

The Hon. Christian Porter MP

Minister for Social Services
Parliament House
CANBERRA ACT 2600

14 December 2015

Dear Mr Porter

Thank you for the opportunity to comment on the *National Disability Employment Framework – Discussion Paper*. We welcome the government's desire to improve the current disability employment system and support more people with a disability, including psychosocial disability, into the workforce.

However, we wish to raise three points about the discussion paper.

While we support improving the quality of services and fostering a diverse range of service providers, market-based competition can have unintended consequences for non-government organisations that operate collaboratively and in partnership with each other. During 2014 Mental Health Australia undertook extensive consultation with its members to identify barriers to, and potential enablers of, a more effective and efficient Australian mental health system. A key issue arising from those consultations was the way in which commissioning and contracting arrangements can either help or hinder the delivery of services to support better mental health outcomes. These consultations resulted in a major report, released earlier this year, *Commissioning and Contracting for Better Mental Health Outcomes*,¹ (attached) which advocates for a more collaborative, and less competitive, approach to contracting with the non-government sector. The report does not argue that mental health services for people with mental illness should not be contestable; instead, its findings suggest that we need to identify mechanisms that can promote contestability without reducing incentives to work together across service settings.

Secondly, as the Harper Competition Review noted, “[h]uman services reform must focus not only on users but also on providers, whose ability to respond positively to policy change will be an important factor in ensuring that Australians continue to enjoy access to high-quality human services”. The introduction of the National Disability Insurance Scheme has demonstrated the importance of providing support to providers during a transition to a new system, in order to ensure the long-term sustainability of service access and consumer choice. Similarly, we must become better at anticipating the impact on the workforce of any

¹ https://mhaustralia.org/sites/default/files/docs/system_reform_-_mhca_project_-_flagship_ng_and_contracting_for_better_m.pdf



reforms which change the factors contributing to labour supply and demand and associated impacts on service recipients.

Thirdly, we welcome the discussion paper's recognition that for a market to work effectively, participants need both knowledge and support – recognising that there is an important role for advocacy in improving participant outcomes. Many participants with psychosocial disability may need support and assistance to effectively exercise choice and control in a market environment.

The United Nations *Convention on the Rights of Persons with Disabilities 2006* (UNCPD) states that every person has the right to make decisions about things that affect them, and requires governments to take appropriate measures to provide the necessary support that people may require exercising this right. Supported decision-making is an important part of ensuring that consumers and carers have the knowledge that they need to exercise choice and control. Supported decision making can help to address the specific barriers that people with psychosocial disability face in exercising choice and control, such as difficulties with cognition, communication and self-advocating, or estrangement from family and other support networks.

Decision-making support for people with disabilities is not always available now in Australia – as recognised through the recent report from the Australian Law Reform Commission on *Equality, Capacity and Disability in Commonwealth Laws on Human Rights*. That inquiry recommended further work to ensure that people have access to formal and informal decision making support, including the adoption of National Decision Making Principles asserting that “persons who require support in decision-making must be provided with access to the support necessary for them to make, communicate and participate in decisions that affect their lives”. Mental Health Australia recommends that support decision making be incorporated into the new disability employment framework.

Sincerely



Frank Quinlan
CEO

