities, and individuals.

A local place-based commissioning approach involves a shift away from traditional top-down approaches to commissioning services, towards a more collaborative and community-led model. It aims to empower local communities and providers to design and deliver services that are tailored to meet the unique needs and strengths of their area.

Overall, a local place-based commissioning model would prioritize collaboration, transparency, and tailoring services to the needs of the community. By focusing on relationships and outcomes, this model would ensure that public sector

commissioners and funders can support local systems to produce better outcomes and provide bespoke responses to people's strengths.

Strengthening place-based approaches is consistent with other critical areas of DSS's commissioning activity, such as "[Stronger Places/Stronger People](#)" and "[Communities for Children Facilitating Partners](#)." The key messaging from these initiatives includes "whole of community approach to support early childhood development" and supporting local project ("backbone") teams to "facilitate local planning, inclusive engagement, measurement and evaluation, joint decision-making, governance and local action." Footnote Citation number 17. Footnote description: [Communities for Children Facilitating Partners \(CfC FPs\)](#).

A 2017 report by Northumbria University endorsed a localised, systems-based approach. [A Whole New World: Funding and Commissioning in Complexity](#) Footnote Citation number 18. Footnote description: Knight, A. D., Lowe, T., Brossard, M., Wilson, J. (2017) A Whole New World: Funding and Commissioning in Complexity, Newcastle, UK: Newcastle University attempts to explicitly engage with the real complexity of the world we live in and the lives many people lead. "Welcoming the knottiness of the world feeds into a more equitable relationship between funders and communities – valuing learning and improving, rather than proving; asking what matters, not what's the matter; and putting people in the lead, instead of prescribing the solution." Footnote Citation number 19. Footnote description: Knight, A. D., Lowe, T., Brossard, M., Wilson, J. (2017) A Whole New World: Funding and Commissioning in Complexity, Newcastle, UK: Newcastle University This report highlights the role and approach needed by government (and/or other funders) to generate and support a healthy ecosystem for people with disability.

"Outcomes are created by people's interaction with whole systems, not by interventions or organisations. Funders and commissioners working in this way take some responsibility for the health of the system, because healthy systems produce better outcomes. They take a system coordination role. They invest in network infrastructure which enables actors in the system to communicate effectively; they invest in building positive, trusting relationships and developing the skills of people who work in the system." Footnote Citation number 20. Footnote description: Knight, A. D., Lowe, T., Brossard, M., Wilson, J. (2017) A Whole New World: Funding and Commissioning in Complexity, Newcastle, UK: Newcastle University.

All this is underpinned by a realistic and unflinching acceptance of the complex messiness of the world as it is and rejects the idea of oversimplifying problems to make management and administration of social interventions easier.

Appendix 1

The workshop was facilitated by Dr Leighton Jay and Coralie Flatters (WA NDS State Manager) on the 31 of March 2023.

Preceding the workshop several meetings were held with Eddie Bartnik and Professor David Gilchrist to discuss how the workshop would be facilitated and to collate the resources which would facilitate the conversation.

Professor Gilchrist's paper [Developing a new NDIS Agreement between Western Australia and the Commonwealth: Submission to the Western Australian Government 11th October 2022](#), although not referenced in this paper, provided a reference point for a number of the discussions.

The workshop invitees were provided with a discussion paper and were asked to contemplate the following questions:

1. What conditions are required to enable and promote bottom-up experimentation? And how can ILC be used to develop and sustain these conditions?
2. What potential solutions or alternatives for how ILC funding is allocated and used should be considered to ensure that ILC more effectively achieves program outcomes? What ILC program design features will enable this?

Invitees to the workshop

Name	Organisation
Collette Wrynn	Avivo
Justine Colyer	Rise Network
Anne Hawkins	Brightwater
Melanie Kiely	MSWA
Gordon Trewern	People Kind
Janet Wagland	Brightwater

Name	Organisation
Eddie Bartnik	This cell is intentionally empty
Melissa Boekhoorn	Ability WA
Frances Buchanan	WA Blue Sky
Mary Butterworth	DDWA
Michael Chester	Uniting WA
Carrie Clark	Kalparrin
Amber Crosthwaite	Lavan Legal
Brendan Cullinan	People with Disability WA
Amanda Cumberbatch	WA Blue Sky
Tricia Dewar	Brightwater
Joanne Ende	Explorability
Paul Fleay	Inclusion Group
Jane Forward	Valued Lives
Kate Fulton	Avivo
Emer Hickey	Avivo
Kathy Hough	Far North
Simon Kincart	APM
Bruce Langoulant	This cell is intentionally empty
Shaun Mays	Rise Network
Dawn McAleenan	Crosslinks
Joan McKenna-Kerr	Autism Association
Justin O'Meara Smith	Interchange
Micaela Perieira	Good Sammy
Kerry Stopher	APM
Jacquie Thomson	Ability WA
Tony Vis	This cell is intentionally empty
Caroline Watt	Nulsen Disability
Marita Walker	This cell is intentionally empty
Melanie Prewett	Broome Regional Aboriginal Medical Services
Kane Blackman	Good Sammy
Darren Ginnelly	My Place WA Ltd
Fiona Payne	This cell is intentionally empty

Name	Organisation
Marina Re	Identity WA
Deborah Roberts	360 Health and Community Services
Darren Sumner	360 Health and Community Services
Julie Waylen	Diversity South
Rob Wilton	Westcare
Leanne Pearman	WA Individualised Services
Su-Hsien Lee	WA Individualised Services
Bruce MacAdam	Synapse
Taryn Harvey	WAAMH
Neil Guard	This cell is intentionally empty
David Gilchrist	University of Western Australia
Leighton Jay	Sotica Consulting
Jason Burgess	Rise Network
Geoff Hutchinson	MSWA