THE SENATE

BILLS

National Disability Insurance Scheme Amendment Bill 2016

Second Reading

SPEECH

Wednesday, 4 May 2016
Senator SIEWERT (Western Australia—Australian Greens Whip) (11:58): I rise to make a contribution to the second reading debate on the National Disability Insurance Scheme Amendment Bill 2016. We know that the scheme has now been in place for a number of years with trial launch sites, pilot sites and trial sites again. Given the size of the scheme, we always knew that there was going to be a need to look very closely at how the scheme was being rolled out, because it is such a fundamental change. It was so broadly supported. I do not say that support was bipartisan; I will say it was tripartisan, because I remember I was a very active participant in the debate and, in fact, managed to get some amendments made to the legislation when we were debating it in this place not so long ago. In actual fact, it was three years ago. At the time, it was acknowledged this was a fundamental change and that we were in a process of learning how this would roll out. We have seen that in some of the changes that are being made through this particular piece of legislation. I will come to the other piece of legislation that is before the chamber a bit later in terms of the savings fund, for which we will be taking a very different approach than that which I am taking to this particular piece of legislation.

It is very fair to say that, although there have been some bumps along the way, the participants I have spoken to who were on the NDIS and are now participants of this scheme are overwhelmingly supportive of the process. I acknowledge that there have been some concerns about plans, costs of services and supports, needing to change some of the plans and those sorts of things, but people talk to me about the fundamental difference that this scheme has made to their lives. It just reminds me yet again how this place makes some very important decisions that do fundamentally affect people's lives, and this was certainly one of them. The way this parliament ultimately came together to support this vital social change in our community was one of the good things that this place does. This scheme is one of the good things this country has done for people who need and should have support to live quality lives. That is why we have been so strongly supportive of this scheme. People talk to me about the fact that they can now get the sorts of supports and services that mean they can be included in the community, that they can participate in activities they were once denied access to.

That is not to say that this scheme is the be all and end all for people with disability, and it deeply concerns me that we have seen budget announcements yesterday that will take money off some people with disability to put into a fund to help other people with disability. That is not the way this country should be operating and it is not what we ever envisaged when we were supporting and campaigning for such a scheme. I will talk more of that if and when we get to that bill.

However, when it comes to the broad work of the NDIS, I would like to particularly congratulate the progress that the NDIA has made. Again, I do not always see eye to eye with the NDIA, but I do think that they have very genuinely worked to achieve this scheme against very many obstacles and issues that had been brought up along the way—and there are still many things that need to be addressed. So many things come to mind in terms of the availability of housing, availability of affordable housing, the way we seem to be moving in some of the planning processes, the costs that do not seem to be properly recognised in some instances, some of the numbers—particularly underestimates—for some cohorts, how we are dealing with intellectual disability, how we are dealing with mental illness, how my particular home state still seems to be struggling with the concept of a national scheme, and the provision of some of the supports and services rollout that occurred originally for Aboriginal and Torres Strait Islander peoples and which I am pleased to say seem to have been learned in the rollout of the scheme on Palm Island, which I visited as part of the Joint Standing Committee on the NDIS. I was extremely pleased to see that some of the very vital lessons from some of the early issues with the rollout of the scheme in Tennant Creek have been addressed. It is good to see that we have a learning process here.

There are a number of other issues that still need to be addressed. There are very definitely issues around bringing some of the broader government agencies—what we call the mainstream agencies—to realise that a lot of what people expect the NDIS to deliver is actually the responsibility of other agencies. We still have to get that right. We still have concerns around issues of advocacy. We need to make sure there is funding of both individual and systemic advocacy. Those are still issues for which we cannot just pretend, 'Oh great, we've got an NDIS now;
it is a fundamental reform, and we can now proceed and start looking at other things,' when we actually need to make sure we are addressing these particular issues.

When it comes to the issues around the board, it seems to us that the coalition has always had a problem with the current NDIS board. The Abbott government moved to replace the board of the national disability scheme by placing that ad for the board's jobs in the newspapers without informing the current directors. It was just poor judgement and at the time sent a really strong message to the community that the government was not actually prepared to talk to or consult with the sector. The qualifications that were listed for the positions at the time, despite the insistence of government that the current board will not be able to be reappointed, were a shock to people in the sector. I know I got many emails and phone calls about the way the ad appeared to position the government on this particular issue. I am pleased to see that there were changes subsequently made to that. If the process was a mistake, it was a bad mistake that they made at the time.

The government is also trying to argue that this scheme is not fully funded, and I will come back to that issue whenever the next bill comes back on. I want to go back to the issues of the board. While we are not going to oppose this legislation, we are concerned that not enough is done in the act as it stands and also in this particular amendment bill to require board members to make sure that we have proper representation. I know that people do not represent a particular sector on the board, but I have spoken with people with disability and in various peak organisations, and they are concerned that there is not enough done to make sure that people actually with disability or who could become participants in the scheme are members of the board. They feel very strongly that, with the best will in the world, people on the board, if they are not living with a disability, simply do not understand what the issues are—not fully. The current wording of the act talks about people with experience with disability. Sometimes you see people that are carers, for example, for somebody with a disability. Again, their involvement is absolutely critical, but it does not address the issue that people with disability need to be an active part of the disability decision-making process.

I appreciate that the issues need further discussion around the inclusion of people with disability who are participants or who could become participants in the NDIS. They should be members of the board. I understand that, if I were to try to make an amendment, in fact that would cause some problems because of the need to consult states and territories about such an amendment, because of the nature of the scheme. So I will not be moving amendments on that today, but be prepared: sometime in the future I will be. But I urge the government to commit. People are saying to me they want a commitment that a third of people on the board, particularly with the increase in numbers, will be people with a disability who are actual participants or who could be eligible to be participants in the scheme. I am asking the government—regardless of what this legislation says and the fact that we cannot amend it at this stage—to commit that at least a third of board members, or as many as possible, will be people with a disability.

The Greens will be supporting this bill, with some reservations, because we are concerned that there is not enough commitment to make sure people with disability are actually on the board of the scheme that is about delivering their supports and services, ultimately leading to their better quality of life and inclusion and participation in our community.