



Submission:

Response to Disability Royal Commission's Issues Paper on Promoting Inclusion

November 2022

"The Government needs to stop focusing on the NDIS as the sole solution to meeting the support needs of people with disability. There are many of us who will never be eligible for this scheme, but we still need assistive technology." – Woman with spinal cord injury, Queensland

To:

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

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Via email to: DRCEnquiries@royalcommission.gov.au

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1. About the Assistive Technology for All Alliance

The Assistive Technology for All (ATFA) Alliance is a national partnership of peak bodies and consumer representatives spanning the health, ageing and disability sectors. Our organisations represent and support millions of Australians with disability, their families and carers. We have joined forces because we believe that the lack of equity in Australia's disability landscape is unjust and intolerable. That is why we have launched a public campaign to bring about equal access to assistive technology in Australia.

The Assistive Technology for All campaign website can be accessed at:

<https://assistivetechforall.org.au/>

A short animation video explaining the campaign can be accessed at:

www.youtube.com/watch?v=o92pzCPavZ0

2. Introductory comments

We thank the Royal Commission for providing us with an opportunity to submit evidence on the topic of inclusion. Our first submission to the Royal Commission, which was drafted in response to the Royal Commission's 'Issues Paper on Rights and Attitudes', was lodged in September 2020.

This first submission:

- Established access to assistive technology as a human rights issue
- Outlined how Australia has failed to meet its human rights obligations to people with disability who are not eligible for the National Disability Insurance Scheme (NDIS)
- Demonstrated how failing to provide people with disability with appropriate supports such as assistive technology can heighten their risk of experiencing violence, abuse or neglect.

This document will expand on the themes raised in our first submission and respond to the following questions posed in the Royal Commission's Issues Paper on Promoting Inclusion:

- Do you think Australia is an inclusive society? If not, why not?
- What is the role of governments through legislation, policy making, funding and operation of public systems and services, in achieving an inclusive society?
- How can the supports people with disability need be provided in a way that is consistent with promoting an inclusive society?
- What practical and sustainable steps can governments take to promote a more inclusive society for people with disability?

While this submission has a strong focus on the needs of older people with disability, it is important for the government to remember that many younger people with disability are also being negatively impacted by the issues raised throughout this submission. Of the 90% of

Australians with disability who are ineligible for the NDIS, only 49.3% are over the age of 65. The remaining 50.7% are under the age of 65.¹

Importantly, this submission has been informed by:

- The views and lived experience of the many peak bodies and consumer advocates who actively contribute to the work of the Assistive Technology for All Alliance
- Feedback that was gathered during a consumer forum held in September 2020.
- Feedback that was gathered during our online event, [ATFA in Conversation with Graeme Innes](#), hosted on 9 June 2021
- Insights from assistive technology users that have been collected via our closed Facebook group and our many supporting organisations.

The quotes included throughout this submission have been gathered from people with a range of impairments who are not eligible for the NDIS. All quotes have been de-identified to protect the anonymity of those concerned.

Note: We would like to thank Simon Kneebone for producing the cartoons included throughout this submission. Simon's website can be accessed at: www.simonkneebone.com

3. Summary of recommendations

Recommendation 1:

The Department of Social Services be directed to publicly communicate all activities relating to Tier 2 of the NDIS, and any steps being taken to realise the original vision of the NDIS Information, Linkages and Capacity Building Policy Framework – particularly in the context of the provision of personal supports such as assistive technology.

Recommendation 2:

The Royal Commission make recommendations to drive greater equality across the broader population of people with disability, irrespective of age, circumstance or eligibility for the National Disability Insurance Scheme. This must start with all people with disability having access to the most basic products they require to support communication, mobility and/or self-care.

Recommendation 3:

The Department of Social Services be directed to work with the Department of Health and the National Disability Insurance Agency (NDIA) to develop a targeted action plan relating to the equitable provision of assistive technology to people with disability who are not eligible for the NDIS, including:

- People who are over 65 who do not meet the age eligibility requirements for the NDIS, and
- People who are under 65 who would benefit from assistive technology, but do not fully meet the other eligibility requirements for the NDIS.

Recommendation 4:

The Royal Commission recommend the establishment of a single harmonised and nationally consistent assistive technology program to support people with disability who are not eligible for the NDIS.

4. The role of assistive technology in promoting inclusion

The World Health Organization (WHO) states:

*“The primary purpose of assistive products is to maintain or improve an individual’s functioning and independence, thereby promoting their well-being. They enable people to live healthy, productive, independent and dignified lives, and to participate in education, the labour market and civic life.”*²

The role of assistive technology is also well recognised at a domestic level. As an example, the NDIS Assistive Technology Strategy states:

*“AT (assistive technology) enables people with disability to live a better, more independent and more inclusive life. It enables people with disability to maximise their abilities at home, in the community and in the workplace, ensuring greater economic and social participation.”*³

More recently, the report from the ‘Review of Assistive Technology Programs in Australia’ stated that the timely provision of assistive technology can result in:

- Increased independence and autonomy
- Maintenance of personal care
- Reduced personal pain or injury
- Slower functional decline
- Reduced risk and improved safety (e.g., falls prevention)
- Increased productivity
- Improvements in aspects of wellbeing including confidence, satisfaction, quality of life, social inclusion, community participation and a sense of security.⁴

Earlier this year, our Assistive Technology for All Alliance partnered with Melbourne Disability Institute to undertake a survey of unmet need in the provision of assistive technology to people with disability who had been excluded from the NDIS - '[Assistive Technology for all: Exploring the benefits and challenges of timely access to AT when ineligible for the NDIS](#)'. The following quotes are from respondents who completed the survey. They provide an insight into the widespread potential positive impacts of assistive technology from the user perspective. We have attached a full copy of the final survey report to this submission.

“I have a severe chronic communication impairment (aphasia) after suffering a stroke at the age of 67... I felt very frustrated and depressed and lonely when I wasn’t able to have a ‘voice’, express my opinions and maintain my relationships with friends and families... Having access to a communication device has helped change my life so much for the better. Having a voice again is everything – I feel I can be included more in social interactions. I have started going out again and even been back down to my local social group. I feel like I have more control and choice because I

tell people what I want. I am so much happier, and I can see that has made my wife and children feel the same way.” (Male, 67)

“[The AT] enables social interaction. We can sit at a bar, look over heads at a concert or sports game when there are people in front, stand up to dance or cheer and can reach counters or services which are at standing level.” (Male, 73)

“[I] need to purchase a voice amplifier to make my voice louder so it can be heard by others when I’m out and about in the community... It would give me the independence to talk to people, order a coffee or talk to the taxi driver on my own. Otherwise my voice due to Parkinson’s Disease is too quiet and difficult for people that don’t know me to hear.” (Male, 78)

The Australian Government must listen to the genuine stories of people who experience lack of access to assistive technology due to being refused access to the NDIS – two of which have been included below. If urgent action is not taken, these stories will continue to escalate and lead to ongoing exclusion and discrimination.

Case Study: Woman with a spinal injury moves from NDIS denial through to NDIS acceptance

Sandra is a 39-year-old woman who lives in Victoria. She has an incomplete spinal injury as a result of a horse-riding accident she was involved in several years ago.

Sandra spent her first 3 and a half years post-spinal injury without NDIS funding after being rejected for the scheme several times. She relied largely on hand-me-down assistive technology, including a second-hand walker from a friend’s Mum and an old manual wheelchair from a friend with footrests taped on with gaffa tape. These solutions did not meet her needs and she found herself not joining in on social activities, outings with her family or doing any hobbies because she was so exhausted after getting around at work.

Sandra couldn’t afford the allied health services she needed to learn to use her mobility equipment appropriately. This led to misuse and fatigue. She also had to pay for all repairs and maintenance on her assistive technology herself. This often meant that she went long periods without being able to get around while she saved up for the repairs that were needed.

Sandra received funding for her intermittent (single use) catheters through the Victorian State-Wide Equipment Program and the Federal Continence Aids Payment Scheme. She was unable to access funding for the self-lubricating catheters that best met her needs though, and had to make do with a cheaper model instead. She suffered from frequent urinary tract infections as a result.

After several rejections, Sandra was eventually accepted into the NDIS. As an NDIS participant, she can finally afford the mobility supports she needs to achieve her work and personal life goals. She also now has a catheter that better meets her needs and her health has improved as a result.

Sandra worked out that she had been paying about \$30,000-\$40,000 per year out of her own pocket for assistive technology and related allied health supports before she was accepted into the NDIS. In order to meet these costs, she was required to go without other services and supports. She needed to make ends meet and cut down in other areas of her and her family's life.

Sandra knows how the systems outside the NDIS are failing people with disability, because she's experienced things from both sides. While she is grateful for the fact that she now has better access to services under the NDIS, she knows there are many people who are still excluded who cannot get the help they need.

Case study: Two amputees – one who is eligible for the NDIS compared to one who is excluded

Robert and Steve both have left above knee amputations resulting from aggressive infections. Robert is 67 years old and Steve is 56 years old.

Robert does not meet the age eligibility requirements for the NDIS. He has had to access support under his state-based Artificial Limb Scheme which does not provide him with appropriate access to assistive technology. He has no choice over the type of prosthesis he receives and currently uses a mechanical knee unit which is not suited to his individual needs. This compromises his safety as it results in regular falls. He also has a very basic prosthetic foot which does not provide energy return and leads to fatigue. After a fall or when he is feeling fatigued (because of the type of prosthesis he has been fitted with), Robert uses an old manual wheelchair which is weighty and quite difficult for him to push around.

Robert has made minimal modifications to his home because he would need to self-fund them and he is not in a financial position to do so. Consequently, he only uses a board across his bath for personal washing and does not have grip bars in the wet areas (bathroom, toilet). This further increases his risk of falls.

Up until last year, Robert worked full-time. Unfortunately, the regular falls he experiences have had a significant impact on his body and he has had to reduce his work hours to part-time as a result.

By contrast, Steve has access to an array of fully-funded reasonable and necessary supports under his NDIS Plan as he is several years younger than Robert and meets the age eligibility requirements for the scheme. The NDIS has enabled him to trial a variety of prosthetic devices to determine which one best meets his needs. He was subsequently funded for a Microprocessor Knee Unit (MPK) and multi-axis prosthetic foot in his first NDIS Plan two years ago. All of the home modifications Steve has needed have also been funded through his NDIS Plan, including a ramp at the rear of his home.

Steve is able to lead an active lifestyle with his wife and two children because he has had access to the appropriate assistive technology to facilitate this. And unlike Robert, he has never experienced a fall because the knee unit he has been fitted with is well-suited to his individual needs. He has also been able to return to full-time work.

Recommendation 1:

The Department of Social Services be directed to publicly communicate all activities relating to Tier 2 of the NDIS, and any steps being taken to realise the original vision of the NDIS Information, Linkages and Capacity Building Policy Framework – particularly in the context of the provision of personal supports such as assistive technology.

5. Question: Do you think Australia is an inclusive society? If not, why not?

By definition, inclusion refers to the state of being included within a system or structure. It implies a certain level of equality whereby all citizens are included on a non-discriminatory basis.

The right to equality and non-discrimination is a fundamental human rights principle that is at the heart of the Convention on the Rights of Persons with Disabilities (the CRPD). We refer the Royal Commission to the obligations set out under Article 4 of the CRPD, which requires Governments to:

- *“Recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.”*
- *“Shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.”⁵*

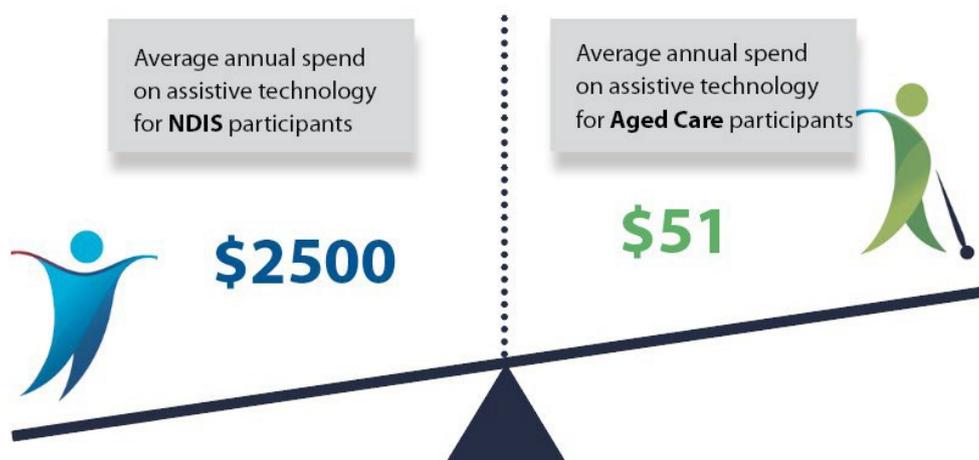
Since 2013, Australia has taken proactive steps to increase the inclusion of people with disability through the implementation of the National Disability Insurance Scheme (NDIS). In doing so, however, it has marginalised and further excluded those people with disability who are ineligible to access support under this scheme. This is significant when considering that the NDIS was only ever intended to provide individualized support to around 10% of all Australians with disability.⁶



Section 22 of the NDIS Act states that a person must be under 65 at the time of making an access request to satisfy the age eligibility requirements to enter the scheme.⁷ As a result, older people with disability are one of the largest cohorts to be excluded. If these people were able to access the support they needed under other service systems, this arrangement would not be so problematic. Regrettably, however, limited access to assistive technology continues to be a major barrier to inclusion for this cohort.

The specific barriers that are experienced by older people with disability who are excluded from the NDIS were documented in the report from the 'Review of Assistive Technology Programs in Australia', which states:

*"Stakeholders frequently cited inequities between the aged care, health and disability sectors as a major challenge within the AT landscape, with age seen as a major cause of inequity. For example, a consumer aged 65 years or older is ineligible for NDIS support if they were not an NDIS recipient before the age of 65. This consumer is less likely to have their AT needs met than a consumer with the same condition who is aged 64 and is eligible for NDIS funding for the rest of their lives. This was seen as creating a two-tiered system, with older people who must rely on the aged care system for AT often missing out."*⁸



Older people with disability we have engaged with throughout our campaign describe the current arrangements as “inequitable”, “discriminatory”, “dehumanizing” and “unfair”. They do not feel as though they belong to an inclusive society as their needs continue to be disregarded and ignored. A consumer with Post-Polio Syndrome who participated in a Focus Group we conducted in September 2020 noted:

“It is a travesty, especially as many of the greatest advocates for rights, recognition, inclusion etc. over the last 50 years... are now over 65 and excluded from the scheme they ultimately fought for.”

The Information, Linkages and Capacity Building program (ILC), or Tier 2 of the NDIS, was originally intended to play a critical role in supporting people with disability who were not eligible for an

individually funded package of supports under the NDIS. The original policy framework for the ILC stated:

“The National Disability Insurance Agency must reserve a pool of funds for the purpose of providing one-off or low-cost supports for people who are ineligible for the NDIS who would benefit from such interventions, and whose support needs would otherwise remain unaddressed.”

Regrettably, this framework has done nothing to address the current issues surrounding the provision of assistive technology and many people are continuing to fall through the cracks.

Consumers also frequently cite the disconnect between the aspirations of the NDIS and other service systems as a barrier to inclusion. NDIS Participants are able to have assistive technology funded to help them meet their individual goals and increase their participation in community activities. It is agreed that the same opportunities are not afforded to those who are excluded from the scheme, with one participant noting:

“We have to fight tooth and nail for the bare basics we need to survive. We can’t access funding for other things that would help us do the things we want to do and improve our quality of life.”

We also spoke with a prosthetic user who had been excluded from the NDIS because of his age. He enjoyed ice skating, rollerblading and cycling for social and physical health and wellbeing. He explained that he could only access state-based funding for a walking foot which did not offer the appropriate dynamics for these activities. Instead, he has had to part-fund an appropriate prosthesis himself, without which he would have been forced to give up these activities altogether. He explained that he knew many amputees who have had these supports fully funded under the NDIS and knows just how beneficial they have been to their physical and mental health and wellbeing.

We submit that The Australian Government’s failure to provide equitable and appropriate access to assistive technology to people with disability who are excluded from the NDIS constitutes a breach of its obligations under the CRPD. Australia cannot be considered an inclusive society until such time that this grievous human rights violation has been addressed. We remind the Royal Commission that the CRPD does not place any limitations on which people with disability have the right to access support. Access to assistive technology is a universal right that must be equitably promoted, protected and upheld for all people with disability irrespective of age or circumstance. To this end, we refer the Royal Commission to the ‘Report on the rights of older persons with disabilities’ that was published by the Special Rapporteur on the rights of persons with disabilities in July 2019. The conclusion and recommendations from this report are set out in Appendix A.

The following case studies provide further insights into how the current inequity in Australia’s disability support system continues to compromise the inclusion and participation of older people with disability.

Case study: Woman with progressive vision loss unable to access lifelong learning

Laura is 70 years old and has retinitis pigmentosa, a condition which causes progressive vision loss. Up until recently, Laura had quite good usable vision. Over the past 12 months though, her remaining vision has deteriorated to the point where she can no longer read print.

Now that Laura is retired, she is interested in taking up a few short courses that are offered by the University of the Third Age and her local community college. Because she can no longer use screen magnification though, she has no way of accessing course information or taking notes.

Laura wants to learn how to navigate her home computer and iPad using specialised text-to-speech software so she can complete the courses she is interested in. She wants to learn how to send and receive emails, navigate the internet and create and edit documents using this new software. Because she is completely new to this technology, it may take quite a few hours of training to enable her to meet these goals. A blindness service provider has quoted Laura \$180 per hour to provide the training she needs, which aligns with the NDIS price guide. As a recipient of a Level 2 Home Care Package, she is unable to afford this training as this would force her to go without other vital forms of support.

Case study: Man with post-polio syndrome unable to access support to fully participate in work

Dennis is a 70-year-old man of proud Aboriginal heritage. He has lived with a physical disability since the age of 3 when he contracted Polio. Dennis has carved a successful professional life for himself in commercial radio and broadcasting. He still works part-time in radio and has every intention of continuing to do so for as long as he can.

Dennis was 63 years old when the NDIS Act was passed. He was hopeful and excited that he would be able to benefit from this new scheme. His only need was to be able to access the modern braces, training and ongoing support that have become available for people with post-polio syndrome.

Advice from specialists had confirmed that Dennis was a perfect candidate for a new brace developed by Ottobock called the C-Brace. This brace promised to restore Dennis' quality of life and enable him to remain mobile and active. It has been proven to reduce falls and decrease joint and back pain for many polio survivors. It also provides the user with the ability to walk up and down stairs which is something Dennis cannot do with his current locked/stiff leg designed brace.

Dennis did not immediately sign up for the NDIS when it became available in his area, although he was under 65 and would have been eligible for the scheme at this time. It wasn't until he had undergone an operation that was designed to surgically straighten and lengthen his affected leg in readiness for the new brace, that he found out the brace would not be funded under the NDIS due to his age. Dennis had never been informed that there was an age limit on the services provided under the NDIS and that he would need to opt into the scheme before his 65th birthday. As a

result, he missed out on the opportunity to access the scheme at a time when his age would not have been a barrier.

The C-Brace costs \$80,000 and cannot be funded under the NSW state-based aids and equipment program or the Commonwealth Aged Care system. This leaves Dennis to rely on a 'straight leg' brace or wheelchair, with continuing deterioration of his joints and severe back pain. As Dennis' condition continues to deteriorate, so too will his quality of life and capacity to work.

Dennis knows of several Australian polio survivors under the age of 65 who have had the C-Brace fully funded under the NDIS. He has seen the difference the new brace has made for these people and is frustrated that the Government will not allow him to access the same opportunities. Dennis says it is unfair that funding bodies currently expect older polio survivors to walk around with the older locked/stiff leg systems and endure the pain that comes with them, including joint and back pain and an increased risk of falls. He feels stripped of his dignity as he is told he is too old to be helped.



Recommendation 2:

The Royal Commission make recommendations to drive greater equality across the broader population of people with disability, irrespective of age, circumstance or eligibility for the National Disability Insurance Scheme. This must start with all people with disability having access to the most basic products they require to support communication, mobility and/or self-care.

6. Question: What is the role of governments through legislation, policy making, funding and operation of public systems and services, in achieving an inclusive society?

The Australian Government has an important role to play in ensuring the rights of all citizens are effectively promoted, protected and upheld. As such, Australia's primary role in achieving an inclusive society involves the full and effective implementation of the Convention on the Rights of Persons with Disabilities (the CRPD).

The general obligations set out under article 4 of the CRPD require Governments to:

“adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention.”⁹

The Australian Government has undertaken a significant amount of work to establish the NDIS as a way of fulfilling its human rights obligations to people with disability. It has, however, failed to *“...adopt all appropriate legislative, administrative and other measures”* to give rise to the rights of the many people with disability who continue to be excluded from the scheme.

According to the Attorney General’s Department, the National Disability Strategy:

“... is the mechanism to ensure that the principles underpinning the Convention are incorporated into policies and programs affecting people with disability, their families and carers.”¹⁰

As such, we remind the Royal Commission that one of the key outcomes referenced under the current Australian Disability Strategy 2021-2031 requires that: “People with disability have access to a range of supports to assist them to live independently and engage in their communities”. The following two policy priorities are listed underneath this outcome:

- Policy Priority 1: People with disability are able to access supports that meet their needs
- Policy Priority 4: People with disability are supported to access assistive technology.¹¹

There is currently no action plan in place to outline when and how the barriers to accessing assistive technology outside the NDIS will be resolved. This is a complex issue that will require collaboration between State and Commonwealth governments and multiple Commonwealth agencies. Unless a targeted action plan is developed to drive change across service systems, Australia’s Disability Strategy will not result in significant improvements in the provision of assistive technology to people with disability who are excluded from the NDIS. Further, we submit that Governments cannot expect to achieve significant change under the remaining outcome areas referenced under the Strategy unless people with disability have access to the assistive technology they need to facilitate their safety, independence, inclusion and participation. As stated by the World Health Organization:

“Without assistive technology, people are often excluded, isolated, and locked into poverty, thereby increasing the impact of disease and disability on a person, their family, and society.”

¹²

We have made several attempts to engage with the Department of Social Services and the Minister for Families and Community Services around the issues raised in this submission, particularly in light of the commitments that have been made under Australia’s Disability Strategy 2021-31. Regrettably, it seems that there is no will to explore how interjurisdictional issues, such as these, could be resolved. We understand that interjurisdictional issues are complex and difficult to work through, but this does not mean they can be ignored. If Government

found these challenges insurmountable, we would not have a National Disability Insurance Scheme today. The NDIS only exists because State and Commonwealth Governments found a way to work together to develop a framework that would make a meaningful difference in the lives of people with disability. Almost a decade has now passed since the scheme commenced trial, and enough is enough. It is time for Governments to show the same leadership in resolving the outstanding issues that continue to prevent people with disability who are excluded from the NDIS from accessing the support they need.

Recommendation 3:

The Department of Social Services be directed to work with the Department of Health and the National Disability Insurance Agency (NDIA) to develop a targeted action plan relating to the equitable provision of assistive technology to people with disability who are not eligible for the NDIS, including:

- People who are over 65 who do not meet the age eligibility requirements for the NDIS, and
- People who are under 65 who would benefit from assistive technology, but do not fully meet the other eligibility requirements for the NDIS.

Case study: Man with spinal cord injury unable to access funding for wheelchair

Amir is in his early 70s and is ineligible for the NDIS due to his age. He sustained a level C4 spinal cord injury more than 40 years ago and needs a new power drive wheelchair to help him get around. His chair is his primary mobility device, and he cannot access his community without it. He needs to sit in it for most of the day, so it has to be customised to provide him with an appropriate level of autonomy and comfort and prevent him from developing potentially serious or fatal pressure wounds. As such, he needs a chair with customised seating, power seat functions and customised chin control. The chair he needs has been priced at \$32,000.

Unfortunately, Amir is only eligible to access a subsidy of around \$15,000 under the Queensland state-based aids and equipment program (Medical Aids Subsidy Scheme). This leaves him with an out of pocket expense of around \$17,000 which he cannot afford.

7. Question: How can the supports people with disability need be provided in a way that is consistent with promoting an inclusive society?

In 2009, the National People with Disabilities and Carer Council undertook an extensive consultation process to inform the development of Australia's first National Disability Strategy (2010-2020). The issues associated with access to assistive technology were well documented within the final consultation report, 'SHUT OUT: The Experience of People with Disabilities and their Families in Australia', which noted:

"Lack of availability or lengthy waiting periods forces people with disabilities and their families into purchasing aids and equipment themselves, often at considerable expense. When beyond the budget, people with disabilities are forced to go without for extended periods of time. Either way, the quality of life of people with disabilities and their families is significantly compromised."

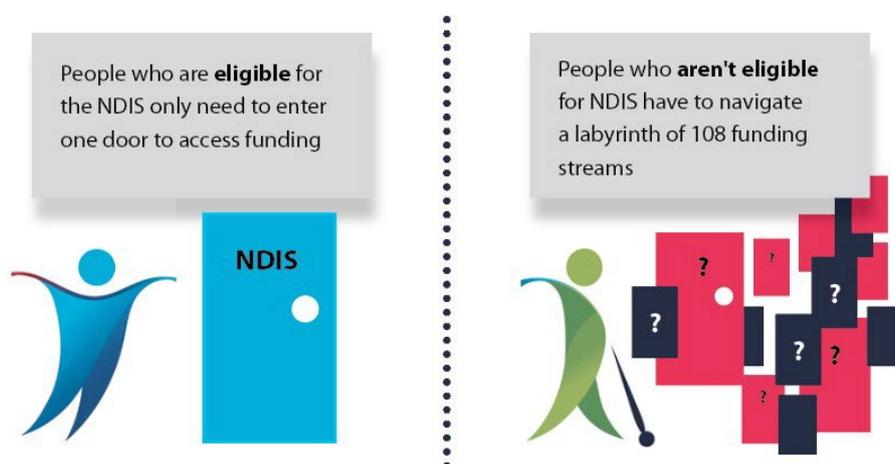
Submissions also discussed difficulties with fitting, adjustments, modifications and repairs. Some noted that even when available, equipment is not always suitable.”¹³

Importantly, the 2009 SHUT OUT consultation report recognised that the existing service infrastructure was broken and in need of repair. It stated:

“There are currently multiple aids and equipment schemes operating across the country. Many submissions argued that a nationally coordinated and funded equipment scheme would eliminate existing inequities and ensure portability across jurisdictions.”¹⁴

The NDIS has gone a long way to addressing the aforementioned barriers for consumers. It has reduced fragmentation and streamlined access by funding assistive technology through one nationally consistent program. The situation for those outside the scheme, however, remains unchanged. In many respects, access has now been further complicated as a result of outdated funding agreements and boundary disputes between state and commonwealth governments.

15,16,17



Funding for assistive technology for people who are excluded from the NDIS is still spread across multiple state and federal government departments and not-for-profits, leading to extremely inequitable outcomes for consumers.

Our Assistive Technology for All Alliance has just finalised a publication that contains findings from two separate, but interrelated, studies that were completed in 2022 to support our work. We have attached a copy of this publication, [‘The Australian Assistive Technology Equity Studies: Improving access to assistive technology for people with disability who are not eligible for the NDIS’](#), to our submission.

STUDY 1 was led by Dr Natasha Layton from Monash University and is titled “*Assistive technology expenditure in Australia: an equity benchmarking study*”. **STUDY 2** was led by Dr Natasha Brusco from Alpha Crucis Group and is titled “*Establishing and costing a single national assistive technology and home modifications program to support people with disability who are not eligible for the NDIS*”. Together, these two studies:

- Examine Australia’s obligation to provide timely and equitable access to assistive technology and home modifications from a human rights and policy perspective.

- Examine the number of Government-funded pathways for accessing assistive technology and home modifications in Australia, noting that this data has never been collated on a sector-wide scale.
- Examine issues of equity and access across these existing government-funded pathways.
- Discuss policy principles that would help achieve a more equitable approach to the provision of assistive technology and home modifications, with a focus on the needs of people with disability who are not eligible for the NDIS.
- Report economic findings from Study 1 and examines the cost burden of relevant funding pathways from the government perspective.
- Establish the number of people with disability able to access assistive technology and home modifications through existing funding pathways.
- Establish the annual cost of a single national program to provide equitable access to assistive technology and home modifications to all people with disability who are ineligible for the NDIS.

Some relevant findings from this research are as follows:

- Our research located 87 Government funders, administering 108 assistive technology and home modifications schemes outside the NDIS. It is possible that there are additional government-funded schemes that were not identified through this research. This shows that people with disability who are ineligible for the NDIS are required to navigate a complex and fragmented maze of funding to try and access the assistive technology they need.
- There is a distinct lack of equity and consistency across the schemes operating outside the NDIS. People with similar needs receive different amounts of support depending on their age, geographic location and when and where their disability was acquired. As an example, each Australian state and territory has a flagship assistive technology and home modifications scheme. These schemes have different eligibility criteria, fund and exclude different types of assistive products, and have different subsidy rates.
- The eligibility criteria across many of the funding schemes outside the NDIS are historic in nature and are not fully aligned with assistive technology provision guidelines or good practice standards. The categories of assistive technology and home modifications listed on funder websites represent less than 10% of the range of assistive technology available according to the international standard AS/ISO 9999 Assistive Products for Persons with Disability.
- While all schemes identified and provide assistive products, few also fund the wraparound services that are critical to supporting effective service delivery. Wrap around services include, but are not limited to, assessment and referral, setup and customisation, training and maintenance, and review.
- Although NDIS participants have access to fully funded assistive technology and home modifications, this is rarely the case for people who are not eligible for the scheme. Many funding streams outside the NDIS only provide subsidies for a small fraction of market costs. This can leave the recipient with a significant out of pocket expense for any

assistive technology or home modifications they need. As a result, people frequently go without or continue using products that are unsafe or are not fit for purpose. They may also forgo other critical aspects of care or essential services so they can afford the equipment or home modifications they need.

- To demonstrate the current level of inequity in government spending, we found the average spend on assistive technology and home modifications per person per year for NDIS participants is \$2,500 compared with just \$51 for aged care recipients.

Australia cannot be considered an “inclusive society” until such time that the above issues have been resolved, and assistive technology is provided to all people with disability in an equitable manner.

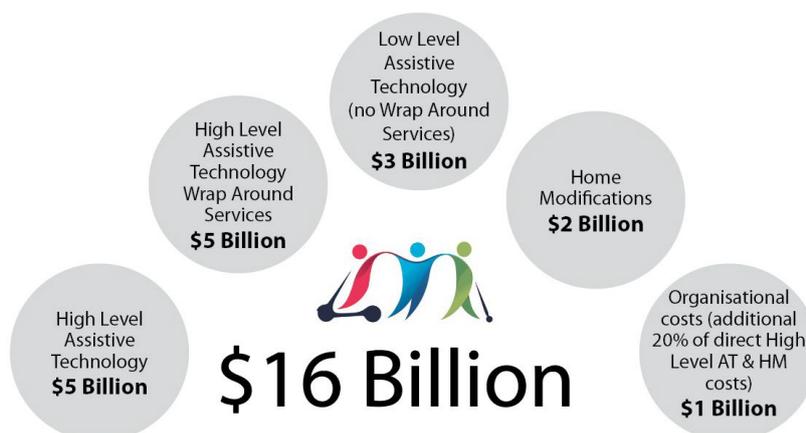
8. Question: What practical and sustainable steps can governments take to promote a more inclusive society for people with disability?

The Commonwealth and State and Territory Governments could promote a more inclusive society by ensuring all people with disability have access to the assistive technology they need to live safe, full and active lives.

The Assistive Technology for All Alliance believes the issues identified throughout this submission would best be resolved through the establishment of a single, nationally consistent assistive technology program to support people with disability who are excluded from the NDIS. This new program must:

- Be aligned with the NDIS Assistive Technology Strategy to address the inequity between the support that is provided under the NDIS and other service systems
- Be driven by key performance indicators relating to the timely provision of equipment, in line with the aspirations of the NDIS Participant Service Guarantee.

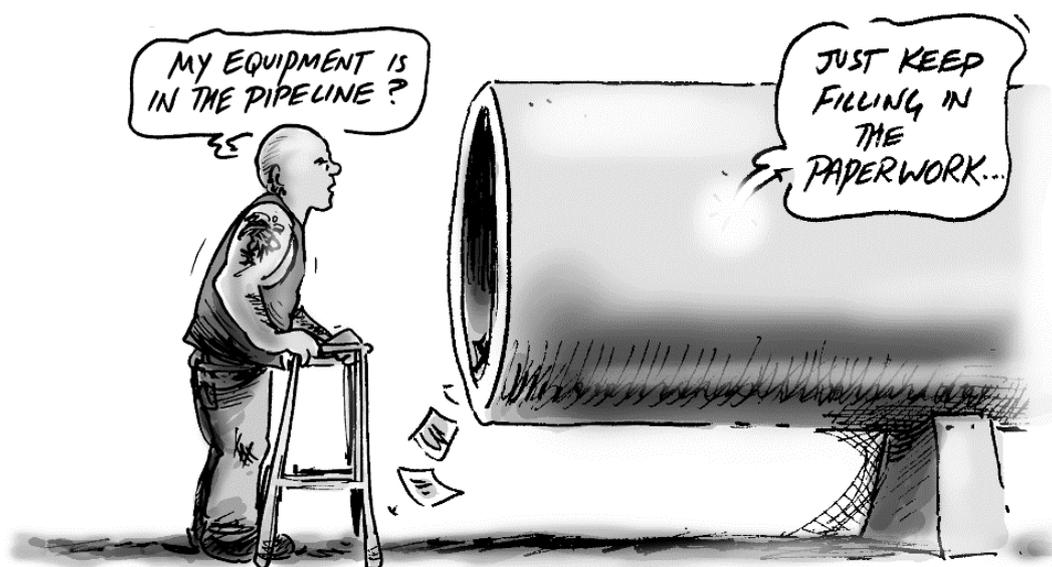
Our call for a nationally consistent assistive technology program to support people with disability who are excluded from the NDIS is now supported by more than 60 organisations spanning the health, ageing and disability sectors. Please refer to the Joint Statement on Equal Access to Assistive Technology located at Appendix B for further details.



Our research shows that a program of this nature would require an annual investment of approximately \$16 billion. This would not all be new funding, as it is proposed that all existing non-NDIS state and commonwealth government funded assistive technology and home modifications schemes would have their government funding consolidated into the new national program. The current total Government spend on assistive technology outside the NDIS is unknown, so it is difficult to determine how much new funding would be required to establish and administer a program of this nature on an ongoing basis.

Importantly, an annual investment of \$16 billion could ultimately save \$32 billion. Research shows that for every dollar spent on assistive technology, there is a conservative two-fold return on investment relating to savings on the cost of paid carers, support and medical services.

Consolidating the 108 existing government-funded schemes into one single program is also likely to create further cost efficiencies for Government – particularly when considering that for every \$1.00 spent on high level assistive technology and/or home modifications, up to an additional \$1.98 is spent on organisational/administrative costs.¹⁸



Recommendation 4:

The Royal Commission recommend the establishment of a single harmonised and nationally consistent assistive technology program to support people with disability who are not eligible for the NDIS.

9. Concluding comments

Thank you once again for providing us with an opportunity to inform the Royal Commission's investigation into barriers to the inclusion of people with disability in Australia. As demonstrated

throughout this submission, Australia is far from an inclusive society for those people with disability who are excluded from the NDIS. It is essential that all people with disability, irrespective of age or circumstance, have equitable access to the assistive technology they need to facilitate their full and effective participation in society.

We hope this submission will help to demonstrate that this is not happening under current arrangements and that people are rapidly falling through the cracks. As such, we hope the issues raised throughout this submission will be reflected in the Royal Commission's final report and recommendations to government. We can and must strive for a society in which every Australian with disability is included – not just those who are eligible for an individually funded package of supports under the NDIS.

If you require further information in relation to any of the points raised throughout this submission, please contact Assistive Technology for All Alliance Coordinator, Lauren Henley. Lauren works in the role of Policy Officer at Council on the Ageing Victoria. She can be contacted by phone on (03) 9655 2140, or by email at LHenley@cota.vic.org.au.

Appendix A: Report on the rights of older persons with disabilities, published by the Special Rapporteur on the rights of persons with disabilities in July 2019 – Conclusions and Recommendations

Note: The full report can be downloaded from: <https://undocs.org/en/A/74/186>

Older persons with disabilities encounter significant barriers to the exercise of their rights owing to the intersection between ableism and ageism. Such barriers include stigma and stereotypes; discriminatory laws and practices; denial of autonomy and legal capacity; institutionalization and lack of community support; violence and abuse; and lack of adequate social protection. Many of these human rights violations are frequently regarded as normal and rendered invisible to Governments, deepening the circle of discrimination and exclusion of older persons with disabilities.

The Convention on the Rights of Persons with Disabilities represents an opportunity to shed light on the multiple and intersecting forms of discrimination experienced by older persons with disabilities and to take action to ensure that older persons with disabilities enjoy all their human rights on equal basis with others. The effective application of a rights-based approach at the intersection between older age and disability needs to be accompanied by a paradigm shift with respect to society's perception of ageing and older persons. While impairment might be a normal aspect of ageing that should be embraced as part of human diversity, discrimination and social exclusion are not.

States have an international obligation to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all older persons with disabilities, including by reviewing their legal and policy frameworks; prohibiting discrimination on the basis of age and/or disability; ensuring access to rights-based community support; improving the accessibility of the physical environment, transportation and information and communications; guaranteeing access to justice; promoting participation in decision-making; fostering capacity-building and awareness-raising; and mobilizing resources for the implementation of these measures.

The Special Rapporteur makes the following recommendations to States with the aim of assisting them in realizing the rights of older persons with disabilities:

- (a) Conduct a comprehensive review of laws with a view to abolishing or revoking all laws and regulations that directly or indirectly discriminate against older persons with disabilities;
- (b) Prohibit by law all forms of discrimination on the grounds of disability and age, as well as on the basis of the intersection between both grounds, and guarantee to older persons with disabilities equal and effective legal protection against discrimination on all grounds;

- (c) Mainstream the rights of older persons with disabilities into all disability and ageing-related policies and programmes in order to ensure that the concerns and needs of older persons with disabilities are adequately addressed;
- (d) Ensure a human rights-based approach to disability and ageing in the design, implementation and evaluation of all disability- and ageing-related policies and programmes;
- (e) Integrate a gender perspective into all disability and ageing-related policies and programmes, addressing the intersectionality of discrimination faced by older women with disabilities;
- (f) Design comprehensive and inclusive social protection systems so that disability is mainstreamed into all programmes and interventions, and ensure access to specific programmes and services for older persons with disabilities;
- (g) Design and implement support systems so that older persons with disabilities have access to rights- and community-based support and services that are available, accessible, adequate and affordable;
- (h) Ensure that independent authorities effectively monitor all public and private facilities and programmes providing services to older persons with disabilities to prevent all forms of exploitation, violence and abuse;
- (i) Guarantee access to justice and effective remedies for all older persons with disabilities, and ensure that adult protection services and programmes are inclusive of and accessible by older persons with disabilities;
- (j) Adopt strategies to ensure the direct participation of older persons with disabilities in all processes of public decision-making that directly or indirectly concern them;
- (k) Implement awareness-raising programmes designed to combat stereotypes, prejudices and harmful practices against older persons with disabilities, and change the societal perceptions regarding disability and ageing;
- (l) Collect comparable disability- and age-disaggregated data on the situation of older persons with disabilities to adequately monitor the implementation of the Sustainable Development Goals;
- (m) Mobilize resources to increase the access of older persons with disabilities to support services and social protection, ensuring that all investments are inclusive of them.

January 2022

Joint statement on Equal Access to Assistive Technology

We call on the Australian Government to establish a harmonised and nationally consistent assistive technology program in response to the Royal Commission into Aged Care Quality and Safety.

Our organisations represent and support millions of Australians with disability, their families and carers. We have joined forces because we believe that urgent change is needed to ensure people with disability who are excluded from the NDIS can access the assistive technology they need.

While NDIS participants are eligible to receive fully funded assistive technology, people with disability who are excluded from the scheme continue to fall through the cracks. They are frequently forced to wait more than 12 months to access funding for assistive technology, part or fully fund it themselves or simply go without.

Funding for assistive technology for people who are excluded from the NDIS is spread across almost 100 different funding streams throughout the country. This patchwork of funding is inconsistent and difficult for consumers to navigate. Right now, the level of funding an individual receives can vary greatly depending upon their age, where they live and how and where their disability was acquired.

Recommendation 72 of the Royal Commission into Aged Care Quality and Safety states:

By 1 July 2024, every person receiving aged care who is living with disability, regardless of when acquired, should receive through the aged care program daily living supports and outcomes (including assistive technologies, aids and equipment) equivalent to those that would be available under the National Disability Insurance Scheme to a person under the age of 65 years with the same or substantially similar conditions.

In response to this recommendation, we call on the Australian Government to establish a harmonised and nationally consistent assistive technology program to support people with disability who are excluded from the NDIS. This approach would:

- maximise the safety, independence, inclusion and participation of people with disability who are excluded from the NDIS
- reduce the burden on families and carers
- drive nationally consistent outcomes while streamlining access for consumers
- reduce the level of administrative burden on governments
- minimise downstream costs by reducing demand in other areas such as acute health and aged and community care
- align with Australia's obligations under the Convention on the Rights of Persons with Disabilities.

This statement has been endorsed by over 60 organisations listed on the following pages.

Joint statement on Equal Access to Assistive Technology





Consumers Health
Forum **OF** Australia



Joint statement on Equal Access to Assistive Technology



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