VISION AUSTRALIA

Response to a review of the Tasmanian Disability Services Act 1992

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About Vision Australia
Vision Australia is Australia’s largest provider of services to people who are blind, have low vision, are deafblind or have a print disability. It has been formed over the past several years through the merger of several of Australia’s oldest, most respected and experienced blindness and low vision agencies. A recent example of the merge of experience and expertise includes the Tasmanian based Hear-A-Book service joining Vision Australia in 2007.

We are strongly linked with the community including through our national Client Consultative Framework, including our i-access Advisory Committee which enables clients to provide direct feedback and to raise issues concerning service development and delivery, policies, strategies and operations directly to management at all levels.

We also significantly fund Blind Citizens Australia – a provider of individual and systemic advocacy services, information and peer support to the blind and low vision community.

We are a trusted provider of services and advisor from the local level through to international forums. Vision Australia’s representation at the international level currently includes:

- General Manager International and Stakeholder Relations, Ms Maryanne Diamond is President of the World Blind Union
- Board Member Professor Ron McCallum AO is Chair of the United Nations Conventions on the Rights of Persons with Disabilities Committee
- General Manager Community Information Access Ms Julie Rae is Chair of the Australasian Round Table for Print Disabilities
- Representation on international bodies including: the International DAISY Consortium (Digitally Accessible Information System); Global Accessible Library; International...
Federation of Library Associations and Institutions; and Macular Degeneration

- Full membership of the Assistance Dogs International, and the International Guide Dogs Federation, and employing 1 of only 20 World Accredited Assessors to assess any Guide Dog school in the world to see if they meet international standards. Additionally we are the only Registered Training Organisation in Australia providing Orientation and Mobility training to help address a national and international shortage.

Our focus also includes being a significant employer of people who are blind or have low vision. We employ 192 people with vision impairment, or more than 18% of our total staff. Research undertaken by Vision Australia has found that 63% of people who are blind or vision impaired who are seeking employment cannot find it – a significant barrier to economic and social participation.

Our vision is that people who are blind or have low vision will increasingly be able to choose to participate fully in every facet of community life.

To help realise this goal, we provide high-quality services to the community of people who are blind, have low vision, are deafblind or have a print disability, and their families. The service delivery areas include:

- early childhood
- orientation and mobility
- employment
- accessible information
- recreation
- independent living, and
- working collaboratively with Government, business and the community to eliminate barriers to making life choices and fully exercising rights as Australian citizens.

While Vision Australia does not have a permanent physical presence in Tasmania, we understand we are the largest provider of services to people in Tasmania, including:

- Information and library services
• Seeing Eye Dog services
• Telephone based quality living groups and self-help groups
• Telelink social support groups
• Equipment solutions including assistive technology advice, assessment, telephone help desk support and training
• Individual advocacy to Tasmanians who are blind, have low vision, are deafblind or have a print disability
• Further Education bursaries including package of assistive technology equipment, training and support valued at $8,000 to reduce barriers when commencing university studies in 2010
• Tasmania’s Department of Education contract Vision Australia to provide an Assistive Technology Equipment Library program that supplies equipment and provides specialist assessment, training and support services to about 100 school-age children who are blind or have low vision, across Tasmania.
• Assistance with provision of program content for Radio for the Print Handicapped operated in Hobart and repeated to Launceston.

There is more to do to adequately address Tasmania’s unmet need across a range of services in all age groups, which Vision Australia understands will be compounded for a significant and growing number of Tasmanians particularly as the population ages.

Our knowledge and experience gained through interaction with clients and their families, and also by the involvement of people who are blind or have low vision at all levels of the Organisation, means that it is well placed to provide advice to governments, business and the community on the challenges faced by people who are blind or have low vision fully participating in community life.

Vision Australia believes that it is important for us, as an organisation in the blindness sector, to submit comment on the review of the Tasmanian Disability Services Act.
Response to Questions Posed for the Review

1. Does the current legislation adequately define “disability” and those who should fall within the scope of the Act?

Response-
Vision Australia is of the view that the current definition of “disability” could be broadened. While “sensory” disability is included which would cover blindness and low vision we don’t believe that the definition is broad enough to include all those who might have a print disability.

2. If not, how can the definition be improved?

Response-
To ensure that print disability is covered, the definition could be expanded to include “ability to access information” as one of the consequential affects as we don’t believe communication or learning, which are both currently included under part (C) of the definition covers this function.

We would also suggest that under part (C) there should be a reference to a loss of independence in the home or community. This could be dealt with through including a reference to impact on daily activity.

3. Do the objectives in the current legislation reflect desired outcomes for persons with disabilities and current community expectations?

Response-
While Vision Australia is of the view that the current Objectives, as articulated in the Act, do largely reflect the expectations of people with a disability, we believe they could be strengthened around service provision and the system of administering funding.

4. Are there any examples of objectives you would like to see included?

Response-
Vision Australia would like to see Objective (D), which is around service innovation, or Objective (E), which is around a system for administering funding, strengthened and expanded to ensure that access for people with a disability to a full range of services is not only fostered but guaranteed. Currently in Tasmania people who are blind, and parents of children who are blind, do not receive adequate access to technology support or training, living skill training or low vision services.

5. Should legislation contain specific provisions for service objectives for children with a disability?

Response-
Yes, we are of the view that early intervention and child development are of such fundamental importance that there should be reference to specific Objectives focused on children in the Act. Positive adulthood outcomes for someone with a lifelong disability hangs totally on the adequacy of services and supports provided to a child with a disability throughout their childhood development and formal education years.

6. Should the principles of the Tasmanian Operational Framework for Disability Services be adopted in the new legislation?

Response-
We are of the view that the Principles should be included in the Act as, we believe, it would help to strengthen the Act and provide people with a disability and parents of children with a disability with a stronger legislative framework in order to hold service providers, Government Departments and Government accountable.

7. Are there others that should be added to provide the overarching ideological framework for the Disability Services Act?

Response-
Yes, Vision Australia is of the view that the Act should also make reference to the United Nations Convention on the Rights of Persons with Disabilities (CRPD).
8. Should legislation contain specific principles regarding the rights of, and service provision to, children with a disability?

Response-
Yes, similar to our comment in regard to question 5- above, we are of the view that early intervention and child development are of such fundamental importance that there should be reference to specific Principles focused on children in the Act.

9. Is it appropriate to include specific standards in legislation or should the Act simply specify who can determine and monitor standards?

Response-
Vision Australia is of the view that it is appropriate not to embed “Standards” in the Act but only on the provision that the Act specifies a body for setting and monitoring Standards and that this body is established as a Ministerial Council that includes people with a disability, parents of children with a disability and service provider representatives. Over the last decade, standards in disability and disability care have improved and we expect will continue to improve and change in line with community expectations. In this context, we believe a Ministerial Council would be a more efficient and flexible mechanism to respond to these evolving needs.

10. Should the Act specify requirements for compliance with standards and the sanctions for not complying or should this be part of administrative/policy specifications?

Response-
We believe that the Act should include reference to a requirement to meet compliance with Standards and sanctions for non-compliance. The sanctions however, should allow for services to address the non-compliance with authority to re-direct service funding if the service does not comply.

11. What do you regard as essential roles and responsibilities for government that should be included in the Disability Services Act?
Government should be responsible for ensuring that Tasmanians with a disability have access to a full range of disability specific services and that services are not only funded but are monitored to ensure that they are acting in line with the Objectives and Principles of the Act, and are complying with Standards.

12. What do you regard as essential roles and responsibilities for funded non-government organisations that should be included in the Disability Services Act?

Response-
Vision Australia is strongly of the view that service providers “must”, in a genuine manner, engage with their relevant disability community to ensure that they are meeting the community’s service needs and are adjusting the service mix to respond to the community’s priorities. Vision Australia has a strong client consultative framework and we believe that service providers “must” be required to demonstrate that they have formal client consultative mechanisms.

13. Are there roles and responsibilities for people with disabilities and their families that should be included in the Disability Services Act?

Response-
Yes, as noted in our comments in response to question 12, we believe that people with a disability and parents of children with a disability should be engaged by disability service providers in formal client consultative mechanisms. We also believe, as noted in our comments in response to question 9 that the Act should specify a body for setting and monitoring Standards and that this body is established as a Ministerial Council and that it includes people with a disability and parents of children with a disability.

14. Should the legislation be amended to clearly allow for other options of assistance to eligible persons apart from direct service provision?

Response-
Vision Australia is of the view that the Act should not be restrictive, or proscriptive, about the channels of service delivery or the structure of the services system. In our view the Act should allow for a mix of options so that disability specific service organisations, mainstream organisations, and innovative service options can be funded.

15. Should there be any stipulation in the legislation in relation to system planning?

Response-
Yes - we believe that it is appropriate to legislate for systems planning. This allows for a legislative framework around planning and puts a higher level of responsibility onto Government and the relevant Department overseeing disability services to ensure that service planning takes place.

16. If yes, do the principles from the Operational Framework for Disability Services (above) provide a sound basis for legislative direction?

Response-
The Principles do provide some direction and a framework however we believe it could be strengthened to ensure that appropriate systems planning is undertaken as a matter of course and in a planned manner rather than in an ad-hoc manner.

We would suggest that the Principle around “Access” which currently reads:-

“Access – People with disabilities should be able to access a range of specialist Disability Services that are appropriate to their needs. Priority of access should be given to those who are most vulnerable, and whose needs cannot be met through universal services and informal supports”

could be revised to read,

“Access – People with disabilities should be able to access a range of specialist Disability Services that are appropriate to their needs. Planning around the service mix and service priority
should be undertaken by Government and must include consultation with people with disability and service providers. Priority of access should be given to those who are most vulnerable, and whose needs cannot be met through universal services and informal supports.”

17. Should there be any stipulation in the legislation related to planning for individuals?

Response-
We believe that the current Principle around individuals which currently reads:-
“A focus on the individual – Disability services are flexible and responsive to the needs of people with disabilities, their families and informal support networks, placing them at the centre of service delivery. Supports should reflect the individual needs, goals and aspirations of people with a disability,” should be included in a revised Act and would be sufficient to address the focus on the individual at the centre of service planning and delivery. If this is included there would be no other need, in our view, for the legislation to stipulate anything else around planning for the individual.

18. If yes, do the principles from the Operational Framework for Disability Services (above) provide a sound basis for legislative direction?

Response-
As noted in our response to question 17 above, we are of the view that the current Principles do allow for a clear direction around this.

19. Should the Disability Services Act specify an approach for Quality and Safety or should this be the subject of operational requirements?

Response-
We believe that these aspects would be better covered in operational guidelines, Standards and service contract agreements.
20. Is the “Quality culture” approach described in the Operational Framework for Disability Services sufficient for monitoring quality and safety?

Response-
There is always room for strengthening policy around service quality and safety. While the current framework is comprehensive we believe that additional monitoring around quality would occur if a Ministerial Council, as described in our response to questions 9 and 12, was implemented and this body had a role in developing Standards and monitoring service implementation.

21. Is there a need to legislate for the capacity to enter, inspect and report on funded services?

Response-
We believe that if a system and framework, such as the Ministerial Council for developing and monitoring Standards as we have described in response to questions 9 and 12 is established, that this body would oversee the quality and responsiveness of services. In this case we would not see that there would be a need to include reference in the Act relating to capacity to enter, inspect and report on funded services.

22. Should there be a legislated requirement that processes related to making and investigating complaints regarding services provided or funded by DHHS are in place, or is this more appropriately contained in service agreements?

Response-
In our view this aspect would be better covered in Standards and in service agreements rather than in the legislative framework. The legislative framework should be at a high level and, if inclusive of the Objectives and Principles, should allow a strong framework of reference that people with a disability and parents of children with a disability can use to address concerns. We believe that all disability related services - funded or not - should be required to adopt a clear policy around complaint handling and that clients of services should have access to independent advocates if they find the need.
23. Are current independent complaints and dispute resolution bodies available in Tasmania appropriate and adequate to address and resolve concerns persons with a disability or their family may have in regard to service provision?

Response-
We don’t believe that the current network of “independent” mechanisms for assisting people with complaints is fully capable of dealing with all people with a disability. We are of the view that specialist disability specific advocacy organisations should be funded to ensure that people with particular disability receive relevant advice and support. Some of these organisations, such as Blind Citizens Australia, have no funding, and limited current capacity, to support people who are blind or have low vision in Tasmania to action complaints.

24. If not, what additional legislation or dispute resolution bodies should be established?

Response-
As noted above we are of the view that funding should be provided to disability specific advocacy organisations such as Blind Citizens Australia. We also believe that where complaints cannot be resolved satisfactorily by service providers that options should be built in to allow for the complaint to be escalated to an advocacy organisation or a panel established by the Ministerial Council as described in our response to questions 9 and 12.

25. Should the new legislation stipulate who can and who cannot act as a formal guardian or administrator?

Response-
Yes- we believe that if, in the case of a child with a disability, a parent of the child is not the formal guardian the Act should specify how a guardian or administrator will be appointed. The Act should also specify this in the case of an adult with a disability but should also specify in what circumstances, and through what formal process, a decision is to be made regarding the appointment of a guardian or administrator.
26. Should the new legislation stipulate who can and who cannot act in an informal capacity in assisting a person with a disability with decision making in certain areas?

Response-
No, we don’t believe that it is necessary for this aspect to be specified in the Act.

27. Are the current provisions in the Act pertaining to restrictive practices and the Ethics Committee still adequate or appropriate?

Response-
In our view the aspect of restrictive intervention would be better dealt with through the Standards process rather than the legislative process.

28. Should new legislation provide for restrictive interventions under certain circumstances, should this include aversive practices?

Response-
No - we believe, as noted in our comment to question 27, the aspect of restrictive interventions should not be covered in the Act but would be better dealt with through development of Standards and formal Policy.

29. Who should give approval for the use of restrictive interventions and who should monitor the process?

Response-
We believe the relevant Tasmanian Government Department Head responsible for implementation of the Tasmanian Disability Services Act should be responsible for approving restrictive intervention requests and that a regime for regular reporting by the service provider to the Department Head be established to monitor the intervention.
30. Should legislation exclude the use of restrictive interventions on children with a disability?

Response-
We are of the view that legislation is not the appropriate tool or mechanism to address restrictive interventions. We believe that relevant Departmental Policy documents should cover this aspect and should be developed in conjunction with parents, service providers and family/disability advocacy organisations.

31. Should future Disability legislation contain specific provisions regarding the formal allocation of parental responsibility for children with a disability?

Response-
Vision Australia is of the view that the legislation should reflect that parents of children with a disability “must” be involved in decisions that affect their child’s access to disability related specific services as well as mainstream services, such as education, where the needs of a child with a disability “must” be addressed.

Conclusion
Vision Australia appreciates this opportunity to contribute to the review of the Tasmanian Disability Services Act. We also look forward to working with Government, and the community of people who are blind in Tasmania, to ensure that people who are blind, have low vision, are deafblind or have a print disability in Tasmania have access to a full range of services that meet their needs.

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1 Results and Observations from Research into Employment Levels in Australia’ Robert Spriggs, (April 2007).