

2022-2023 NDS Victoria Budget Submission

31 January 2022

About National Disability Services

National Disability Services (NDS) is the peak body in Victoria and Australia for non-government disability service providers, with over 270 members in Victoria 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. Our platform of National Disability Practitioners has over 15,000 individual members across all aspects of the disability workforce.

NDS is committed to improving the disability service system to ensure it better supports people with disability, their families and carers, and to building a more inclusive community. NDS has a deep commitment to supporting the implementation of a successful National Disability Insurance Scheme (NDIS) and is supporting service providers across Victoria as they work to thrive within this contemporary landscape.

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Introduction

Over the past two years or so, Victoria's disability sector has experienced a period of extreme stress, with multiple pandemic lockdowns and grueling front-line work to keep people with disabilities safe from COVID-19. Through immense efforts and collaboration, the spread of COVID-19 in 2020 and 2021 was significantly curtailed in disability services, contrasting with the experience of some jurisdictions overseas. Nonetheless, the pandemic and prolonged lockdowns throughout 2021 have had a profound impact on the sector. Services were closed, rearranged, moved to new formats and settings, and generally disrupted. Multiple new processes were quickly instigated. Communication moved to different formats and accelerated. Developments created major mental health challenges with fear, anxiety, exhaustion, worry and depression common among both participants and workers. There was widespread job dislocation and uncertainty. As a result of these disruptions, there were many additional, and often unfunded, costs for service providers

The advent of the Omicron variant has brought about new challenges and exacerbated existing pain points for the sector. The rapid spread of Omicron has forced thousands of disability support workers into isolation and exacerbated extreme workforce shortages, while the inaccessibility of Rapid Antigen Tests (RATs) has caused significant distress and confusion. It is expected that Omicron and future strains will continue to test organisations' capacity to implement strong infection prevention and control processes and procedures, while lower rates of vaccination among people with disabilities continue to be a concern for governments, service providers and the broader community. As the pandemic continues, NDS has grave concerns for the mental and physical health and well-being of the disability workforce, which has operated under extreme strain for over two years and will continue to do so for the months to come.

In addition to the trials of COVID-19, the disability sector is going through a period of substantial change which is likely to challenge the ongoing viability of some service providers in our state. The NDIS policy environment is uncertain, with multiple new measures being introduced by the National Disability Insurance Agency (NDIA) aimed at curbing the rising costs of the scheme. This cost curbing agenda, particularly in Supported Independent Living (SIL), is leading to significant concern around service provider sustainability. Indeed, NDS's 2021 [State of the Disability Sector report](#) found that 81% of the 396 organisations that responded believe that the NDIS policy environment is uncertain, and 58% of respondents indicated that they are concerned that they will not be able to deliver the supports required at current NDIS pricing.

These challenges are exacerbated by the ever-evolving regulatory framework operating within the sector. Well intentioned interventions in the Victorian market by the State Government have created a level of regulatory burden for many providers, while a complex national framework is putting pressure on already stretched finances and is pushing some providers to consider whether it is worthwhile to remain registered. NDS is aware that some new providers are choosing to remain unregistered as a result of the significant costs associated with audits, the

implementation of new Practice Standards, and other quality and safeguarding obligations that apply to registered NDIS providers but which do not apply to unregistered providers.

NDS is also seeing shifts in the market for disability services, which are expected to continue and accelerate next year. In particular, significant venture capital investments, and the growth of platform based 'gig-style' providers are fundamentally altering the way that many people with disabilities access supports. We are also seeing continuing growth in sole practitioners, including many existing workers leaving established providers to set up their own ABNs and obtain work via the platform providers. We also expect to see more mergers between existing organisations in 2022.

As new players without extensive experience in the provision of community services continue to enter the market, it is perhaps more important than ever that the sector has access to strong guidance and leadership around promoting high quality services and the prevention of abuse. There is currently widespread community concern about the need for high quality services, with the Disability Royal Commission shining a light on instances of malpractice, and increased public discourse around the extent to which transactional or market based systems are able to deliver the best quality care for vulnerable cohorts. While governments at federal and state levels appear to be focused on compliance and regulatory safeguarding, there is a lack of investment in continuous improvement and prevention activities. Key initiatives such as the NDS Zero Tolerance program are currently not funded, and the preventative work undertaken by the Victorian Disability Services Commission with its longstanding 'Its OK to Complain' campaign has not been extended. Furthermore, the current community discussion about consent in intimate relationships and sexual harassment in workplaces has relevance to our sector, and arguably calls for some explicit work building on the Zero Tolerance framework.

Another major issue apparent in 2021 relates to the disability workforce. Disability services are reporting widespread workforce shortages for skilled workers, while vaccine mandates have prompted some workers to exit the sector. Shortages of allied health staff and behaviour support practitioners are particularly severe, although both regional and metropolitan organisations are reporting difficulties in recruiting a wide array of staff. There appears to be a major disjuncture between the people displaced through the pandemic and the workforce needs of the sector. These workforce issues have been exacerbated by application processing delays with the NDIS worker screening clearance and the strict 'no clearance no start' rule in Victoria which has stifled many organisations' capacity to recruit and scale-up their workforces to respond to COVID-19 outbreaks. Furthermore, there are a range of interconnected factors undermining the quality of training and supervision for the workforce at a time when mental health concerns are rife. This is also at a time when sectors such as aged care and mental health have received considerable public attention throughout the pandemic and recent Royal Commissions, and will be running significant recruitment drives which are likely to undermine interest in disability services.

As we look to leave behind the worst of the COVID-19 era, the Victorian Government has an opportunity to 'build back better' by promoting policies which incorporate new

ways of working to support better wellbeing for the Victorian community. NDS encourages the Victorian Government to embed a vision of a wellbeing economy within its policies, recognising indicators of wealth that extend beyond gross domestic product to include indicators such as equity and happiness. This will involve significant investment in the things that keep Victorians happy and well.

The disability sector plays a critical role within the state's community services sector, contributing to local communities, adding social capital and forming part of the network of social supports that strengthen community wellbeing. It does important work to promote inclusion and fulfilment in the lives of over 1 million Victorians who live with a disability, and plays a significant part in promoting wellbeing for their families and informal carers. To continue to promote positive outcomes for people with disabilities and their supporters, it is important that the voice of disability services continues to be heard at the state level, as well as nationally. Ongoing funding of NDS as the peak body is critical to this. The role NDS has played in supporting the sector during the pandemic illustrates the importance of maintaining two-way information flow and connections between the disability sector and the state government.

The Victorian government is recognising the importance of people with disability in its current review of the Disability Act, the State Disability Plan, and the Social Services Regulation Reform project. These review processes provide an opportunity for Victoria to continue to build a framework to drive greater inclusion of people with disability at every level and in every context in Victoria. Current work on infrastructure, housing strategies and job creation provides further opportunities to embed the needs of people with a disability as a priority. NDS urges the Victorian government to continue its activist stance in recognising and funding the disability sector. NDS calls for the Victorian 2022-23 Budget to recognise the importance of the disability sector and to provide funding to address the pressing workforce challenges and build its resilience. We call on the government to continue working to make this a truly inclusive state, for all Victorians.

In summary, we recommend that funding be made available for the following:

Priority 1: Support a resilient and skilled disability sector delivering high quality services

- 1.1 Invest in a major three-year Strategy addressing disability workforce supply, skills and support
- 1.2 Invest in Zero Tolerance initiatives to prevent violence, abuse and neglect toward people with disability including support for the sector to implement the Disability Royal Commission recommendations
- 1.3 Support high quality services and a strong NDIS
- 1.4 Step up funding for NDS

Priority 2: Reduce the complexity of the regulatory environment

- 2.1 Review Victorian safeguarding arrangements to reduce duplicative regulation on Victorian providers
- 2.2 Develop suitable tenancy arrangements for Victorians with disability
- 2.3 Resource relevant Victorian authorities to improve the NDIS Worker Screening process for Victorian workers and volunteers

Priority 3: Continue to build an inclusive Victorian community

- 3.1 Develop a new Disability Act and State Disability Plan which drive greater inclusion in Victoria for people with disability
- 3.2 Increase supply of social housing and accessible housing
- 3.3 Create more employment opportunities for people with disability
- 3.4 Make transport accessible for all Victorians
- 3.5 Support civic and political participation of people with disabilities
- 3.6 Improve access to justice
- 3.7 Fill gaps in the mental health care system for people with disability

Priority 1: Support a resilient and skilled disability sector delivering high quality services

1.1 Invest in a major three-year strategy addressing disability workforce supply, skills and support

NDS calls on the government to develop and fund a major three-year Disability Workforce initiative to address the pressing supply, skills and support needs of this critical workforce.

There is an issue of supply of appropriate skilled workers within the disability sector, with discussion of workforce demand needing to double in coming years. Worker shortages are now reaching crisis levels, as the demand for services continues to grow. This is particularly critical in relation to therapists, behaviour support practitioners, and skilled disability support workers. While the problem of workforce shortages in Victoria has increased during the COVID-19 pandemic, with some workers choosing to leave in the face of additional demands and vaccine requirements, this period also provides us with a unique opportunity to attract people from other industries to the disability sector as many people reflect on their careers and search for work that better aligns with their values.

There are also significant issues with the skills of the Victorian disability workforce. Despite various attempts to address this, there continue to be disjunctures between the training sector and disability services, with ongoing problems in the applicability of some accredited training programs to the needs of the sector. The [NDIS Disability Support Worker Cost Model 2021-22](#) allows for very limited training and supervision of workers. Furthermore, COVID-19 and adaptation to the COVID-normal environment is requiring workers to have heightened knowledge and skills relating to infection, prevention and control, and associated literacy demands.

NDS is continuing to hear of widespread and deep concerns about the resilience and mental health of the workforce. This has continued post the initial anxiety and fear associated with the earlier pandemic peak. We are also hearing reports that the wider community discourse about sexual harassment and treatment of women in the workplace has further unsettled some of the disability workforce. Disability providers report they are currently trying a range of strategies to build the mental resilience of their workforce, but are seeking more effective strategies and guidance.

The disability sector has benefited from the Victorian Government's investment in the Keeping Our Sector Strong strategy (KOSS) and implementation plan which has now concluded. However, there is a pressing need to build on this work, and tackle the range of both longstanding workforce issues and those which have been exacerbated or emerged during the past year. NDS is calling for a three-year major strategy to address disability services supply, skills and supports. This would need to sit within the frame of the [NDIS National Workforce Plan 2021-2025](#) and build on KOSS work. The disability workforce sits within a complex ecosystem of factors, and any effective strategy to address its issues will need to be wide ranging, comprehensive and multifaceted, and involve multiple government and sector stakeholders. It is particularly timely now with the focus on the aged care and

mental health workforces, arising from their respective Royal Commissions, and the potential this will have to detract from the needs of the disability sector.

It is recommended that the next Disability Workforce Strategy funded and implemented in Victoria be led by the sector, in partnership with government, to ensure it addresses the areas of critical need for the disability workforce. NDS would like to see the Strategy include funding for:

- Promotion of the workforce with strategies involving people with disability and providers, and led by the sector
- An adapted version of the NDS Regional Workforce Connector model be re-established in Victoria to oversee activities across regional Victoria that encourage service providers to share good practice and increase recruitment success. The outputs would include leveraging of existing services, workforce innovation, local marketing opportunities and gap identification in areas where they are thin markets.
- Establishment of a project to develop disability sector workforce planning across metropolitan and regional Victoria. Such an initiative would help address recruitment, retention, support, and supervision issues impacting the sector.
- Funding to build supervision and leadership capability for the disability sector including an ongoing alumni network to continue leadership development opportunities and reflective practices.

Such funded initiatives will build skills and knowledge in local organisations to address the ongoing workforce shortages for disability support workers and other key staff in Victoria.

1.2 Invest in Zero Tolerance initiatives to prevent violence, abuse, and neglect toward people with disability including support to implement the Disability Royal Commission recommendations

Victoria has a strong track record in its response to the abuse of people with disability, and commitment to quality and safeguarding. Notably, the government has previously funded the NDS Zero Tolerance initiative, which continues to offer a suite of resources to build capacity within the sector to provide high quality disability services that are free from violence, abuse and neglect. The Zero Tolerance Framework outlines practical actions and provides a suite of functional and portable resources that service providers can use to address abuse, neglect and violence toward people with disability.

The need for the application of the Zero Tolerance framework was highlighted during COVID-19 outbreaks in Victoria, when some providers may have increased restrictions during shutdown periods that may be identified as regulated restrictive practices.

Furthermore, the Disability Royal Commission's Statement of Concern: The response to the COVID-19 pandemic for people with disability, also identified the wellbeing of people with disability as a growing concern.

The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with

Disability will significantly impact the sector. The anticipated stories, which must be heard, will lead to a sector with reduced confidence, impact existing staff and their retention and the ability of the sector to attract new employees [1]. This is at a time when the workforce needs to almost double to meet the forecast demand within Victoria. Improvements in governance and management, training, upskilling, supervision and support of staff will be required to ensure that the Victorian sector is able to respond effectively to the recommendations and findings arising out of the Disability Royal Commission. As the findings of the Royal Commission emerge, it is critical that initiatives designed to empower support providers to deliver safe and high quality supports are bolstered and updated to reflect recommendations. NDS calls for Victorian government investment in initiatives to support the sector to respond and effectively address issues identified by the Royal Commission, including investment in the review and further development of the Zero Tolerance initiative.

High profile stories around sexual assault, sexual violence and women's rights in the first part of 2021 which spurred an ongoing national discussion around consent, respect and healthy relationships have highlighted the need to extend the work of the Zero Tolerance initiative. Australian Institute of Health and Welfare data indicates that people with disabilities are significantly more likely to experience violence and abuse within their intimate relationships when compared to the general population [2]. However, there are a significant lack of targeted resources to support the sector to lead discussions with people with disabilities around healthy relationships and consent. NDS is calling for investment in the Zero Tolerance initiative to expand its scope to include necessary tools and resources to for the disability sector to empower the people that they support to engage in healthy and respectful relationships that are free from violence and abuse. To meet contemporary community expectations such material needs to recognise gender and power issues, and the needs of cohorts such as LGBTQI+ participants.

Zero Tolerance resources, with their focus on embedding good practice, require periodic review and development. This is particularly critical now in the context of the shifting environment and community expectations, and the Royal Commission. The resources also need to continue to be actively promoted across all disability services, including to the many new and inexperienced organisations entering the market in recent years. NDS is seeking **\$300,000** to undertake a major upgrade of the Zero Tolerance resources, a comprehensive campaign to promote and embed the resources, and to fund initiatives to support disability services implement changes and respond to the findings and recommendations of the Royal Commission.

1.3 Support high quality services and a strong NDIS

The Victorian government contributes substantial funds to the NDIS and continues to shape the Scheme. NDS urges the government to use this leverage to push for Scheme prices and settings which drive high quality services provided by skilled, supported workers. The

¹ Reports from aged care providers and the sector indicate that the outcomes of the Royal Commission into Aged Care Quality and Safety had an impact on their ability to retain and attract the workforce required to support older Australians.

market-based model and investment in NDIS has brought significant benefits to many people with disability, and in particular provided greater choice and control. However, there are people who are faring relatively less well, including those with very complex needs, those in the lower socio-economic deciles and those less able to navigate the complexity of the system.

The National Disability Insurance Agency (NDIA) is currently overseeing multiple major reviews of NDIS systems and processes, including Supported Independent Living, new group prices, changes to support coordination and plan management, Early Childhood Early Intervention Reset, Home and Living Options, and so on. Such an approach appears sensible, given that we are now several years into implementation of the Scheme, and there are some worrying signals, for example, relating to the inequity of plan funding relating to socio economic status. However, together with a strong focus on curbing Scheme costs, these reviews and changes are causing major challenges for the sector. There is a real potential for rushed changes to the Scheme to have perverse consequences, and undermine the ability of services to provide quality, tailored supports to individuals. Support providers are expressing a significant lack of confidence in policy decision making with respect to the NDIS, with only 25% of respondents in the survey for NDS's 2021 State of the Disability Sector report agreeing that NDIS policy reforms are heading in the right direction.

NDS is seeking state government support in actively engaging with the NDIA at this time, listening to the voice of the sector, and influencing the amendments to the Scheme, to maintain a focus on quality services delivered by an appropriately skilled and supported workforce. There is a particular need to align amendments in the Scheme with the evidence on what delivers good practice; referencing, for example, the work of Professor Christine Bigby on what makes a good group home, and the importance of active support and practice leadership³. The current discourse regarding disability services appears to be focused on costs and transactional processes, with little attention to the factors contributing to quality services.

NDS is seeking strong advocacy by the Victorian government with the Federal government and the NDIA to continue arguing for Scheme prices and settings which drive high quality services provided by skilled, supported workers. We are also seeking investment by Victoria of **\$100,000 per annum** over two years, towards a project focused on showcasing and sharing good practice across disability services, with a particular focus on translating 'research to practice' whereby service providers are provided with resources and supported to adopt practices identified in academic research as leading to quality outcomes for people with disability.

1.4 Step up funding for NDS

NDS Victoria has received a modest allocation of funding from the state government over many years to operate as a peak body in the state. We are calling for this investment to be continued and stepped up, to **\$300,000** per annum for the next three years. This will enable the voice of disability services to be heard in the multiple policy and legislative developments which impact disability services in Victoria. The sector continues to operate as a significant

³ <https://www.latrobe.edu.au/lids/resources>

element of Victoria's community services sector, and forms part of the social fabric of the state. Importantly NDS offers a valuable conduit to people with disability and the organisations that support them. The value of connections to the disability sector has been particularly highlighted over the last two years, where NDS has been able to speedily articulate key government directions and messages relating to the COVID-19 situation and the vaccine rollout. The ability of NDS to quickly synthesize and deliver intelligence back to government is also extremely valuable.

There are a multitude of issues, interfaces and adjustments to this new 'COVID-normal' era that require ongoing engagement with the state government, mainstream services and Victorian regulatory bodies. NDS needs to continue to liaise with Government on behalf of the disability sector and to communicate the impact of systemic issues as they arise. Over coming years, NDS will continue to advise the sector on the recommendations of the Royal Commissions into mental health, ageing and the disability sector.

NDS is well-placed to guide the sector as it responds to new infection control measures and other changes due to the ongoing COVID-19 pandemic. We have a track record with our members of disseminating information, interpreting policy changes, and advising how best to respond to change. This is illustrated by the leadership role that NDS played in implementing infection control and personal protection equipment requirements to service providers over the last two years. NDS will continue to be a trusted source of information as new variants emerge and the impacts of COVID-19 remain.

NDS calls for stepped-up three-year funding from the Victorian Government. We will use this funding to continue to respond to emerging crises and adjust to the changes caused by the COVID-19 pandemic. This funding will also allow us to continue to promote and support the implementation of Victorian Government funded initiatives, including the Victorian Portable Long Service Benefits Scheme and the NDIS check process, and continue to act as a key informant for the Victorian government in key policy areas including quality and safeguarding, workforce, employment, accessibility and housing. Such funding will enable the voice of disability services to continue to be heard in Victorian government policy development, and provide a valuable conduit of intelligence to government on emerging issues of concern. The result will strengthen a dynamic and innovative service system that offers quality supports to people with disability in Victoria.

Priority 2: Reduce the complexity of the regulatory environment

2.1 Review Victorian safeguarding arrangements to reduce duplicative regulation on Victorian providers

In recent years we have seen a number of new state initiatives relating to safeguards for people with disability and others. These are well intentioned but have resulted in an environment which is contributing to continued confusion about respective responsibilities, complaints, reporting and jurisdiction. An example of this is in the introduction of the Victorian Disability Worker Regulation Scheme, which allows disability workers to call themselves 'registered workers' if they hold a qualification or have 2 years experience and

meet base level safety checks. NDS is concerned that the term 'registered worker' is likely to create significant confusion for participants and families, with the risk that participants may conflate a 'registered worker' with an NDIS registered provider, which involves much more stringent quality and safeguarding oversight including independent audits. NDS is also concerned that the Code of Conduct, mandatory notification requirements for providers and workers, and complaints system are confusing and duplicative, given the expansive NDIS Quality and Safeguarding Commission framework.

NDS recommends that there is a review of Victorian quality and safeguarding initiatives to ensure Victorian safeguards complement rather than impose dual obligations on workers and services or create confusion for those accessing the market.

NDS welcomes the current Social Services Regulation Reform project as a key opportunity to reduce duplicative regulation for disability service providers in Victoria. NDS is concerned that if the new Standards do not recognise the NDIS Practice Standards and other NDIS safeguarding mechanisms, providers will struggle to meet additional Standards and auditing requirements. Duplicative regulation is not only costly and time consuming for disability support providers but can have significant implications for people with disabilities. For example, NDS has received feedback from members that they would be forced to cease providing services to non-NDIS funded clients (eg. TAC clients) if they are expected to be audited against an additional set of Victorian Standards for these clients. This is of particular concern for people with disabilities living in regional and rural locations who may not have the opportunity to seek services from an alternative provider.

We would also like to see a rebalancing of resources, with less focus on multiple government safeguarding authorities and more investment in prevention initiatives such as the NDS Zero Tolerance initiative (see priority 1.2), and in individual and systemic disability advocacy services. Disability advocacy organisations are a key safeguard against abuse, neglect and violence against people with disability, however insufficient funding of the sector is leading to inadequate and insecure access to these vital supports. NDS encourages the Victorian Government to establish sustainable funding arrangements for the disability advocacy sector which recognises the important safeguarding role of advocates.

2.2 Develop suitable tenancy arrangements for Victorians with disability

The transition to the NDIS has had a profound impact on the disability housing landscape with the introduction of the NDIS-funded Specialist Disability Accommodation (SDA) market. Despite this, NDS is concerned that Victorian tenancy arrangements have not been updated to reflect the needs of the contemporary disability housing market.

In its current form, the Residential Tenancies Act (RTA) dictates that an SDA Residency Agreement cannot be used alongside a standard Residential Rental Agreement in the one dwelling. This means that Victorians with SDA funding who are on an SDA Residency Agreement cannot live with people who do not have SDA funding (and therefore cannot be on an SDA Residency Agreement). This needlessly prevents people living in SDA from living with a partner, their

family, friends, or other NDIS participants who do not have SDA funding. This situation is at odds with contemporary expectations around the rights of people with disabilities to choose how and with whom they wish to live. The limited tenancy options do not reflect the key principle of the *NDIS Act 2013*, for people with disability to exercise choice and control in regard to the supports they need.

NDS is calling for a funded review of the current tenancy arrangements in Victoria to ensure that Victorians with disabilities can access fit-for-purpose tenancy options that reflect the principles of choice and control. It is essential that these changes allow SDA residents the opportunity to choose to live with non-SDA residents while still receiving the highest level of tenancy protections.

Secondly, NDS encourages the Victorian Government to fund a review of the Residential Tenancies Act which actively considers prospective future changes to the disability housing landscape. While the first few years of the NDIS have seen the dominance of the SDA and SIL model of disability accommodation and supports, a number of issues have arisen with this model, including cost blowouts and a mismatch in supply and demand of SDA dwelling types. These issues have seen a policy shift towards new and emerging housing support options on offer for NDIS participants, as reflected in the recent release of the [NDIS Home and Living consultation paper](#) and the [Individualised Living Options \(ILO\)](#) policy. NDS expects to see a push away from the existing group home arrangements towards greater integration of people with disabilities in community living, enabling participants to choose the home they live in and set up supports in the way that best suits them. As transformation of the disability housing landscape continues, NDS would like to see Victorian Government investment in redeveloping the RTA to provide avenues under which *ALL* social tenants, including those who do not have a disability, regardless of whether they receive SDA funding or not, can access the highest level of tenancy protections.

2.3 Resource relevant Victorian authorities to improve the NDIS Worker Screening process for Victorian workers and volunteers

NDS welcomed the introduction of the NDIS Worker Screening Check in early 2021 as a key mechanism to protect participants from abuse, neglect and violence. However, significant delays in the processing of NDIS checks through Services Victoria and the Department of Justice and Community Safety have led to significant recruitment barriers and delays for disability organisations across Victoria, with many workers waiting up to 12 weeks to receive a clearance earlier in 2021. The 'no clearance, no start' policy in Victoria (which is not in place in other states and territories including NSW, WA, the ACT, Tasmania and the Northern Territory) has

been particularly damaging, with a number of service providers indicating that their prospective workers had declined employment due to waiting periods, preferring to seek employment in other industries or within unregistered provider organisations, which did not have similar barriers to entry. NDS would like to see additional resources in the 2022-23 Victorian State Budget to reduce delays in the NDIS check application process to ensure that disability services, who are already facing acute workforce shortages across many service types, are not burdened by NDIS check related recruitment barriers.

NDS also holds significant concerns about the impact of the NDIS worker screening check delays on volunteers in the sector. The online application system, which returns clearances significantly more quickly than the paper-based manual application system, is unavailable to volunteers. Volunteers are also required to apply through a two-step application process, whereby volunteers must submit a fee waiver application and receive a valid fee waiver before applying manually for a clearance. NDS is particularly concerned that the extensive process, which has taken over 4 months for some workers to complete, is leading to a significant reduction in the number of volunteers commencing in disability organisations. NDS strongly encourages the Victorian Government to allocate resources to fund updates to the Service Victoria NDIS Check application portal to allow volunteers to apply through the online process.

Priority 3: Continue to build an inclusive Victorian community

The Victorian government has a good track record in working to make this state more inclusive for people with disability. However, there is a long way still to go. NDS urges the 2022-23 budget to invest in an array of activities which drive greater inclusion. Specific asks include:

3.1 Develop a new Disability Act and State Disability Plan that drive greater inclusion in Victoria for people with disability

All Victorians require an accessible, inclusive and welcoming community that is underpinned by a whole-of-government commitment and approach.

NDS is one of the many stakeholders who have contributed to the review and development of a new Disability Act. We have welcomed the Victorian Government's consultative approach to this reform, and look forward to seeing a new iteration of this fundamental piece of legislation which strongly protects the rights of Victorians with disabilities and reflects the contemporary disability landscape.

NDS encourages the Victorian government to develop legislation which is cognisant of the landscape for service providers, within which the national NDIS Quality and Safeguards Commission oversees a demanding quality compliance regime applicable to all registered

service providers. Additional state-based compliance requirements can be confusing and duplicative.

In addition to this, we would like to see the new legislation be a driver for a more inclusive community for all people with disability in Victoria. NDS encourages the Victorian Government to direct funds toward the development of strong set of human rights principles which enshrine the United Nations Convention on the Rights of Persons with Disabilities. We also encourage the Victorian government to recognise within the Act the unique needs of persons with disabilities who experience intersecting marginalisation as a result of their racial, ethnic, religious, sexual and/or gender identities.

NDS encourages the Victorian Government to introduce and fund stronger inclusion mechanisms within the Disability Act. These include commitments to improving access and inclusion for people with disabilities within mainstream services such as health, education and employment. NDS would also like to see funded initiatives to promote greater engagement with people with disabilities within the development of state disability plans and disability action plans, and stronger accountability mechanisms for such plans which ensure that authorities are held responsible if they do not make meaningful progress toward targets and goals outlined within such plans.

NDS understands that a new four-year State Disability Plan is due to be released in early 2022. NDS encourages the Victorian Government to commit to funded action plans which incorporate sufficient funds to advance disability inclusion and meet clear targets and desired outcomes. We are calling for the development of an ambitious plan that is aligned to the National Disability Strategy, and which addresses the full gamut of sectors including housing, health and wellbeing, education, justice, transport and employment for people with disabilities. The State Plan also needs a robust monitoring and outcomes framework, and ownership by a lead government agency with the ability to drive change across diverse areas. NDS, providers and the broader sector are keen and willing partners with the Victorian Government to meet the deliverables of ambitious targets and funded initiatives.

Alongside a new Disability Act and State Plan, the government should invest in enabling mainstream services to continue to adjust and develop to be fully inclusive of people with disability. Effective interfaces between NDIS and mainstream funded services not only ensure appropriate services for individuals, but reduce risk to the Victorian Government of service gaps and reliance on tertiary and acute responses. While one in five Victorians has a disability, only a fraction are eligible for the NDIS. There are many people who are ineligible for NDIS funding who also require appropriate disability supports, and a continuing care system. The Victorian Government has a significant role to play in ensuring that all Victorians with disabilities are empowered and supported where needed to live meaningful lives.

3.2 Increase supply of social housing and accessible housing

Housing is a fundamental need and right of all Victorians, however, both in the state and across Australia there is a significant shortage of affordable housing. Melbourne is the fourth

least affordable major housing market in the world, with [data](#) from Habitat for Humanity indicating that only 0.9% of private rental properties in Greater Melbourne being affordable for households receiving income support payments, such as the Disability Support Pension (DSP). Only 6% of NDIS participants are eligible for NDIS-funded Specialist Disability Accommodation (SDA), leaving 94% of participants and those people with disability who are not NDIS participants, reliant on public, social and community housing or the private sectors for housing. However, with reports that 50,000 people are currently on a waiting list for social housing across the state, NDS is concerned that the urgent housing needs of Victorians with disabilities are being overlooked.

In addition to struggling to find accommodation that suits their budget, too many Victorians with disabilities live in dwellings that are inaccessible and not fit-for-purpose. Inaccessible houses prevent people from living with dignity and functioning in a way that is convenient, appropriate and safe. NDS frequently hears how the lack of adequate secure housing impedes progress in other aspects of people's lives.

NDS welcomes the government's 'Big Housing Build' plan to create more social and community housing, and calls for people with disability to be prioritised in gaining access to this housing. NDS would like to see this initiative followed with ongoing major investment in the years to come to redress current housing shortages.

NDS is also calling for measures to drive more accessible housing stock. We strongly encourage the Government to include accessibility as a priority criterion within the Big Housing Build initiative. NDS was extremely pleased to hear of the Victorian Government's [advocacy](#) for mandatory accessibility standards in the National Construction Code (NCC), and welcomed the commitment by Commonwealth, state and territory Building Ministers to introduce minimum accessibility provisions for residential housing and apartments in the NCC. For over ten years, the voluntary Livable Housing Design Guidelines have failed to ensure adequate levels of accessible housing in Australia, with only 5% of new home builds complying since it was introduced in 2010. As a consequence, according to a [2020 survey](#), 73.6% of people with disability are currently living in housing that does not meet their needs. We look forward to seeing the impact of these new standards on housing stock for Victorians with disabilities, with hopes we will see a 50% increase in the availability of accessible homes by 2050, as [forecasted by the Victorian Government](#).

However, for people with disability to have equal access to community services, considerations of accessibility also need to extend beyond the home. NDS recommends that developers make a proportion of new housing available only for people with disability. This is one way of increasing the number of people with disability living in a well-serviced community with ready access to public transport, community services and opportunities to socialise.

3.3 Create more employment opportunities for people with disability

People with disability continue to experience disproportionately low levels of employment at only 52.3% compared to over 83% for the rest of the community according to data from the [Building Better Homes Campaign](#). This disparity increases for people with more significant disability. NDS recognises that in this COVID-normal environment, both the state and federal

governments are rolling out various initiatives to support people to find jobs. It is critical that such initiatives explicitly include people with disability. NDS welcomes ambitious targets and requests funding to develop targeted programs and campaigns to support employers in their understanding of the benefits of employing people with disability. Targeted programs would educate, encourage and support employers in their consideration and hiring of employees with disability.

NDS also calls for the state government to procure goods or services from Supported Employment services which produce high quality goods and services while providing supportive and meaningful workplaces for people with disability. Procurement from Supported Employment services leverages the government's buying power to deliver social value above and beyond the value of the goods or services being procured. It is recommended that 0.5% of all applicable purchases be committed to supported employment services.

3.4 Make transport accessible for all Victorians

Transport services are central to community participation and access to education, health care and social activities for many Victorians with disabilities. Yet many localities across the state remain poorly connected, and current infrastructure continues to be inaccessible for many people with disabilities or low mobility.

Universally accessible public transport benefits people with a wide range of mobility levels, including children, young people and older people, people with disability, people carrying infants or shopping, people who are pregnant, and people with temporary impairment.

NDS understands that the Victorian Government has laid out a series of accessibility targets to be met by 2032, including plans for improvements to priority tram and bus stops and other infrastructure. NDS echoes calls made by the Victorian Council of Social Services⁴ for a new five-year Accessible Transport Infrastructure Blitz to advance priority project which make the public transport more accessible and compliant with legislated requirements and minimise barriers to full community participation for people with disabilities.

It is recommended that the concept of whole-of-journey accessibility should be embedded as a principle alongside universal design when considering transport planning. A particular railway station, tram stop, or transport interchange might be accessible, but if the surrounding and connected road infrastructure is not, then in practice it will be impossible for a person with a disability to use the compliant component. A whole-of-journey framework would allow for greater attention to be given to the accessibility of interconnections between different parts of the public transport system.

⁴ <https://vcoss.org.au/advocacy/budget-submissions/2022-2/>

NDS also encourages the Victorian Government to resource further accessibility and inclusion training for drivers in the transport system. We raised this issue in respect to taxi services in our submission to the Inquiry into the Multi Purpose Taxi Program, within which NDS shared concerning member feedback around poor treatment and understanding of disability amongst drivers in the subsidised taxi program. NDS encourages the Victorian Government to fund disability awareness training for all passenger facing roles within our transport network, including public transport and subsidised private transport options, to ensure that Victorians with disabilities are treated with dignity and respect when accessing essential transport services.

3.5 Support civic and political participation of people with disabilities

Victorians with disabilities have the same right to participate in civic and political life as any other citizen, yet are routinely marginalised from this sphere of public life. This marginalisation impacts particularly on people with intellectual disability, who participate in voting at a much lower rate than the general public. Lower rates of voting among people with disability are the outcome of a number of factors, including a lack of cognitively accessible information about political parties and policies, a lack of knowledge and resources within the disability sector to support people with disabilities to vote and participate in civic life, physical inaccessibility of public spaces used for civic participation and elections, and a number of logistical barriers, such as lack of transport to and from the polling booth.

NDS encourages the Victorian Government to fund initiatives, such as the *I Can Vote* program developed by NDS member organisation *Inclusion Melbourne*, which promote civic and political participation of people with intellectual disabilities and provide essential resources to empower support workers to support people with disabilities to become informed voters. Funding should also be allocated to ensure that local council infrastructure, electoral offices and polling places are accessible for people with disabilities.

3.6 Improve access to justice

Victorians with disabilities continue to be significantly overrepresented at all stages of the criminal justice system as victims, witnesses, defendants, offenders and detainees. NDS is concerned that real disconnects exist between the State Government administered criminal justice system and the Commonwealth-run NDIS. Strong pathways between the criminal justice system and mainstream disability services are vital for the wellbeing of Victorians with disabilities who become involved, as offenders and detainees, with the criminal justice system. The absence of these strong pathways has costly ramifications for the Victorian Government, as the provider and funder of the criminal justice system, and for Victorian

society more broadly. NDS would like to see targeted and funded initiatives in this space to improve outcomes for people with disabilities who come into contact with the criminal justice system. Within this, we would like to see greater work while the person with disability is incarcerated to establish and report on their disability diagnosis and their disability support needs prior to entry into mainstream disability settings. NDS is concerned that much of the record and report development in criminal justice settings focuses on offending, criminal proceedings and risk, with little focus on support needs and disability. NDS understands that quality disability support can have a significant impact on reducing the likelihood of reoffending.

Additionally, as many people with a disability have a far lower income and asset base, they are less able to pay for court costs. According to the most recent Legal Aid Victoria annual report, 25% of Legal Aid clients in Victoria have some form of disability or mental illness. Adequate funding and legal supports for people with a disability is of utmost importance to ensure equal access to justice, and equal treatment before the law. People with intellectual disability face particular challenges in regard to accessing justice, and NDS would like to see the government adopt a strong leadership position in supporting the rights of these Victorians.

3.7 Fill gaps in the mental health care system for people with disability

Data from the Australian Institute of Health and Welfare indicates that Australians with disabilities, including those with physical, sensory and intellectual disabilities, are up to 5 times more likely to experience mental ill-health when compared to the broader Australian population.⁵ We know that this often-overlooked cohort is sizeable and experiences multiple barriers to accessing high quality mental health support.

NDS welcomed the recommendations from the Royal Commission into Victoria's Mental Health System, including recommendation 34 which promotes working in partnership with and improving accessibility for diverse communities. NDS encourages the Victorian Government to recognise the disability community as a cohort which should be targeted as a key priority for accessible mental health care, mental health awareness campaigns and targeted mental health and wellbeing information. NDS is eager to leverage its expertise and networks within the disability support landscape in a partnership with the Victorian Government to promote mental health and wellbeing for Victorians with disabilities.

In particular, NDS is very concerned that many support workers in Victoria have little or no skills in identifying and responding to mental health conditions and crises. There is a significant absence of accessible and tailored face to face training for support workers to develop these skills. Providers and workers have indicated a need for access to appropriate face to face training options as an alternative to online training provided through the Mental Health Victoria Psychosocial Learning Hub.

NDS worked with a small portion of the sector to build these skills through the delivery of a modest NDS Mental Health Recognition and Response training program for NDIS Support Workers. The training program, which was funded by a modest Department of Health Transition Support Package grant, was designed to build basic skills within the traditional disability workforce to identify and respond safely to common mental health conditions and crises in the people they support. The program tapped into strong demand within the sector for training in this area, with almost all sessions being significantly oversubscribed. Program feedback indicated that the training met a real gap in knowledge among disability support workers, many of whom have not received any training in relation to mental health conditions and support. Given the strong demand and success of the program, we are keen to explore opportunities to extend this valuable work. NDS strongly believes that modest funds invested in an extension of this mental health training program for support workers will pay dividends for outcomes for people with disability living with mental illness.

Conclusion

NDS calls on the Victorian government to recognise people with disability and the disability services sector in its upcoming state budget. The sector plays a vibrant and important role within Victorian community services, and its voice needs to be heard, its workforce expanded and supported, and issues of sustainability and quality addressed. Victoria needs to keep working to make this state truly inclusive for all people with disability, and fund the frameworks and initiatives which will achieve this.

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