

Ms Lisa Baker; Ms Wendy Duncan; Mr Peter Tinley; Mr Chris Tallentire; Ms Margaret Quirk; Mr Roger Cook;
Ms Simone McGurk; Mrs Michelle Roberts; Dr Tony Buti; Deputy Speaker; Ms Janine Freeman; Ms Andrea
Mitchell

DISABILITY SERVICES AMENDMENT BILL 2014

Second Reading

Resumed from an earlier stage of the sitting.

MS L.L. BAKER (Maylands) [2.45 pm]: Usually there is a lot of interference in the chamber at this time of day, so I paused, but I shall continue from where I left off. I was talking about the issue of the National Disability Insurance Scheme. I pointed out previously that one of the big considerations for me personally and for the community services sector is that these changes are being brought in in a context of uncertainty for the sector. The Disability Services Commission and this government will need to iron out some real challenges in order to see the NDIS pilots, let alone the whole model, rolled out effectively.

I have pointed to some of the sharpest issues that will need monitoring, so I will just wrap up by saying that the complexity of the issues involved in the rollout of these pilots requires the open and transparent sharing of information about how the trial sites are going. Therefore, I encourage the parliamentary secretary and the Minister for Disability Services to ensure that that process is very open and transparent. I also ask that the peak body for this area, the Western Australia Association for Mental Health, be engaged effectively in the monitoring of the policy challenges and the implementation of both trials.

I will summarise the key issues as I see them. We need to ensure equality of access for people with psychosocial disability and make sure that the people who elect out of that option are still catered for and not left on their own. How will the government make sure that that group is still supported? We need to make sure that there is engagement in the assessment, planning and funding of all the supports required for this program and that consumers are effectively involved in that process. For the specific issues facing carers, including the recognition of their role, the provision of supports, information sharing and safeguarding, engagement is again needed in the planning and assessment of these models. We also need to consider the impact on and the issues facing the community-managed mental health sector. I have gone into quite a bit of detail on what my concerns are around that issue. The specific evaluation and monitoring plan for the WA trial sites is another issue. I think that the sector would be very interested to see how we are going to specifically assess the effectiveness of these trials and the implications for consumers, carers and family members if people are ineligible for, or choose not to access, the scheme. I think that is a pretty good summary of the issues that I wanted to raise.

I will complete my contribution by restating that the National Disability Insurance Scheme is, in my view, one of the singularly most important social reforms that this country has seen. I absolutely support this scheme moving forward and the successful rollout of the pilots. I look forward to seeing where we are in 12 months and in another two years, and how effectively the NDIS can be rolled out across Australia. I finish by saying that I hope we will not see any withdrawal of support for the NDIS by our federal government as these pilots move on. It would be shattering, to say the least, if we were to face any kind of clawback of the commitments that the federal government has made to this very important agenda.

MS W.M. DUNCAN (Kalgoorlie — Deputy Speaker) [2.50 pm]: I also rise to support the Disability Services Amendment Bill 2014. As previous speakers have said, the bill will pave the way for the introduction of a two-year trial of the National Disability Insurance Scheme using the Western Australian My Way model, which will be trialled in two areas. One of those areas is the lower south west, which takes in the Shires of Augusta-Margaret River, Boyup Brook, Bridgetown-Greenbushes, Busselton, Donnybrook-Balingup, Manjimup and Nannup. At the same time, the commonwealth government's National Disability Insurance Agency model will operate in the Perth Hills from July 2014. Trialling the two different approaches will allow for an independent evaluation to be done to compare the merits of each. The outcomes of the evaluation will then form the basis of future changes to the delivery of disability services.

By way of background, on Monday, 5 August 2013, the Prime Minister and the Premier of Western Australia signed an agreement for disability reform in Western Australia that involves a two-year launch commencing on 1 July. The Western Australian launch will offer eligible people with a disability, and their families and carers, reassurance that they will get reasonable and necessary care and the support they need over their lifetime. Under the agreement, the commonwealth and Western Australian governments will contrast two approaches to the delivery of services in different locations, as I mentioned. This has been done to allow a genuine comparison of the merits of the national DisabilityCare model and the Western Australian My Way model. It will also allow for lessons to be shared during the launch period before it is taken into full rollout.

The state government's My Way model will progressively be implemented in the lower south west region and the Cockburn-Kwinana area, with additional funding from the commonwealth and state governments to flow from 1 July to the other areas I have mentioned. The My Way model was rolled out in the goldfields 12 months

Extract from Hansard

[ASSEMBLY — Thursday, 3 April 2014]

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ago and has been delivering the new service model. The eligibility criteria developed for DisabilityCare Australia will be used in both the Western Australian launch models. The My Way model will use the same eligibility rules that will apply across the nation. Like the DisabilityCare Australia launch sites in New South Wales and Victoria, both of the Western Australian launch approaches will apply to all eligible people under the age of 65 at the time of the launch, rather than being limited to more specific age groups.

Of course, as the member for Kalgoorlie I was interested to know why the goldfields My Way site was not included in the launch. I have been told that the agreement between the commonwealth and state governments required that the two launch sites have similar-sized populations and demographics to ensure comparability in the evaluation of the two approaches. While the goldfields will not be part of the two-year launch, eligible people will still be able to use the My Way approach within the existing funding allocations. My Way in the goldfields will continue to align with the key principles of DisabilityCare Australia, the National Disability Insurance Scheme, and will also include increased choice and control, local decision making and decentralised funding.

The bill provides safeguards to ensure that people cannot move residence to access My Way. People will be eligible if they live in the relevant trial area as of 1 July 2014. However, the commissioner will have overarching discretion about eligibility as it relates to location. I will outline the steps involved in accessing the My Way scheme. People are to make an appointment with the coordinator. No external referral is necessary; indeed, people can self-refer. A holistic assessment will be made to develop plans and goals for the individual. If an application is successful, the My Way coordinator will develop a plan that entails access to services and determines what funding, if any, is reasonable and necessary. The plans will be reviewed every 12 months. The My Way scheme has a greater focus on tailored planning and relationships compared with that of the NDIS. The NDIS scheme is more aligned to a Centrelink administrative process.

At the end of the launch period, an independent comparative evaluation of the services and outcomes will take place. I agree with the member for Maylands that the government must define exactly how the evaluation will be carried out. The results of the evaluation will feed into any future disability reform in Western Australia and the legislative review of the operation of DisabilityCare across Australia.

During today's debate the question has been asked about a national injury insurance scheme and when it will be implemented. The member for Armadale spoke about that in detail and pointed out the need for no-fault insurance in Western Australia, something that has been argued for over considerable time. The Western Australian government must make a decision on that front consistent with the agreements of all other governments. We need a consistent response to the costs associated with providing care and support for Western Australians who sustain catastrophic injury. As it stands, people in Western Australia who suffer from a no-fault catastrophic injury are on their own whereas people in similar situations in other states are provided some assistance.

Last year I was co-convenor of a Parliamentary Friends of Disability Reform function at Parliament House. The aim of the function was to focus on the need to introduce no-fault insurance to remove the current inequity of those who are compensable compared with those who are not, and the onerous nature of seeking compensation through litigation, which cannot adequately predict the needs of a lifetime of disability. Along with Hon Sue Ellery, who was also a co-convenor at the function, we welcomed several guest speakers that evening to discuss this topic. Dr Sudhakar Rao, the state director of trauma services at Royal Perth Hospital, was one such speaker. He gave a very clear indication that whether or not a person is compensable, suffering from a catastrophic injury can have a strong influence on the outcome of a person's rehabilitation and ability to return to work. He said that people who suffer a disability as a result of an accident where there is no ability to claim insurance have the additional trauma and stress of court battles and so on which holds them back. He said that more than 10 years ago, Perth's major hospital implemented a world-first in treatment by bringing patients with traumatic injuries back to the hospital every three months to see how they were progressing. He said that early on he learnt that Western Australia was not getting the same outcomes as those being achieved in Victoria, where the length of stay in hospital was shorter and the path back to work quicker. He said that on average getting someone back to work in three months was a good predictor of recovery. Victoria has had a no-fault compensation scheme for some years. There are benefits to the economy and the community in having no-fault insurance.

That evening we also heard from two young men with disabilities. The first was Nilson Boutet, who was a fly in, fly out worker. He was injured in a motorcycle accident that rendered him a paraplegic. He was deemed to be not compensable. He has had a terrible time and his rehabilitation has been long and difficult. He has also been significantly financially disadvantaged. His story can be compared with that of another guest speaker that night, Crispin Roberts. Mr Roberts is a project officer with the Department of Sport and Recreation. He has been a

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quadriplegic for 10 years, having suffered a rugby injury. However, he described how insurance was available to him and how that and the support of his team made life so much better.

In conclusion, I note that the member for Maylands raised the question of the future of the National Disability Insurance Scheme and said that she hoped it would be implemented in full as planned. Just a couple of days ago I received an email from John Della Bosca, who is the convener of the Every Australian Counts campaign team. The subject line of his email was, “NDIS ... A farce?” Mr Speaker, I hope that hand gesture was not in relation to my speech getting too longwinded!

The SPEAKER: Not at all, member! It is in relation to something else.

Ms W.M. DUNCAN: I wondered whether it was time to wind up! I apologise.

I would like to give the key points from Mr Della Bosca’s email because I think they will give some comfort to the member for Maylands. The email states —

- Last week our Prime Minister Tony Abbott stated clearly the NDIS would go ahead
- Then yesterday —

That was 31 March —

he and WA Premier Colin Barnett signed an historic agreement to roll out three NDIS trial sites

- But then our Treasurer Joe Hockey flagged changes to the NDIS in the Federal Budget saying he feared the scheme could end up “as big a farce”
- Finally last night —

This email was written on 1 April —

the Minister in charge of the NDIS Mitch Fifield stated that the Commonwealth Government is “determined to implement the NDIS in full”

That is good news. Attached to the email was a graph that shows that the projected cost of the NDIS will be 0.5 per cent of Australia’s total GDP. The email continued —

The Productivity Commission’s report recommending the NDIS was clear about the future economic benefits the scheme would deliver. The NDIS will allow more people with disability to gain employment, it will allow carers to return to the workforce, it will focus on early intervention to reduce the spend over a person’s life.

I note some of the questions raised by the member for Maylands about the rollout of this scheme and I believe that many of them are valid and I am pleased she raised them. However, in the overall scheme of things I think that people with disabilities are very pleased to see the direction that we are going in in caring for people who find themselves disabled either from the beginning of life or by some traumatic or catastrophic event. We need a system in which everyone is treated equally and everyone can be expected to have similar outcomes. At the moment if a person who suffers a traumatic accident or event can sue someone or they are covered by an insurance scheme, their outcomes will be far better than those of people who cannot claim some sort of insurance. That is something we as a government need to fix and I would be very keen to see that we have a no-fault insurance scheme, which I think would come under the portfolio of the Treasurer. I am thankful for the opportunity to speak on this bill, which I support.

MR P.C. TINLEY (Willagee) [3.04 pm]: I am very happy to rise to speak on this Disability Services Amendment Bill 2014 and to add some commentary and remarks on the rollout of a great Labor initiative, the National Disability Insurance Scheme. I note that it received almost immediate bipartisan support and even those of our political opponents who were reticent in supporting it did not need much more argument to be convinced about the merits of such a scheme.

Many people come to this issue on the basis of different approaches. Some prefer to focus on the fact of the economic value that will be created from it. Others come from a more customer or client-focused approach by which people’s quality of life will be improved. However, I think it is really important that we pause at this peak of bipartisan euphoria in seeing something like this scheme rolled out and start to reflect on how we ended up here. How is it that this country, and now this state in this country, could actually arrive at a point at which we give some of our most disadvantaged and marginalised people this sort of assistance, care and focus? The reason is that their social mobility, if you like, or quality of life will likely be delivered in large part because of the economic wealth of this country. The economic standard by which we are able to deliver for the most affected and least capable members of our society is exactly at the very core of what the labour movement stands for in

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this country. The establishment of the labour movement 124 years ago had the singular ambition of creating social mobility through economic advantage. The pathways out of poverty that were acquired from both sides of the industrial and political wing of the labour movement to deliver the middle class that we now enjoy had the benefit of being able to raise all of our citizens of this country to a standard that that struggle deserved. The industrial and political wing of the labour movement, to which I am very proud to belong, has been able to deliver a quality of life for people who are able—and now, at this point in 2014, we are on the cusp of being able to deliver a quality of life only imagined at the time of Federation. Imagine what was going through the minds of people in 1901 who were struggling to even work out what a fair wage was and how they were going to get children out of factories, mines and the workplace and into schools. It is the labour movement that insisted on an equitable approach, and this NDIS is just the modern, sophisticated translation of that ambition.

Those in the house who might come to this debate from the basis of economic relief would probably be most at home amongst the economic drivers, and compelling evidence produced by both the Productivity Commission and industry to ensure that people were left in no doubt that something like the NDIS was absolutely essential. The Productivity Commission produced a 1 400 page report. Anyone who has read a Productivity Commission report will know that they can be soporific in the extreme, but this report was so rich in the expression of what industry and clients—ordinary Australians—wanted, that it was actually a very, very interesting set of books, although I would not read them in one sitting! I would encourage members to start collecting some of this stuff, because in the year 3000 people might look back on what the journey from Federation in 1901 through 2014 has been and they might suddenly see some rare book that is the Productivity Commission’s report on long-term care and support for people with disability, which is a thrilling and impressive read. It is only the diligent hard work that produced this evidence that allowed political parties to directly understand the nature and depth of the disadvantage of people with a disability and to see the impost and cost it was demonstrated would accrue as a result of not undertaking any reform. It ensured that they were left in no doubt about what was required. PricewaterhouseCoopers produced a report that was also part of the evidence collected for the NDIS. In its analysis, that report identified the budgetary impact of doing nothing. The cost of disability support without reform to governments would be two to three times the cost of an NDIS by 2035. According to its figures, if we do not do anything, it will be two to three times what it will cost us now, so we should not squib. We should—every member—be very clearly engaged in this debate.

I do not have a great background in disability services or understanding of the disability sector as an industry sector, if that is the term, but I certainly have a growing understanding of the impacts through my electorate and through the collection of electors who come to see me about these issues. This is going to have a significant impact on the quality of life of not just the individual who happens to have a disability, but also the family and all those who provide support and care to them. The reason we are able to discuss this bill now—there is no debate because there is no disagreement; there may be disagreement around the edges, but there is no disagreement about the intent—is that we have had 23 years of continuous economic growth. Let us be very clear: if this community that we call Australia did not have the economic prosperity that it has enjoyed, it is very unlikely that the people who are most disadvantaged in our communities through their disability would be receiving this sort of support. This would not have been contemplated if we had been affected by the global financial crisis as the rest of the world’s developed countries were and had had the knock to the public accounts that those countries did and are still struggling with. I very much doubt whether we would even be having this conversation now. We need to pause and consider the fact that we, as a country, are extremely fortunate. We are extremely fortunate to have had 23 years of consistent economic growth during which we have had consistent real wages growth year after year above the rate of inflation. We have had a low interest rate environment for a very long time. We have had single digit unemployment, which is full employment by economic measurements, for just about all that time. It is only that set of numbers that has allowed us to provide a dividend that will deliver a social outcome. That is what the labour movement stands for; that is very much at the heart and cause of why we do what we do, which is to create the circumstances that will deliver the opportunity for those that need it the most.

That is why some people might, unfairly in my view, start pointing the finger at “bleeding hearts” on this side of the chamber; that somehow we are completely insensitive to the economic realities. There could be nothing further from the truth—nothing. We on this side completely understand in our DNA the responsibility we have to create the economic circumstance that of itself, alone, creates the sense of dignity that everybody has the right to possess. This is a very good example of the dignity that will now be passed on to those who are less able to look after themselves in a physical context. I am very happy to participate and lend my support.

I do, however, note that in my learning I have found that the details of this scheme are not without their challenges. How we actually commodify the services and define a commonly agreed unit cost, if you like, so that we can compare one service provider with the other to create the circumstance of genuine choice for those

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people who will access these services is, in my estimation, really important. I come at this with a reasonably clear set of eyes. If we cannot compare apples with apples, and if we do not get to a normalised process whereby we can provide a marketplace from which the clients can access these services, we are going to end up with something like trying to pick a phone plan. The torturous information technology and various iterations of phone plans are a very good indicator of what not to do. We have the opportunity to set the structures in place to deliver real choice, because they will be easily understood and will not, of themselves, create yet another government bureaucracy that will become self-fulfilling in its own justification and create one regulation after another. We need to have an industry-led, client-focused approach that identifies the nature of this market that we are about to create as a result of the step change in the way disability is funded.

One of the things that we also need to pause to consider so that we are very clear on it is transferring the lion's share of service delivery to the non-government sector. That is what we are doing, in my estimation. I note that the non-government sector delivers the vast majority of those services, but I record here a word of warning for members of the government. Although they might outsource, in one context, this idea of creating a National Disability Insurance Scheme, they can never outsource the responsibility. The responsibility of any decent civilised society is to ensure that its weakest or most disadvantaged are always looked after. That responsibility resides with this house and nowhere else. If something is wrong in the governance structure, if something is wrong with the system that we are implementing, or if we find as a result of the trials that something does not work or somehow creates a web of unnecessary bureaucracy, then we are honour bound—I do not employ those words lightly—to ensure that we intercede as one chamber in support of the delivery of the services, because only the outcomes are the best example of what this scheme has as its ambition, which is to deliver a quality of life that currently does not exist for not only the individual, but also the individual's family and friends. Why go to a scheme that will not, in large measure, do that?

I believe the work has been done and the opportunity to do that has been created in the framework sense. Now we come to the hard work of understanding how it will roll out, how it will be received and how it will be accessed and evaluated, as well as really listening. Without being accused of lecturing the government, I will just caution the government that so far, in my limited experience, I have found that when we listen to the concerns as a thing is rolled out and try to understand the implications, effects and impacts of the rollout, we must listen with the intent to understand, not with the intent to respond. It is a very subtle but important point. When we listen to our constituents, when we listen to the various stakeholders that we take on and find alignment with, it is absolutely essential that we listen with the intent to understand, not with the intent to simply respond. At its core is the idea that if we listen simply with the intent to respond, we are defending a position that may of itself not be defensible. It may of itself require the courage of a minister to say, "That is wrong; I was wrong. That is not working and we are going to fix it." Until we have that single-minded conscious sense of outcome-effect in the marketplace as our prime objective in this sort of legislative ambition, we are simply going to be complicit in the development of another bureaucracy and complicit in another layer of red tape that these people do not deserve.

It is hard enough having a disability. It is hard enough to apply for any single thing that comes as a result of that disability. Think of an ACROD sticker; to acquire an ACROD sticker means a disabled person has to fill one more form than anyone in this chamber has to fill. It is an impost on people's lives. It is really important. As we all hear the stories that come back to us and as we do our own investigations into how this scheme rolls out, it is mandatory that we have at our core an outcomes-based approach. We need to ask whether someone's quality of life is improved and whether that person's family, friends and other circles of involvement are absolutely improved.

[Member's time extended.]

Mr P.C. TINLEY: Those members who do not have a full understanding of what is possible, those who are not related to someone with a disability and those who have just a passing understanding—a few constituents may have brought issues to members or members may have been prompted to find out whether their electorate offices have a reasonable level of disability access—should make sure they find out what else is possible. The advantage for the able-bodied community is that it can be exposed to a richness of life to which it may not otherwise be exposed.

I will tell members a personal story. When I first went into business in 2004, I set up a small manufacturing business in a naval base that made concrete products for the building industry, such as paving. We were going along pretty well. I employed about 15 people. The business was a nice size with a good distribution network. One day this bolshie Scottish lady walked into the office at the naval base; she looked me in the eye and said, "G'day, my name's Sandy." I said, "Hello, Sandy, I'm Peter." She asked me what we did there and I told her we made bricks. She asked me to show her, so I took her around the factory floor for a little while. She said, "You don't know who I am." I told her we would get to that; she just wanted to see my bricks. We got back to the

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office and I asked her who she was. She said that her name was Sandy Garvey and she came from Rocky Bay. I asked her where Rocky Bay is. She told me it is not a “where”; it is a “what”. We had a conversation about what Rocky Bay is and what it does. She asked me why we did not have anyone with a disability working at the factory. I told her that I had never considered it at all. She said, “Well, why not? Consider it now.” She really put it on me. I was challenged and confronted, which was great. I really enjoyed her style. I said that the factory was a dirty place with forklifts and machinery and people racing around, so it was quite dangerous. I said someone with a disability could not work there. I showed in full measure my complete ignorance of people with a disability and utter disregard for this whole other part of our community that wants to participate quite wholly in everything that our society has. She said that I absolutely could have someone with a disability in my factory and that I absolutely should have someone with a disability in my factory. She guaranteed me that a week after we introduce somebody with a disability into the factory, the factory culture and the workers in the factory would change.

The people who work in that sort of industry are semiskilled at best. They are great people; I still have today a relationship with those people who worked for us. In my prejudice, I thought they were not emblematic of the people who might understand the nuances and opportunities for people with a disability. How wrong I was. Rocky Bay came and did the workplace assessment to find out the who, what, where and when. Within about six weeks our first person with a disability came in to work and operate some machinery. He was a one-armed man with an acquired brain injury. I would mention him by name, but I have not had the opportunity to find out whether he would mind being mentioned in Parliament. He was permanently disabled and he operated some of the machinery. After that we took on three other disabled people over the successive months. The thing that was really interesting to me was not that they came to work every day on time or that they did the work that they were assigned to do with absolute enthusiasm. Those were not the best benefits. The best benefit to me and the culture of our small workforce was the change that those able-bodied people around them underwent in that time frame. When they were exposed to those people with a disability, changes happened on the basis of their energy and enthusiasm and their desire to participate and fit in just like anybody else. They had the desire to be part of this great and grand society called Western Australia and everything that it has to offer our people.

The workforce that received the people with a disability went out of its way to ensure that those people understood and were able to do their tasks. When the assessors came around again periodically to do the audit, if you like, and see how things were going, the people who worked alongside them knew more about their disability, capacity and capability than the assessors and professionals in the industry, because they had owned them. There is no more compelling evidence to me than the derived and deep benefit from something like the National Disability Insurance Scheme, which comes from inclusion not exclusion. When we include, we are richer for it. It lifts us all up. Those able-bodied people who worked for me suddenly changed. That of itself, bar nothing else, is the compelling reason why we should include and not exclude. We should have the people most in need looked after by the most of us, because we as a state and a country have the most. We are absolutely dripping in richness, physical wealth, consumerism and materialism. We are all guilty—me included—of always wanting more. We need to make sure that there is no-one behind us who might benefit from being with us. In the end we will all benefit.

MR C.J. TALLENTIRE (Gosnells) [3.29 pm]: I am very pleased to make a brief contribution on the Disability Services Amendment Bill 2014. One of the great things about being a member of Parliament is that the job and the role enriches us as people. It exposes us to things we may not have had the opportunity to encounter. I put at the top of my list that one of the things I have been able to appreciate through my time as a member is the situation of people with disabilities. It is an exposure that I have to confess I had not really had in my life prior to coming here, but it has been very rewarding and enriching. It began with an opportunity organised by the union of which I am a member, United Voice; I was encouraged to participate in a program called Walk a Day in My Shoes. That was my very first encounter with people with quite severe levels of disability. I was called upon to assist them; I held a cup of tea for a lady so she could drink from it. I assisted people with basic things such as shaving. I worked alongside those people who help those people every day with things such as toileting, bathing and other daily needs.

The role of those who work in the disability sector is such an important one, but I am very aware of the poor rate of pay they receive. Other members have spoken on this matter. I heard the member for Maylands make the point that so often the work in the sector is of such a high value but the people who work in the sector receive such a low rate of pay that it is almost as though we do not value the quality and importance of the work done.

My experience at Nulsen Haven was a real eye-opener for me. Since then I have had the opportunity to work with many constituents who have either been carers or are people who have had some level of disability and have needed some assistance. I have been pleased in most cases with the support that I was able to get from the

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Disability Services Commission. I have generally found the commission's response to be highly conscientious and with a rapid turnaround. It is always critical when the call goes out for some level of assistance, or for some new piece of equipment to help with somebody's respiration or ability to keep their mouth and airway free of liquids so that they can breathe comfortably, that the piece of equipment arrives relatively quickly. That has therefore been appreciated. Nevertheless, I am well aware that our current arrangements have not been equitable and fair. That is why I have great hope for the National Disability Insurance Scheme and for how we as a state will implement it and marry up our existing services with those that will be provided by the federal government. I realise that trials are going on, and we are keen to see which will be the best model and the best approach. However, it is important to acknowledge that Western Australia, and perhaps Australia generally, is playing catch-up here. I was pleased to see in the minister's second reading speech mention made of the United Nations Convention on the Rights of Persons with Disabilities. When I read that convention, I realised that many other countries have tackled these issues and that they may well be further advanced than we are in Western Australia. When I looked at the justification, the rationale, the thinking and the compassion behind the creation of the Convention on the Rights of Persons with Disabilities, it became apparent to me why we should be making disability services such a high priority. I will quote a little from the convention, which refers to the necessity to respect —

... the inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world.

It is as fundamental as that. If we set aside any group of people by disadvantaging them in such a way that they are unable to go shopping freely, to catch public transport or to attend an event that anyone of us can attend, then we are discriminating and sowing the seeds of an injustice or perpetrating an injustice—and that is completely wrong. Another aspect that the convention touches on is the evolving nature of the concept of disabilities. That is how the convention describes it, and states —

... disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others.

There are many ways that an attitudinal and environmental set of barriers can come about. Some, though, are less than obvious. They are things that are not apparent to people and it is only when they are brought to our attention as members of Parliament that we try to act on and solve them.

One such case I heard about was the problem that people with epilepsy had in getting an identity card. They are not drivers. They self-disqualify from having a driver's licence, yet so many things in our society such as getting a mobile phone account require people to present a piece of identity. That requirement is very easily met for people with a driver's licence but it is very hard for those without one. One of my constituents doggedly pursued this issue. It took a long time but eventually she got there. Tricia Best was able to pursue this issue to ensure that people without a driver's licence could have a WA photo card. I understand that the card has now come into effect. It is an identity card that works just as well as a driver's licence. That is therefore something that we have been able to do for people with a disability. It seems like a relatively small thing when we consider all the other forms of discrimination and impediment to the full integration of people into our community, but it symbolises how we as members need to be ever vigilant about those things that we can change or bring about an improvement to. There is obviously, though, a major issue when it comes to making sure that people who work as carers and look after people with disabilities are adequately recompensed and that they are properly serviced when it comes to having the equipment they need. Often it is about ensuring that medications or highly specialised pieces of apparatus are available in their homes so that the best level of care can be given.

Other members have made this point but it is worth making again: any one of us could find ourselves in the situation of joining the ranks of those with a disability. It could happen to any one of us later today, tomorrow or any time in the future. As a keen cyclist, I know the statistics on the risk factors involved in cycling. An article I read in the August 2010 edition of the *Journal of the Australasian College of Road Safety* states —

... cyclists comprise about 1 in 40 traffic crash fatalities and about 1 in 7 serious injuries.

Many of us undertake activities that put us at risk in some way. Obviously we should do all we can to tackle these problems at their cause, reduce any level of risk and make our activities safer; nevertheless, there is a sense of inevitability about how those statistics will fare going into the future. It means that the very best of services have to be available and that we need a system such as our NDIS.

I also heard the words of the member for Kalgoorlie who talked about the need for and importance of having a no-fault insurance scheme. There is a brutality about the current arrangements which means that if someone in a certain situation cannot prove some form of fault, they cannot sue someone for something that has happened to

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them and they are financially in a very desperate situation. That seems completely unfair to me. I note as well the importance of a system that aims to deliver a quality of living for people that meets their needs. It should not be a system designed around checklists and working out what someone might be entitled to, but one that meets the needs of people with a disability so that their quality of life can be enriched.

I heard from the member for Willagee about the enrichment that comes from having people who are in some way different from us in our community. When I think of a primary school in my electorate, Wirrabirra Primary School, and the education support unit there, I think of the children with different levels of disability. I am thinking particularly about a couple of kids who have a fairly high level of autism and how they are integrated into many of the school's mainstream activities. Wirrabirra school has taken to heart this idea of mainstreaming the lives of people with disabilities. I say that that has a great enriching factor because I see how the other children react to those kids. They understand that the kids with a high level of autism need that little bit of extra help occasionally. I think that is so enriching to the education of the kids in the mainstream school because it actually teaches them something that no curriculum could necessarily include. It actually gives them real life experience of how they can and how they should look out for someone who might be in some degree of need.

They are wonderful values to have as part of the education provided in the public education system.

I mentioned the potential for disability to arrive on any one of us at any moment, and I am thinking of the dreadful consequences of incidents such as one-punch hits. I think there is something to be learnt about how we need to tackle the problem from both ends. Of course, in tackling that problem, we must provide services for people who incur a disability. There is a degree of growing anger in our society. This is an issue that I am particularly concerned about. It seems to me that Western Australian society has become characterised by people who are quick to anger, and that is completely wrong. We need to turn that around dramatically; otherwise, more people will suffer degrees of disability as a result.

I support the intent of this legislation and I look forward to understanding more about the benefits of the various approaches being taken, hearing about the evaluations that will be made and understanding how the trials in each area will be compared. It is important that we have a clear airing and a full understanding of the results as we seek to ensure that as many Western Australians as possible who have some level of disability can access these programs. That is absolutely critical.

I return to the United Nations Convention on the Rights of Persons with Disabilities to further consider the wording. For the most part, the convention refers to recognising their rights, the need for people to have individual autonomy and independence, and the freedom to make their own choices. The wording of the convention is about enabling people to make choices. I note that there is a change in the wording on another issue in the convention. It states —

Concerned about the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status,

In other words, the convention is expressing a concern that the quality of life of people with one form of disability is further compounded when other factors come into play. That is why I believe that we in this house have a duty to oppose all forms of discrimination. That is something that we need to take to heart. I know that sometimes people argue that that is just political correctness and that when we use a certain form of language, people are being politically correct. It is important that we show respect at all times for people in different situations. Sometimes these things are dismissed as political correctness. I have seen bumper stickers stating “I am for protecting gay whales with disabilities” and that sort of thing. It might seem humorous, but I worry that it somehow makes it acceptable to mock people, which is in fact against this item in the Convention on the Rights of Persons with Disabilities, and somehow legitimises the idea that people can be disrespectful to those with difficulties. I know that often great humour can be derived from programs such as *Little Britain*, for example, which make great mileage out of mocking people with disabilities and people with a different background or make-up. Although many of us can see through the humour and learn from it and realise that we are not endorsing the attitude, there is a tendency for some in the community to see it as legitimising a certain view.

This legislation is important. It is a vital issue. It is one of the things that I have learnt most about in my time in this place, and I know I will continue to appreciate it further as I continue my parliamentary career. We must defend the rights of those with disabilities and ensure that they have the quality of life that they deserve and that those who support them receive the level of pay that they deserve.

MS M.M. QUIRK (Girrawheen) [3.45 pm]: I will speak briefly on the Disability Services Amendment Bill 2014 because I am somewhat hampered with the flu. I had the privilege to be Minister for Disability Services for

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six months; it was not long enough. I really enjoyed the portfolio, but what limited talents I have were required in other portfolios.

It is a red letter day when legislation such as this comes before the house and when issues for people with disabilities and funding for their care and support are on the political agenda. That was certainly a problem when I was the minister. It was very difficult to have disability support regarded as important to the community and to get it on the political agenda. In those six months, I was privileged to be able to convince the then Treasurer, who I think had been Western Australia's first Minister for Disability Services, Hon Eric Ripper, to provide us with funds to reinstate the incontinence pads subsidy scheme that had been abolished under the Court government. It does not seem to be a very big deal, but it was at least some relief for the people who were suffering and had to pay the full cost of incontinence pads. I make that point because even doing something as simple as that was not seen at the time—eight years ago—as being mainstream in a political agenda when there is a general desire to announce capital expenditure, cut a ribbon and say what has been done.

The developments of the past few years are really pleasing, because the needs of people with disabilities are now squarely on the political agenda at both a state and federal level and the National Disability Insurance Scheme has broad and bipartisan support. I do not want to be political, but I commend the work of Bill Shorten in this regard. When people ask me what I think of Bill Shorten, I always say that the one thing that I absolutely admire him for is that he was able to get disability issues on the national agenda, which had not happened for many years. For whatever faults Bill Shorten has, I certainly have great admiration for him for getting disability issues on the agenda. As I said, I struggled with some difficulty when I was minister to convince my colleagues, the media and other people of how important these issues are. They are important because they translate into people's daily lives. Caring for someone with a disability affects the whole family. There are many gaps in our system, and it is hoped that the NDIS will go some way towards streamlining the whole process.

As well as having the flu, I am also somewhat constrained from talking about this issue because the Community Development and Justice Standing Committee is currently doing an inquiry into accommodation support for people with disabilities and the so-called combined application process. I would like to talk a bit more about the inadequacies of that, but given that the committee will not hand down its report until May, I feel somewhat constrained from expressing my views on the issue.

The other issue that I think is really material and that I hope will be resolved in some way down the track relates to young people in nursing homes. Most of these people have some acquired brain injury—a lot of them as a result of road trauma and others from early strokes. That is an absolute scandal. Some years ago I attended a Council of Australian Governments meeting with Premier Gallop at which it was agreed at both state and federal level that suitable accommodation be found for young people currently in nursing homes. The objective was to reduce the number of young people in nursing homes to zero. They are inappropriate places for young people. The objective of trying to reduce that number was going well. Unfortunately, funding has been cut at both state and federal levels. I understand from Dr Penny Flett at Brightwater that the number is now about 80, many of whom are in Brightwater care. It is certainly not satisfactory. A no-fault motor vehicle scheme, which has been mentioned by other speakers, would go a long way towards addressing that issue.

I am very pleased to support this bill. I commend the Barnett government, even if it is going its own way with My Way, for at least observing the spirit of NDIS and agreeing to these trials. As the member for Gosnells said, I hope that the evaluations are public and will be the subject of substantial discussion.

The other thing that I wanted to say is that we need to be mindful that the NDIS will not be introduced for some years and that resources are not diverted from existing support schemes in the meantime. I spoke about the CAP round earlier. There were ordinarily three or four rounds but it was suggested that that was reduced by one and that money may have been diverted to the My Way trials. It is now 2014, and people are struggling to deal with their disabled children on a daily basis. I would be most concerned if any resources or respite or anything that is available to families caring for disabled children was diminished because money was diverted from the scheme or people were told that they needed to wait until NDIS was fully implemented.

With those remarks, I commend the bill to the house.

MR R.H. COOK (Kwinana — Deputy Leader of the Opposition) [3.53 pm]: I rise to make some comments on the Disability Services Amendment Bill 2014 because it is very important. I commend the member for Girrawheen for some of the comments she made, even though she could not hear her comments as she has the flu. I thought she made two very telling observations. One was to commend the national Leader of the Opposition, Bill Shorten, for bringing this issue to the fore. It is extraordinary that we can use the Productivity Commission as such an effective social policy tool. We are used to the Productivity Commission taking a red pen to a lot of social policy in the name of neo-liberalism or small government objective. However, the proposal

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of the National Disability Insurance Scheme which it examined and which the previous federal government went forward with was a monumental shift in social policy. Bringing that debate to a national level is an extraordinary point for our nation to come to.

The other comment that the member for Girrawheen made that I would like to refer to is the time this is taking and the need for members of Parliament right around Australia, advocates and activists alike, to continue to put pressure on to ensure that we are providing the necessary resources to keep this policy process going. This is a substantial shift in the way we are undertaking disability services. In trying to move it in that direction, it is very easy for these things to go off the rails: it is very easy for these things to be leached of the resources they need to make an effective program; and it is very easy for these things to simply lose momentum. It is important that we all take the opportunity to ensure that we continue this path of reform in creating the NDIS. If one small positive comes out of last year's federal election and the change of government, it is that the Abbott government has an opportunity to share in this national reform process and, as a result, we get a bipartisan approach and a very important enduring social policy response to a very important issue.

Mahatma Gandhi said that a nation's greatness is measured by how it treats its weakest members. Hubert Humphrey, reflecting in his last speech, said that the moral test of government is how that government treats those who are in the dawn of life, the children, those who are in the twilight of life, the elderly, and those who are in the shadows of life, the sick, the needy and the handicapped. That very clearly paints the moral imperative for all members of Parliament to get our heads around the importance of the NDIS program and to ensure that we continue to support it because it reflects on us as a society in how we treat the people who are in greatest need. In a society as affluent as ours, there is an even greater moral obligation to ensure that we continue to provide resources and services to ensure that people who suffer from a disability do so in a manner in which they have the greatest quality of life. It is no biggie. This is not particularly hard. It should not require a huge sacrifice by everyone in our community to provide just the very basics—a decent standard of living for people who have a disability, whether that be a genetic disability or an acquired disability. I see no reason why we as a community cannot take a stand on this issue.

I want to reflect on the idea of no-fault insurance policies associated with people's registration. It is another example of how we see people who are enjoying good health and a high quality of life in the blink of an eye of a car accident delivered into this very difficult, painful, impoverished and disadvantaged existence simply because, and often through no fault of their own, they acquire a massive disability. Why we as a community cannot respond to that need is completely beyond me. Why can we as a society not say that we will protect, nurture and continue to provide for these people because we have a moral obligation to do so and because it reflects the sort of society to which we aspire?

My personal journey in coming to a small understanding of the issues associated with disability involved a constituent of mine, a young man by the name of Joel Slinger who suffers from Duchenne muscular dystrophy, and the difficult journey that his parents, Jacqueline and John, went through to provide for Joel and to get the support that they needed so that they could care for him and, in doing so, care for themselves. I was shocked as they described what they went through to try to get a level of support from the Disability Services Commission to properly care for Joel. What seemed to me to be the most extraordinary aspect was that it was almost as though they were competing against other families with people with disabilities so that they could get some level of support from DSC. The whole idea that they should somehow benefit from support and in doing so someone else has to miss out on caring for their child, I found to be the most offensive aspect of what they had to go through, never mind the indignity of having to effectively beg for that support. I was shocked at their experiences and the stories they had to tell about how they cared for their son 24/7 and the process that they went through just to get some level of respite and assistance with that care, only to find that we in Western Australia somehow enjoy a better system than that which exists in other states. Although we take some small comfort from that, it is shocking that we put up with that sort of system and the situation elsewhere in our nation is that other people are somehow doing it worse. This is simply not good enough.

We must all respond to this issue. Like the member for Girrawheen, I commend Bill Shorten, when he was the Parliamentary Secretary for Disabilities and Children's Services, for bringing this issue into the national debate to its peak and then putting in what looks likely to be an enduring social response through the recommendations of the Productivity Commission. I do not think that there is one person in this place who would not want to see the National Disability Insurance Scheme run throughout our country. I am sure that not one person in this place does not want to see people who suffer from a disability and their carers receive as an entitlement a benefit for their situation. I do not think there is a member in this place who would not wish to see this process move forward as swiftly as possible. Therefore, I ask: What is the holdup? Why are we not moving forward more swiftly and deliberately in this process? I note from the media over the last couple of the weeks that speculation

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is rife about the potential for the rollout of the National Disability Insurance Scheme to be delayed due to a range of issues that were identified by Jeff Whalan, Peter Acton and Jeff Harmer in the report that they provided to the Abbott government about the capacity of the National Disability Insurance Scheme to be put in place. It is interesting that they point to issues around workforce availability, housing, mental health and market regulation and design. They talked about the lack of infrastructure for support from government, the lack of information technology and the capacity for the department to respond to the need to put these things in place. The National Disability Insurance Scheme faces some real challenges to meet even some of the modest time lines and milestones that have so far been set for it. Indeed, the authors of that report place some of that blame at the feet of the previous Gillard government. However, I note that the criticism is around the ambitions of the Gillard government to bring in the NDIS as quickly as possible. The report makes the observation that perhaps those ambitions in bringing forward the introduction of the NDIS were a little beyond the capacity of government to respond to.

I look at the response of governments internationally to the situation of missing Malaysia Airlines flight MH370 and the speed with which governments can respond to a crisis in our community. That shows the speed with which governments can set up systems, establish headquarters and bring personnel on to a particular task. Although I in no way criticise the efforts made to try to find those poor souls who look as though they perished on that flight, I wonder why we do not regard this issue as a national crisis that needs a response. The suffering that people clearly experience and the difficulties that they face day in, day out, simply fall to a lack of resources and a lack of commitment by our society to respond meaningfully to their situation. It seems to me that governments should not simply sit back and wait for a steady rollout of the NDIS, but should move heaven and earth to ensure that we take advantage of this very important historic political opportunity to respond swiftly and quickly and have things in place as soon as governments can do so. We know that governments are able to move significant amounts of resources very quickly, so it is not a question of what is possible; it is a question of what governments consider to be politically appropriate. I would say that a large and significant shift of resources is appropriate in these circumstances. I know that the people I represent in my area would want to see greater levels of care for people suffering from a disability. I know from people who live in my area who care for someone with a disability that they would like to see a significant amount of resources committed to provide the support needed to care for their loved ones. I certainly know that those who suffer from a disability would like to see significant amounts of resources put in place so that they and their family do not have to essentially beg governments for the support they need.

The unique opportunity that the NDIS presents is to set us on a path of an entitlement for a benefit that we believe these people so richly deserve, because it is that entitlement and our response to providing for that which is one of the telling features of our community and society. As Mahatma Gandhi said, that is a measure of our greatness. We all aspire to a great society. We aspire to a great state and a great nation. We often see grand gestures from governments and leaders to try to articulate that greatness. In this instance, it is not a grand gesture but a very small gesture to those people who are most vulnerable in our community. However, it is a very significant gesture that will make not only a great deal of difference to those people's lives, but also an immeasurable difference to us as a nation in how we respond to this moral obligation. This is one of those great opportunities that we all have in Parliament in that we are in a position to commend the government for bringing a piece of legislation to this place for which we can own the political rewards of saying it is not only our policy, but also the policy of those on the other side. I hark back to the comments of the member for Girrawheen who said that we must as one continue the momentum to provide the resources for this great reform process. I am sure that many of us were at the marches last year at which we all wore red; we rejoiced in the great community action to celebrate the NDIS, to say now is the time.

At those times it is terrific to be involved in those sorts of activities, but now is the time for the hard work, now is the time for perseverance and now is the time for us to all stick to our guns and make sure that this important reform marches forward. As I said, we certainly take great pride in this legislation coming forward, even though it is the government that is introducing it. It is great when we can all embrace a piece of legislation. We take this opportunity to once again commit ourselves to this very important NDIS reform, because it will continue to improve and enhance our community in Western Australia and us, as a nation, in Australia.

MS S.F. MCGURK (Fremantle) [4.10 pm]: Along with other members who have spoken, I welcome the opportunity to support the Disability Services Amendment Bill 2014, through which Western Australia is making a declaration of its support for the National Disability Insurance Scheme. I welcome the opportunity to raise a few practical questions as well as ones of principle concerning why we should be supporting this important initiative. I will first go to questions concerning practical issues.

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I am sure that there would not be a member in this house who has not had constituents come to them with issues concerning either themselves because they have a disability or a family member who has a disability, and the difficulties that they face in just getting day-to-day things done, whether in terms of medical procedures or some sort of support entitlement. One of the more distressing cases I have dealt with was earlier this year when two women came to see me who live outside my electorate but whose brother, Shane Norton, lives in my electorate in a group home. Shane's sisters, Sharon and Gail, came to see me because, like many people whose relatives live in group homes run by the state government, they had been notified that this arrangement was going to finish and that it was only a matter of time before Shane would be given an option to go somewhere else. Shane was to be given alternatives, save the alternative that his family wanted most for him, which was for him to stay in his current home. Shane has lived in the same house for the past 13 years in Hamilton Hill. He has three housemates. It works well. He feels secure; so much so that his sisters say that when Shane, who has Down syndrome, comes home to spend Christmas or a weekend with one of them, he wants to get back to his own house because he likes it so much—it is his home. The family is distressed not only because of this impending change, which they are in no doubt will lead to extreme disruption for Shane, but also because they feel they have not been properly communicated with by the state government on this issue. Despite a series of letters and pleas to the state government by Shane's sisters, Sharon Salmon and Gail Russell, so far they feel they have gone unheard. That is one story that I heard. I met with the sisters and one of Shane's carers, who unfortunately could not speak publicly because he is a public servant. He had been caring for Shane for some years. I should correct something I said earlier; I said that Shane had been in the house for 13 years. In fact, he has been in the house for over 30 years and his carer has been with him, I think, for that time as well. For most of Shane's life he has known this house and the carers who work with him. His sisters feel he has a good life at the moment. They do not feel that there will be any sort of certainty when the current group homes are offered to the not-for-profit sector. This story ran in the *Fremantle Herald*. The minister wrote to the paper the following week, disputing the version of events that had been outlined and saying that Shane Norton would be given choice and would be able to stay with the people he currently is in the house with. The minister had a clear go at me for misleading Shane's family. But there has been no misleading of the family and no mistake made by them. Shane Norton and his family will be given a choice—that is true—but not the choice they want, which is for Shane to stay in his current house with his current housemates. The only way he could stay with his current housemates would be if they all decided to move as a group to the same not-for-profit provider. That could happen, but I think it is unlikely to occur and I think it is unlikely that they would be able to stay in that house in Hamilton Hill.

Only last week I saw a very similar story on the ABC involving Sue and Mike Smith, who are concerned about their son Clinton. It was exactly the same story—the family is distressed about the vast majority of people in group homes run by the WA government being transferred to the not-for-profit sector. This will mean new management, new staff and new housemates. Quite likely it will also mean a change of location. Families are distressed not only at such fundamental change, but also because the matter has been handled very, very badly. They rely very heavily on the care that is given now. The members of the family I was dealing with have been very happy with the existing arrangement. They were in tears in my office and were frustrated. Similarly, in the story on the ABC on Monday, 24 March, Sue and Mike Smith talked about their distress at the disruption to their son Clinton's group home, which he has been in for 32 years, and that they did not feel that they had been communicated with properly. I am not sure of the extent to which this change—the contracting out of the group homes to the not-for-profit sector—is a result of the NDIS system or of the policy of the state government to contract out its own work in social services to the not-for-profit sector, or whether it is because, from the government's point of view, it is because of a happy coincidence of the two. In any case, the government should hear very clearly that this change in management has been very poorly handled for the families that I have had something to do with. I urge the government to take heed of that message. It needs to make sure that it communicates properly with those families, outlines very clearly what is going to occur and walks them through that process a lot more carefully and with more consideration than has been shown to date.

The Australian Capital Territory today announced that it will be the first jurisdiction to fully implement the NDIS for all eligible people in that jurisdiction from 1 July. That will provide for nearly 5 000 people to be included in the NDIS and will see almost a doubling of the ACT's disability workforce. Almost by the week there is news on how the NDIS is being rolled out, and I welcome that. There was also the announcement this week by the Prime Minister while he was in Perth, together with the Premier, that the federal government would commit \$80 million to the \$50 million that the state government will contribute to implement the two trial sites for 8 400 people in Western Australia. Other members have spoken about those trial sites—the My Way Western Australian model and the NDIS model—in the Perth hills to see how that will go.

Tony Abbott often said, particularly before the last federal election, that the coalition and Labor were on a unity ticket on the NDIS. Those comments do not instil the same confidence now as they may have once, especially

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when they were made in respect of education funding. People are dubious about whether that will result in better education funding and suspect that that will probably not be the case. The Prime Minister also used those words in relation to rolling out the NDIS, and I hope that we can hold him to his word on this policy issue. This is such an important area for so many people, as members have so far articulated, and that is why we on this side support the bill. It is good to see that the bill has bipartisan support, because it affects so many people and their families.

Where does one begin to talk about why one supports the NDIS? I would begin by briefly talking about my father who had multiple sclerosis and who was in a wheelchair for the last 35 years of his life. As a result of his disability, he ended up becoming an advocate for people with disabilities. In fact, he was active with the advocacy group People with Disabilities. His partner, Lois Gatley, was also an active carer advocate and helped contribute to the state legislation for Western Australian carers, and was a national adviser to improve awareness, policy and legislation for carers broadly. Watching dad deal with his disability—he died last August—and also some of the policy issues that he and his wife faced, I could not help but be aware of the difficulties that people face. It is the same difficulty we have when we use the term “disability”. When we talk about disability in this house, we talk about it as though there is a uniform group of people who all share something in common. In fact, they all have their individual stories, as we all do, and abilities, and that is what the NDIS is trying to address—the assistance and support that every human being has a right to, and also the tapping into the potential of those people. That is what the NDIS is trying to address. If proper assistance is provided to those people not only will people receive the dignity that is their right, but also it will help the economy and the entire community to broaden and tap into the potential of those hundreds of thousands of people with disability who are struggling at the moment.

I said earlier that I hoped that we could hold the Prime Minister and the Abbott government to his word when he said that his government was on the unity ticket with the NDIS. Members would be aware that there was a review of the National Disability Insurance Agency, which recently released a review of its capabilities. The findings of that review, released this week, have led to speculation that the rollout of the NDIS could be delayed beyond the agreed date in 2019. I am sure that I am not the only person who this week read an online opinion piece by Dr George Teleporos, who makes a couple of good points. In that article he says that the analogy used by the review in connection with the rollout of the NDIS —

...of “a plane that took off before it had been fully built and is being completed while it is in the air” conjures up images of screaming passengers and a pilot who has lost control. But is this really the case? Seems to me like a bit of melodrama intended to titillate the media. My preferred analogy is that it’s more like leaving home with your shoelaces untied and there is a risk you might trip. My advice is to take a moment to tidy yourself up but don’t turn back. In fact, you might need to pick up a bit of speed to make up for lost time.

He makes the point —

Since the NDIA opened its doors in July last year, about 2000 people with disabilities and their families have received ongoing disability supports. Many of these people would have otherwise been languishing on waiting lists. With the NDIS they now have increased access to personal care, wheelchairs to get around, assistance with communication, and support to pursue their education and work goals. Parents and other care givers are free to return to the workforce and pursue their own interests and careers.

He also makes the point that currently around 460 000 Australians are eligible for the NDIS and many will unfortunately have their lives on hold until this reform is fully implemented. He states —

The original aim of the NDIS was to address the inequity that exists in our country when it comes to accessing disability services. It has always been and remains unfair that the support you receive should depend on how you acquired your disability.

He also makes the point about the need for a no-fault insurance scheme.

I would like to finish up by saying that both sides of politics are committed to a rollout of the NDIS by 2019. The timeline is embedded into the intergovernmental agreements that were initiated and negotiated by the former federal Labor government. We should not use this review or any sort of alarmist concern about the cost of implementing the NDIS to dissuade us or to take us away from our task. Obviously, the NDIS needs to be responsible in its funding and in the practical model that is adopted, but if both parties continue with their commitment to implement the NDIS and to start to provide those benefits for those tens of thousands of families, it will make a material difference to their lives and their family’s lives and hopefully improve the community. I return to the examples I gave in my electorate of families affected by these changes in group homes and the

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attention that is needed to detail any implementation of this change and any change that affects families. It is crucial that we pay due regard to those families and give them the attention that they deserve.

MRS M.H. ROBERTS (Midland) [4.29 pm]: I too rise to support the Disability Services Amendment Bill 2014. I note that the first paragraph of the second reading speech states —

This government has been passionate about improving supports and services for Western Australians with disability.

I certainly take issue with that because that is not the impression I have gained from talking to constituents in my electorate. I note something very positive in the speech, which states —

The commonwealth model will be implemented in the current City of Swan and the Shires of Kalamunda and Mundaring, and will be administered by the National Disability Insurance Agency. This location will be governed by the National Disability Insurance Scheme Act 2013 and its associated rules.

I note that the City of Swan is substantially within my electorate and part of the Shire of Mundaring is also within it. I am delighted that the model is being rolled out presumably across my electorate because my electorate fits wholly within the shires of Swan and Mundaring. I also note that before commending the bill to the house, the final paragraph states —

This bill strengthens Western Australia's commitment to deliver quality supports and services to people with disability, their families and carers. In addition, eligibility to participate in the trial is broader than the existing eligibility requirements ...

It describes it as —

... an important milestone for Western Australia's robust disability services sector and, most importantly, for Western Australians with disability, their families and carers.

I will refer to a constituent of mine who is having tremendous difficulties coping, here and now, with her child who has a disability. She has two children. To protect their identities I will refer to this constituent as KK and to her son as AK. AK has Duchenne muscular dystrophy. I was not familiar with that condition until this constituent came and spoke with me. According to Wikipedia —

Duchenne muscular dystrophy (DMD) is a recessive X-linked form of muscular dystrophy, affecting around 1 in 3,600 boys, which results in muscle degeneration and eventual death. The disorder is caused by a mutation in the dystrophin gene, the largest gene located on the human X chromosome, which codes for the protein dystrophin, an important structural component within muscle tissue that provides structural stability to the dystroglycan complex (DGC) of the cell membrane. While both sexes can carry the mutation, females rarely exhibit signs of the disease.

Symptoms usually appear in male children before age 6 and may be visible in early infancy. Even though symptoms do not appear until early infancy, laboratory testing can identify children who carry the active mutation at birth. Progressive proximal muscle weakness of the legs and pelvis associated with a loss of muscle mass is observed first. Eventually this weakness spreads to the arms, neck, and other areas. Early signs may include pseudohypertrophy (enlargement of calf and deltoid muscles), low endurance, and difficulties in standing unaided or inability to ascend staircases. As the condition progresses, muscle tissue experiences wasting and is eventually replaced by fat and fibrotic tissue (fibrosis). By age 10, braces may be required to aid in walking but most patients are wheelchair dependent by age 12. Later symptoms may include abnormal bone development that lead to skeletal deformities, including curvature of the spine. Due to progressive deterioration of muscle, loss of movement occurs, eventually leading to paralysis. Intellectual impairment may or may not be present but if present, does not progressively worsen as the child ages. The average life expectancy for patients afflicted with DMD is around 25.

I say that by way of background so that people know the condition from which this 12-year-old child in my electorate is suffering. That child is indeed wheelchair-bound. In early February this year my constituent forwarded me a copy of a letter she had written to the Minister for Education, Hon Peter Collier, about the difficulty she was having getting an adequate education for her son. She wrote in an email dated 20 February 2014 to Mr Collier as follows —

Extract from Hansard

[ASSEMBLY — Thursday, 3 April 2014]

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My name is K... K... a single mother who works full time and cares for a disabled child and at my wits end trying to obtain an affordable education for my son.

My son A... K... is 12 year old, suffers Duchennes Muscular Dystrophy and confined to a wheel chair. Although A... K... has a physical age of 12 he has a mental age of 6 and after six years of schooling he is still unable to read and write.

He initially attended Middle Swan Primary School but after 3 years he still had shown no progress in his ability to read and write.

In 2011 a psychologist and speech therapy assessment was made of A... K... His WISC-IV assessment showed he was within the extremely low range at 2 percent with a full scale IQ score of 68.

I made the decision to move A... K... to St Brigid's Catholic School and struggled to pay his school fees in an attempt to give him even a basic education. He made minimal progress but was happier and his attendance improved.

In March 2012 A... K... became permanently confined to his wheelchair and I now pay between \$80–\$100 per week in disabled taxi fares to get him the 5 kilometres to and from school. There are no Transperth bus services suitable for A... K... and with his mental age he would be unable to utilise them. On top of this cost for A... K... I pay a mortgage as well as have extremely high electricity and gas bills due to his physical condition.

I had wanted him to remain at the primary school due to his education level but was denied. As he was attending St Brigid's it was recommended that he attend La Salle College for year 7. I had concerns that the school may not have been suitable for him due to his mental age, his level of understanding and the cost of attending a private school. La Salle assured me that they would take into account my financial circumstances but this week received school fees for A... K... in excess of \$4700, which I can not afford. On top of this I was informed that A... K... was required to attend at least 8–10 outings per term which I was required to provide and pay for taxi services for him.

I researched and contacted other alternative schools for A... K... which had special needs programs as I realised that for A... K... could not function within main stream schooling as his level of education and understanding was still at the level of a 6 year old.

I made contact with Ms ... Wright at Kalamunda Primary School Special Education in effort to enrol A... K... after a number of recommendations that this school would be more suited to his level of education and understanding. I forwarded her copies of his assessment and made her aware that although 12 he was still unable to read and write with a mental age of 6.

I was advised by Ms Wright that A... K... was not suitable to attend the school as he was not significantly intellectually disabled or suffered autism. I requested this in writing but Ms Wright suggested I have a meeting with her and the psychologist although this would not alter her decision. I made contact with Kensington School which also had special needs but as A... K... resides in —

A suburb in my electorate —

... he fell outside their school bus service area.

Her letter continues —

I believe that A... K... has fallen through the cracks when it comes to receiving an affordable education, however limited that would be. All I ask is that A... K... be able to at least read and write to a basic level. I don't believe his intellectual disability is so severe that he should have to attend Durham Road or Gladys Newton where the majority of students have severe intellectual disabilities. Unless I can find a school with special needs that is affordable A... K... won't be able to get even a basic education suitable to his needs and would have to remain at home.

Yours faithfully

K... K...

She has put her mobile phone number there in that email to Minister Collier, sent on 20 February. When she received no response to her letter, she then came into my office. I wrote a letter to the Minister for Disability Services, Hon Helen Morton, MLC, and explained the issues to her. I talked to her particularly about the need to have a part-time or casual carer sit with AK for a couple of hours before he goes to school and to be at home with him when he arrives back from school for about two hours before his mum gets home from work.

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I said that Ms K had been in contact with numerous organisations as well as her local area coordinator from the Disability Services Commission, but had been unable to get any assistance or advice. I asked Minister Morton what assistance or advice she could give in this regard. At this stage, I am still waiting for a response from Minister Morton. I also wrote to Hon Peter Collier, MLC, basically explaining the educational issues. I pointed out in that letter that AK is 12 years old, is unable to read or write or use his hands in a normal function. The cost of schooling at La Salle has become prohibitive with not only the fees, but also the costing requirements of attending numerous excursions that he can only attend by taxi that Ms K has to provide at her own cost. It is coupled with compulsory purchases of items, such as school laptops that he is physically unable to use and so forth. I asked whether AK could enrol at the Kalamunda Primary Special Education Support Centre, which we believe would be suitable, and made the other points that basically I have already read from the email that Ms K sent to Minister Collier.

I got a response from Minister Collier as follows —

Thank you for your letter received 12 March 2014 on behalf of your constituent, Ms K... K... regarding concerns for the placement of her son A... in a Government school.

I have written personally to Ms K... in regard to her request for A... to attend a public school. I have informed Ms K... of the Department of Education's advice as to why A... does not currently meet the eligibility requirements for entry into an educational support centre. A review of A...'s 2011 psychological assessment by the Department's Lead School Psychologist indicated that he did not meet diagnostic criteria for an Intellectual Disability.

I have also informed Ms K... that the Department has advised that up-to-date psychological and physical assessments will help determine support, resourcing and the most appropriate placement for A... in a public primary school. Once an assessment is completed to clarify A...'s current situation, staff from the North Metropolitan Education Regional Office, the School Psychology Service and the School of Special Educational Needs: Disability will work with Ms K... to ensure A... has an appropriate educational program to meet his needs in a public school.

To facilitate this process I have provided Ms K... with a point of contact at the North Metropolitan Education Regional Office.

Thank for your interest in this matter.

Now that sounds well and good, except one of my staff members had to further write to Minister Collier's office. My research officer states what his name is and goes on to say —

... Mrs Roberts has asked me to make contact with your office regarding the above response to a letter she wrote to the Minister.

In the Ministers letter it states that there would be another assessment taken on A...'s situation and that the North Metropolitan Education Office, School Psychology Service and the ... Special Education Needs would be back in contact with her.

During the period of time between Mrs Roberts sending this letter and your response Ms K... informs us she has been contacted by an officer from the North Metropolitan Education Office who has told her and I quote "that there were no options to A...".

It would appear that there has been no further assessment taken on A... but yet it appears from the conversation Ms K... had with this officer that a decision has already been made and that there is nowhere for A... in the Public School System.

Can you inform Mrs Roberts if and when the Assessment that is mentioned in your letter will or has taken place?

This an extremely URGENT matter could you please respond as a matter of urgency?

That email was sent on 26 March. We have received no response as yet. It appears to me that the left hand does not know what the right hand is doing because on 13 March, Ms K said to my staff officer —

Just keeping you up to date. Today I received a call from Diane the North Metro Education who advised that there were no options for A... I told her that a letter had been sent to the Education Minister regarding A... and she just said that he will only send it to her to solve and that she is doing her best. I am at the point now where I may have to just give up. Go into a homeswest home and on to a carer pension. None of this did I want to do. I wanted to be independant and try to have a better life for

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myself and both my sons. I appear to be running out of options and fast. Especially since that there is no place for A...

It has taken me a while to put all of the correspondence on the record. I am very keen to put it on record because this is the kind of struggle that families in my electorate continue to endure. It is all very well for people to stand up in this place and give platitudes about what a great job they are doing. We see the Premier patting himself on the back saying how he is the leader of the best government in terms of looking after people with disabilities. But I can tell members—I will not go into the school system at this particular moment in time—that schooling and educational options generally for children in my electorate are poor.

[Member's time extended.]

Mrs M.H. ROBERTS: This is an extremely bad circumstance in which a child with a significant disability is not somehow prioritised and given a reasonable option. My constituent has been told by people in and around the disability area, "Most people in your circumstances go on a pension; they live in a Homeswest house. They take everything that's on offer. Why are you still struggling to hold down a job, trying to do something better?"

My constituent does not want to live on a government pension. She does not want to be restricted to that amount of money. She wants to be able to provide opportunities for both her sons—not only the son I have spoken about, but also her other son, so that he can get on in a normal way at a regular school. Yes, she does get some support. Someone comes in once a day to bathe her son to get him ready in his pyjamas for bed. I am not saying that she does not get any assistance. What I am saying is that there are huge gaps in the support that is offered to her; that is, huge costs are imposed on her. She was at her wit's end in terms of getting an adequate education for her son within the government system, and she continued to work and struggle to provide for him whilst he was in the early years of primary school. But now her options are next to zip.

It is not an option for her to continue to be able to afford to send her son to La Salle College. It also does not appear to be something that the Ministers for Education and Disability Services are treating with any urgency. She does not know what the future holds for her and her son. I think it is a great shame in a state such as Western Australia that we are forcing this woman into a situation of poverty—living on a pension that does not provide enough support for her to be able to get her son to and from school. If he had some higher level of disability, I understand that potentially he would be conveyed to and from school and put potentially into another institution. What we have here is a situation in which nobody appears to be listening. We can only imagine how frustrating it is for a mother in that situation to have to deal with all the bureaucracy. She has to talk to the north metropolitan education people and try to get the various ministers' officers to listen to her. She is trying to get support elsewhere, but I will not name all the other government and private agencies that she has mentioned. It seems wrong to me that the system is not properly catering for the education of her son. It also seems wrong to me that everything in the system seems to be pushing this poor woman, this constituent of mine, into a situation in which she will be reliant on public money and be taken out of the workforce.

I think everyone in this place knows that the most productive thing for my constituent would be to be able to continue to have as normal a life as is possible, to continue to get the fulfilment she can get through work and career and to be able to earn an income that significantly exceeds what she would get on a pension.

Point of Order

Dr A.D. BUTI: Madam Deputy Speaker, can we have a bit more respect from the other side during this important debate that is taking place?

The DEPUTY SPEAKER: I have been giving the eye to some people who are talking too much, but thank you, member for Armadale, for drawing it to my attention.

Debate Resumed

Mrs M.H. ROBERTS: I acknowledge that this is an individual case, and I could mention other constituents of mine who have similar struggles, because surely there are, at the very least, dozens of them. This is a very pressing here-and-now case and it is my view that the Minister for Education and the Department of Education have an obligation to provide a publicly funded education for A. He needs to be conveyed to and from school, and he and his mum need support.

As I noted at the beginning of my contribution, the commonwealth model will be implemented across my electorate, so perhaps in responding, the parliamentary secretary —

The DEPUTY SPEAKER: Order, members! Those conversations have all resumed. The member for Midland had a good point, so please listen to the member in silence.

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Mrs M.H. ROBERTS: Perhaps, when the parliamentary secretary responds, she can let me know what rolling out the model in the City of Swan and the Shires of Kalamunda and Mundaring will actually mean for this particular constituent, who I believe lives in the City of Swan and has been attempting to get her child into Kalamunda Primary School. I am told that this new model will assist people with disabilities in my electorate, and I will be pleased to know whether the minister can advise me whether there will be any assistance for my particular constituent in this instance and constituents who find themselves in a similar situation. I read out earlier that persons with this disability have a significantly more limited life expectancy than the average person. He is entitled to an education that suits his needs. At this stage, that appears to have been ignored by the Western Australian government. He is currently at La Salle College, in a situation that cannot continue, because his mum cannot afford the school fees. Part of the tone of the responses is, “Well, you know, you were in a private school and we’ll see if we can make way for you now in a public school.” This young person was not in a private school by choice; it was the best possible option for him at the time he went across to St Brigid’s, where he was happy, but he is unable to stay there due to his age and is now in a situation that is unaffordable.

I do not want to be in the situation in which I have to write to the two ministers and get more bureaucratic responses, which means that I provide lame responses to my constituent who is daily living this nightmare. I can only implore the government to listen to the plight of my constituent and provide me with an individual response for what can be done for this particular constituent and also a more general response on how this will benefit people living in the City of Swan, the Shire of Mundaring and the Shire of Kalamunda.

MS J.M. FREEMAN (Mirrabooka) [4.56 pm]: I rise briefly to support the Disability Services Amendment Bill 2014. I first became aware of the move towards the National Disability Insurance Scheme when Bill Shorten met with the community in Balga some years ago. Subsequently, I went to a consultation in Mirrabooka hosted by the disability sector. I note the good work of Taryn Harvey and the members of the Developmental Disability Council of WA, which was formerly Disability Development WA. This group organises the adopt a politician scheme. We have to recognise the good work of all those people who have campaigned over the past 20 years for this scheme and how we deal with the issues of people in our community who have acquired disabilities or are born with them.

I am fully aware that this is enabling legislation for the NDIS and that trials are going on. It is a shame that they are not in my part of the world, but I commend the government for the trial. From my perspective, the trial project of the NDIS is part of the process resulting from the recommendations of the Productivity Commission about the whole disability sector that we need to consider. We should not forget. We should take this opportunity to remind ourselves and recognise that we do not need just a service system; we do not need just a delivery system. The NDIS and the developmental culture around it should be about building capacity for people with disabilities—that is, for them and their families and for the community around them to support them so that our whole culture around that aspect of disability changes. Over the past years we have all witnessed that. When we went to school, we were probably not exposed to disability, but now, with the mainstreaming of people who have disabilities in our schooling system, we are a much richer community because of that exposure.

The member for Kalgoorlie raised a very important point about the national insurance scheme. That certainly needs to coincide with this particular scheme, because that establishes a culture of rehabilitation and a culture of actually broadening participation—instead of just servicing people with disabilities—ensuring that they can work and are included in the community so they can be productive in any way they possibly can. Independence and social participation are vital for community wellbeing and the wellbeing of people with disabilities. We should not limit this to care. It certainly should not be considered a social security system. It is a much broader issue for us and we need to ensure that, in introducing and enabling this piece of legislation, we continue to talk nationally about how we ensure employment and participation in society.

We must also guard against the NDIS and its funding being seen as the only answer because, like Medicare, these sorts of schemes, once they are established, can be such that there are never enough funds to support them.

It should also be about prevention—especially of acquired disabilities—training, community development and participation both socially and in the workplace.

I take this opportunity to say that I am concerned about the privatisation of the Disability Services Commission’s managed accommodation services. The services of some 500 workers will be privatised and they may leave the sector, and that is of great concern. I understand that currently the Disability Services Commission’s managed accommodation services provide about 70 per cent of government services. There is no requirement to privatise these services under the National Disability Insurance Scheme. My concern is that this privatisation is about cost, not care. Private services need to be innovative and learn from one another. Government services have the capacity to ensure that there are areas of excellence, pilot programs and areas that can drive change in the

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community as a whole. If all of that is taken away from government, the capacity and tools to drive the change and the excellence that we want to see in the community will be lost. It is very important to look at why we want to maintain government services. We want to be leaders in the provision of services to, and accommodation for, people with a disability. If we maintain a government sector, we can ensure the best care and best services across both the private and public sectors.

My biggest problem with the privatisation is that the current policy is not about quality; it is about cost and undermining wages. I understand that wages in the private sector are about 20 to 30 per cent lower than those in the public sector. This is a definite gender pay gap issue. Seventy-five per cent of employees in this sector are women. If this government took the 27 per cent gender pay gap seriously, and if it continues along this path of privatising these services, it would ensure that the private provider paid the same rate as the government. All the government is doing is widening that gap and saying that it has nothing to do with it, it has no control over it and it does not have any tools to deal with it. The government has the tools and it should be dealing with it. If this is what the government wants to do because it has an ideological position not to have things in government, it should make sure that that ideological position does not discriminate against those who can least afford it in our community—that is, women who experience a 27 per cent wage gap.

In finishing, I want to draw the attention of the house to clause 6, which seeks to insert proposed section 57A, “Regulations may refer to published documents”. The member for Wanneroo will be well aware that I am always worried about legislation that refers to regulations and published documents that are not freely available. When we make legislation in this house, it is available to everyone in our community to read so that they know what they have to do and what their responsibilities are under the legislation. When we make regulations, they are freely available. However, if legislation refers to other documents—for example, Australian standards, international standards or various other documents—we are placing people in a situation in which they can comply only if they pay for the service, and I think that undermines the whole idea of being a citizen who can comply with open legislation. That is not accountable to the people. I note that at the end of proposed section 57A(4), it states that the adoption of text is of no effect unless it can at all reasonable times be inspected or purchased by the public. I do not think that that provision should be in the bill. It should just state that it can be inspected and it will be made available to the public. If there is a requirement in the legislation and people can be judged on it, it should not cost people to gain that sort of information. I would like the parliamentary secretary to respond to that issue. Perhaps I will raise it during the consideration in detail stage, which may be the best time to do it, but I just wanted to put it on notice.

MS A.R. MITCHELL (Kingsley — Parliamentary Secretary) [5.04 pm] — in reply: Firstly, I would like to thank members for their contributions to the debate on the Disability Services Amendment Bill 2014. Obviously, a number of concerns were raised. The debate was wide ranging. Some of the comments that were made are not relevant to the legislation, so I will constrain my response to those parts of the debate that relate to the legislation. I am sure that those other issues will come up later at different times. It is wonderful that there is bipartisan support for the National Disability Insurance Scheme. I believe we all feel passionately about it and certainly we all want to see the best outcome for people with disabilities, their families and carers.

I will quickly respond to a couple of members before I finish off with some general comments. I need to inform the member for Armadale that it is no longer known as DisabilityCare Australia. For his information, it reverted to the National Disability Insurance Agency after the last election. The member was also concerned that there were opponents of the National Disability Insurance Scheme. I assure the member that that is not the case. People are concerned about the scheme being sustainable; the issue that is often talked about is making sure that people do not find themselves in a situation in which they are either worse off or not getting what they thought they might get. I also assure the member that the state welcomes any additional funds from the commonwealth government, but the state will contribute more than the commonwealth to the work that is done.

The member for Maylands spoke quite widely about a number of areas, but I would like to confirm for her that if a person is in a trial site and chooses not to be part of the trial, they will still receive the same funding and will not be disadvantaged by the decision not to be part of the trial, except that they will not get the extra funds that may be available. The member for Maylands and the member for Kalgoorlie referred to the terms of reference and the independent evaluation. The terms of reference have been agreed to between the state and the commonwealth, but we do not have any further information at this time. I think the member for Fremantle also raised that issue.

The member for Girrawheen was concerned that funds may be diverted. I assure her that that will not occur. We are very adamant about that and will ensure that funding that has been put in place for certain areas will remain in place and that this is additional funding.

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Part of this legislation allows for the Western Australian trial, not the federal trial, which is the responsibility of the federal government. With the two models of service, we believe that about 8 400 people will be able to be part of the trial. They can choose to be part of the trial, but people from outside the trial area will not be able to be part of the trial. We are trying to make sure that comparisons of equal size will be able to be made so that when the evaluations occur, they are done fairly and equitably. There are about 4 000 people in the WA NDIS My Way trial. It is very important that we have the NDIS My Way trial site because we believe that we have a very good standard of service in Western Australia; it is certainly comparable with the services in the rest of Australia. We believe that aspects of that service are unique and are very important going forward. A lot of people have said that we do not want a bureaucracy or red tape. We recognise that personal relationships with the person, their family and carers are absolutely essential to having a very strong and effective program. That is why we believe that what happens with the management, planning and engagement in the process by the disability services local area coordinators in WA, and the partnership with the non-government sector, which has been referred to on a number of occasions, is outstanding. It is good that Western Australia has stood firm to ensure that we can continue to offer such a service, and then at the end of it have a very fair, independent evaluation.

As I said, this legislation is an important milestone for Western Australia's disability services sector and for Western Australians with a disability, their families and their carers. This legislation allows the NDIS My Way trial sites to proceed on 1 July. I am very pleased that there has been a lot of support for this bill around the chamber. We all have some stories to tell and we all know many people with a disability and have great sympathy and empathy for people who need to access the services that may be available.

I commend the bill to the house.

Question put and passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.

Debate adjourned, on motion by **Mr J.H.D. Day (Leader of the House)**.

House adjourned at 5.11 pm
