



# National Disability Services Submission

## A stronger, more diverse and independent community sector

### About National Disability Services

National Disability Services (NDS) is Australia's peak body for non-government disability service organisations, representing 1000 non-government service providers. Collectively, NDS members operate several thousand services for Australians with all types of disability. NDS provides information and networking opportunities to its members and policy advice to State, Territory and Commonwealth governments. We have a diverse and vibrant membership, comprised of small, medium, and larger service providers, supporting thousands of people with disability. Our members collectively provide a full range of disability services, from supported independent living and specialist disability accommodation, respite, and therapy, to community access and employment. NDS is committed to improving the disability service system to ensure it better supports people with disability, their families, and carers, and contributes to building a more inclusive community.

# 1.0 Overview

National Disability Services (NDS) is pleased to submit our response to the Department of Social Services' Issues Paper, outlining the government's commitment to building a stronger, more diverse, and independent community sector. We value this opportunity to share our perspectives and recommendations, contributing to the advancement of grant funding within the community sector.

## 2.0 Scope of this submission

The purpose of this submission is to provide input and feedback, as requested in the Issues Paper, to aid in the development of recommendations for government. These recommendations will address innovative approaches that support both short and longer-term reforms within the community sector. NDS is committed to collaborating with stakeholders and government bodies to drive positive changes that will strengthen the sector's ability to provide essential services to people with disability. We look forward to contributing to the development of meaningful and impactful recommendations for the government's consideration.

## 3.0 Policy Context

### Australia's Disability Strategy 2021-2031

Australia's Disability Strategy 2021-2031 is the government framework for promoting inclusion, equality, and improved quality of life for people with disability in Australia. This strategy was developed in line with Australia's commitments under the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD). The purpose of this strategy is to provide a roadmap for achieving a more inclusive Australian society by the year 2031.<sup>1</sup>

Australia's Disability Strategy 2021-2031 comprises seven key Outcome Areas, which collectively represent the aspects that people with disability have identified as essential for achieving the Strategy's overarching vision. The seven Outcome Areas are as follows:

1. Employment and Financial Security: This area focuses on enhancing opportunities for people with disability to secure meaningful employment and achieve financial independence.

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<sup>1</sup> Australia's Disability Strategy 2021-2031 © Commonwealth of Australia (Department of Social Services) 2021; <https://www.disabilitygateway.gov.au/sites/default/files/documents/2021-11/1786-australias-disability.pdf>, Accessed 31 October 2023

2. Inclusive Homes and Communities: It emphasises the creation of living environments and communities that are inclusive, accessible, and supportive of people with disability.
3. Safety, Rights, and Justice: This area seeks to protect and uphold the rights of people with disability, ensuring their safety and access to justice.
4. Personal and Community Support: The focus here is on providing adequate support systems that empower people with disability to participate actively in their communities.
5. Education and Learning: This area aims to improve access to quality education and lifelong learning opportunities for people with disability.
6. Health and Wellbeing: It centres on ensuring that people with disability have access to healthcare, services, and information that promote their overall health and well-being.
7. Community Attitudes: This area seeks to address and transform societal attitudes, encouraging greater awareness, acceptance, and inclusivity towards people with disability.<sup>2</sup>

These Outcome Areas collectively embody the strategy's commitment to creating a more inclusive and equitable Australian society, addressing the specific needs and challenges faced by people with disability in each of these critical domains.

*“The success of this Strategy rests in a whole-of-community response, inclusive of business, the non-government and services sectors and individuals. Only by working together can we ensure all aspects of Australian life are inclusive and accessible”*

The Guiding Principles of the Strategy are grounded in the human rights principles of the UN CRPD, particularly Article 3. These principles serve as a foundation for the development and implementation of policies, programs, services, and systems by governments. They are also intended to guide businesses, the non-government sector, and the broader community in their actions. The eight Guiding Principles of the UN CRPD Article 3 are:

- Respect for Inherent Dignity, Autonomy, and Independence: Upholding the inherent dignity of individuals, recognising their autonomy, and respecting their freedom to make their own choices and lead independent lives.
- Non-Discrimination: Ensuring that all individuals are treated fairly and without discrimination based on their disability.

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<sup>2</sup> Australia's Disability Strategy 2021-2031 © Commonwealth of Australia (Department of Social Services) 2021; <https://www.disabilitygateway.gov.au/sites/default/files/documents/2021-11/1786-australias-disability.pdf>, Accessed 31 October 2023

- Full and Effective Participation and Inclusion in Society: Encouraging the active involvement and inclusion of people with disability in all aspects of society.
- Respect for Difference and Acceptance: Recognising and accepting people with disability as an integral part of human diversity and humanity.
- Equality of Opportunity: Providing equal opportunities for people with disability to access education, employment, and other life opportunities.
- Accessibility: Ensuring that physical and digital environments, information, and communication are accessible to all, including those with disability.
- Equality of People: Promoting equal treatment and consideration for all individuals, regardless of their disability.
- Respect for the Evolving Capacities of Children with Disability: Recognising the changing abilities of children with disability and respecting their right to maintain their identities as they grow.<sup>3</sup>

These Guiding Principles are fundamental to realising the vision of Australia's Disability Strategy seven Outcome Areas.

The "Personal and Community Support" outcome underscores the importance of ensuring that people with disability have access to support services tailored to their individual needs. This encompasses both specialised disability services and mainstream services. The policy emphasises that mainstream services, like relationship counselling, financial advice, parenting support, and crisis services, should be universally available and easily accessible to everyone in the community, without any discrimination, including people with disability. The goal is to provide equitable access to a wide range of essential support services for all, thereby promoting inclusion and well-being within the community.<sup>4</sup>

The "Community Attitudes" outcome area highlights the need for key professional workforces, particularly in sectors where people with disability frequently interact, to be well-informed and responsive. A better understanding of disability among professionals in fields like health, education, justice, emergency services, and community services is crucial. This improved awareness will enhance the accessibility and quality of services and support that people with disability require. The goal is to ensure that professionals are confident and positive in their interactions with people with disability, ultimately leading to more inclusive and effective services across these critical sectors.<sup>5</sup>

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<sup>3</sup> Australia's Disability Strategy 2021-2031 © Commonwealth of Australia (Department of Social Services) 2021; <https://www.disabilitygateway.gov.au/sites/default/files/documents/2021-11/1786-australias-disability.pdf>, Accessed 31 October 2023

<sup>4</sup> Ibid

<sup>5</sup> Ibid

The roles and responsibilities within Australia's Disability Strategy involve various entities, including Australian, state, territory, and local governments, businesses, the community, and the non-government sector. Each of these entities has a role in ensuring that people with disability can enjoy their human rights on an equal basis with others. Clear delineation of these roles, especially in terms of government responsibilities, is crucial to engage all parties in the development and implementation of inclusive policies and programs for people with disability. The strategy acknowledges that all levels of government are responsible for providing both mainstream and targeted services, support, and infrastructure systems to people with disability. Governments are obligated to offer services to all citizens and must make reasonable adjustments to accommodate people with disability, ensuring their access to and use of these systems and services.<sup>6</sup>

Australia's Disability Strategy 2021-2031 is a significant step forward in promoting the inclusion of people with disability in the community sector. It provides a framework for collaboration and investment in inclusive programs and services, which is essential for building a stronger, more diverse, and independent community sector that benefits all Australians.<sup>7</sup>

### Disability Royal Commission

The following insights and perspectives are extracted from the Disability Royal Commission's Final Report, spanning 12 volumes with a total of 222 recommendations. This report addresses an array of issues and challenges faced by people with disability in Australia and provides a roadmap for positive change and inclusive policies and practices. The report covers matters ranging from human rights and equality to community attitudes and the pivotal role of the government.<sup>8</sup>

Within the framework of the UN CRPD, it is important to recognise that people with disability have the fundamental right to be treated with the same equality and respect as those without disability. Embracing a human rights-based approach leads us to ask what each person needs to live a life characterised by dignity, respect, and inclusivity. In this regard, the concept of inclusive equality, as championed by the CRPD, emphasises the need to reshape the very structures of society to guarantee that people with disability are included and treated with the dignity they deserve.

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<sup>6</sup> Australia's Disability Strategy 2021-2031 © Commonwealth of Australia (Department of Social Services) 2021; <https://www.disabilitygateway.gov.au/sites/default/files/documents/2021-11/1786-australias-disability.pdf>, Accessed 31 October 2023

<sup>7</sup> Ibid

<sup>8</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (2023), Final Report: Executive summary, Our vision for an inclusive Australia and Recommendations; Accessed 31 October 2023; <https://disability.royalcommission.gov.au/publications/final-report-executive-summary-our-vision-inclusive-australia-and-recommendations>

Inclusive equality transcends focusing solely on individuals; it necessitates substantial transformations within institutions, organisations, and governments. Beyond individual accommodations and support, it calls for broad societal changes to confront the multi-dimensional disadvantages often faced by people with disability. Importantly, inclusive equality should not be achieved by attempting to 'fix' people with disability or by forcing them to accept environments and services that are inaccessible or inadequate. People with disability should not bear the responsibility of proving or persuading the broader community, institutions, organisations, and governments to include them.<sup>9</sup>

The need to continually make the case for equality, inclusion, support, and rights raises concerns about whether the wider Australian population fully comprehends and embraces the principles of inclusion and equality. Research conducted in partnership with the Social Policy Research Centre at the University of New South Wales has identified two key approaches to altering attitudes: directly targeting attitude change and seeking behaviour change with attitude change as a secondary outcome. This research highlights five facilitators of attitudinal transformation: the active presence of people with diverse disabilities across all aspects of life, leadership by people with disability and by organisations and government that highlights their diverse contributions, a comprehensive approach that targets multiple levels and types of policies and interventions, long-term strategies with adequate resources, and data-driven approaches to inform decision-making and accountability.<sup>10</sup>

Visibility and interactions between people with and without disability are essential catalysts for changing attitudes. Seeing people with disability in everyday environments challenges existing stereotypes and biases, leading to reflection and a shift in underlying beliefs. Over time, these experiences prompt changes in the expectations of people with disability, leading to reduced negative attitudes and behaviours.

The DRC terms of reference called for an inquiry into the actions that governments, institutions, and the community should take to prevent and better protect people with disability from experiencing violence, abuse, neglect, and exploitation across all settings.

The National Disability Insurance Scheme (NDIS) plays a crucial role in providing funding to eligible individuals with significant and permanent disability to access necessary supports and services through personalised support plans. Central to its effectiveness is ensuring increased and equitable access to mainstream services

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<sup>9</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (2023), Final Report: Executive summary, Our vision for an inclusive Australia and Recommendations; Accessed 31 October 2023; <https://disability.royalcommission.gov.au/publications/final-report-executive-summary-our-vision-inclusive-australia-and-recommendations>

<sup>10</sup> Ibid

and community support for all people with disability, which includes services provided by all levels of government. However, challenges persist in clarifying the roles and responsibilities of the NDIS in relation to mainstream services.<sup>11</sup>

The Australian Government's independent review of the NDIS, slated for an October 2023 report, is examining ways to enhance the interaction between the NDIS and other related policies and systems, notably mainstream services offered by various government levels and the community sector. While the DRC refrained from making recommendations on these issues due to the ongoing review, it remains crucial that national disability policies and strategic arrangements mandate that governments fulfill their obligations to provide inclusive and accessible mainstream services.

## 4.0 The way forward

### A joined up resourced ecosystem of support

In a world where inclusivity and equality are paramount, it is essential to recognise that people with disability do not neatly fit into a binary distinction of those within and outside the NDIS. Their needs extend well beyond the support available through the NDIS, which only provides individual funding support for approximately 600,000 out of the 4.4 million people with disability in Australia.. This underscores the pressing need for comprehensive and inclusive community services that cater to the needs of all people with disability, including those who do not qualify for NDIS support.<sup>12</sup>

The NDIS was designed to be complemented by the range of universal services available to all people in the community. The [\*Applied Principles and Tables of Support\*](#) articulates the responsibilities of these systems. Each of these systems have obligations to consider the whole person, to respond to the presenting needs of people with disability. For example, the education system needs to tailor learning strategies for each child, for students with disability it also needs to be able to respond to disability related support needs such as accessibility. However all too often people with disability, NDIS participants and providers are caught in the middle of a funding tug of war where they are not the winner.

Supports and services outside the NDIS do not meet the needs of many people with disability. This has resulted in inequity and the NDIS as being seen as the only

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<sup>11</sup> Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (2023), Final Report: Executive summary, Our vision for an inclusive Australia and Recommendations; Accessed 31 October 2023; <https://disability.royalcommission.gov.au/publications/final-report-executive-summary-our-vision-inclusive-australia-and-recommendations>

<sup>12</sup> NDIS Review (2023) What we have heard: Moving from defining problems to designing solutions to build a better NDIS, <https://www.ndisreview.gov.au/sites/default/files/resource/download/what-we-have-heard-report.pdf>, accessed 10 August 2023.



option available. This in turn has led to increased pressures on scheme sustainability.

Services such as health, education, justice, child protection, family support and transport often provided through states and territory are critical to the success of the NDIS. However, service systems are fragmented and do not provide seamless connections or transitions for people with disability - including those with NDIS plans.

Services originally designed to provide a robust community-based support system for all people with disability (often through targeted information and referral) no longer exist. Their replacement in the form of Information, Linkages and Capacity (ILC) funding from Federal Government has been focussed on short term projects that have not resulted in scalable solutions or the maintenance of critical programs.

Irregular and insufficient funding initiatives, coupled with budget cuts, have constrained the sector's ability to allocate resources to essential services that complement the NDIS. Consequently, there has been a depletion of the proficient workforce responsible for delivering these services and a decline in community support. Services that used to be well-prepared to assist people with disability have gradually lost their capacity, expertise, financial backing, and, in some instances, the motivation to cater to the needs of this people with disability.

In the absence of adequate access to mainstream and community services, people with disability are at greater risk of being excluded from society and capacity building opportunities, and therefore more likely to need more direct support from individual NDIS packages.

A report recently commissioned by NDS, '[Not a One-Stop Shop: The NDIS in Australia's social infrastructure](#)' examines the NDIS in the context of Australia's social infrastructure.<sup>13</sup> Drawing on the original concepts outlined by the Productivity Commission of Tier One being those supports available to all Australians, Tier Two or community-based supports that provide equitable access to people with disability and Tier Three or NDIS individualised funding for disability related support needs.

This report highlighted several critical features of the current support system, including only limited or moderate funding by local and other governments in foundational type services and the limited capacity of the not-for-profit sector to fill these gaps through donations or the use of volunteers. Both have declined substantially in recent years, compounding the issue and creating a pressing need for a more inclusive and comprehensive approach to support services

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<sup>13</sup> D'Rosario, M. (2023), Not a one-stop shop: the NDIS in Australia's social infrastructure, National Disability Services, Per Capita, Australia.



Services that were initially designed to offer community-based support services, including information and referral to not only NDIS participants but also the broader population of people with disability are no longer equipped to deliver these supports to people with disability.

Government support for Tier 2 services has dwindled, and it now represents less than 1% of total program investment.<sup>14</sup>

The irregular and unpredictable nature of Tier 2 funding, combined with decreased donations and volunteer participation, puts these community-based services at risk. Charitable organisations can redirect limited funds to Tier 2 services, but not all providers, particularly those in the for-profit sector, have this option. Rising costs further strain the sector's funding and volunteer capacity.

Additionally, the absence of information and referral services as envisioned in Tier 2 places more pressure on services to bridge the gap. The sector urgently requires critical funds to ensure the continuity of Tier 2 services.<sup>15</sup>

The NDS report makes clear recommendations to ensure a robust community-based support system that could offer services not only to NDIS participants, but also to the 4.4 million people with disability who fall outside of the Tier 3 individualised service provision.

1. *Short-Term Transitional Funding*: Implement improved transitional funding initiatives to sustain existing and recently underfunded Tier 2 programs and state-based initiatives, ensuring the continuity of services and preservation of social capital.
2. *Medium-Term Investment Scaling*: Encourage all NDIS stakeholders to develop viable strategies for increased investment in Tier 2 services beyond transitional funding. This should consider addressing underfunded and defunded initiatives while aligning with the NDIS's objectives.
3. *Robust Data Capture for Tier 2*: Establish a comprehensive data capture and disclosure process for Tier 2 funding, linking expenditures to annual intervals to analyse trends and investment effectiveness, with a focus on long-term outcomes.
4. *Additional Funding for Volunteer Support*: Provide funding for non-profit organisations to support and engage volunteers in Tier 2 activities, addressing the decline in volunteer-led initiatives and promoting greater participation without compromising core Tier 2 funding.

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<sup>14</sup> D’Rosario, M. (2023), Not a one-stop shop: the NDIS in Australia’s social infrastructure, National Disability Services, Per Capita, Australia.

<sup>15</sup> Ibid

5. *Short-Term Capacity Replacement Funding*: In addition to the transition and scaling recommendations, consider further capacity replacement funding to offset the impact of declining volunteerism, donor funding, and employment changes affecting Tier 2 supports.
6. *Stabilisation of Funding Provision*: Ensure increased investments in Tier 2 are provided in a stable manner to reduce volatility and maintain goodwill, preventing the loss of social capital due to abrupt changes in funding for effective Tier 2 programs. The imperative is to move towards longer-term funding arrangements, either within the current framework or exploring options elsewhere, to provide organisations with the necessary resources and time to develop and grow programs, ultimately leading to greater sustainability and lasting impact.
7. *Granular Local-Level Data*: Revise reporting practices to provide more detailed data at the local (council) level, allowing for a better understanding of expenditure categories and enabling more transparent and accountable records of disability program spending.
8. *State-Level Disability Services Investment Data*: Encourage state agencies to report specific expenditures and investments in Tier 2 supports, providing essential information for informed policy decisions and resource allocation between NDIS Tiers. This should also include more granular program outcomes data for program design and ensuring efficient use of program funding.<sup>16</sup>

NDS recently made a [submission](#)<sup>17</sup> to the *NDIS Review: What We Have Heard Report*. In this submission we called for the Government to commit to a joined up ecosystem of support.

The opportunity is to develop an intergovernmental strategy that supports seamless transitions across support systems.

This strategy should clarify responsibilities and enable shared funding mechanisms so that participants and providers are not in the position of having to navigate who pays for what. While more detail is needed, the approach suggested by the Review that would see the removal of the concepts of ‘Tiers’ and replacing this with a system of foundational supports supplemented by individual funding via the NDIS for those

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<sup>16</sup> D’Rosario, M. (2023), Not a one-stop shop: the NDIS in Australia’s social infrastructure, National Disability Services, Per Capita, Australia.

<sup>17</sup> National Disability Services Submission NDIS Review What We Have Heard Report September 2023;

[https://www.nds.org.au/media/com\\_ndsync/NDS%20NDIS%20Submission%20What%20we%20have%20heard%20report.pdf](https://www.nds.org.au/media/com_ndsync/NDS%20NDIS%20Submission%20What%20we%20have%20heard%20report.pdf); Accessed 30 October 2023

who need this is one way of achieving this.<sup>18</sup> Others have suggested further integration that would see an individual's NDIS funding, income support and other income related benefits be rolled together into a system of universal basic income, which could reduce the significant financial disadvantage facing many people with disability and support access to a range of systems.<sup>19</sup>

The NDIS Review has suggested that an intergovernmental agreement could be developed to support better system integration. History suggests that an agreement of some sort that will hold governments publicly and fiscally accountable will be required to ensure that these services are available to support people with disability.

### Alignment of disability policy and strategic architecture

The final report of the Disability Royal Commission has put forth several recommendations that are essential for a stronger, more diverse, and independent community sector for people with disability. NDS believe that the Government should adopt the following recommendations:

#### Review and Update of Australia's Disability Strategy (*Recommendation 5.2*)

[\*Australia's Disability Strategy\*](#) outlines the commitment and obligations of all governments to provide and make reasonable adjustments to mainstream and targeted services, supports and infrastructure systems to people with disability. Most jurisdictions are failing to meet this commitment.

The strategy serves as a fundamental framework for disability support and inclusion. By reviewing and updating it, the government can ensure that it aligns with the issues and recommendations identified by the Royal Commission. This alignment is crucial for addressing the actual needs of people with disability and making meaningful improvements.

Involving people with disability and their representative organisations in this process is essential. It promotes inclusivity and ensures that the updated strategy truly reflects the perspectives and requirements of the disabled community.

Government should consider Australia's Disability Strategy and all its implementation mechanisms, including Targeted Action Plans, Engagement Plan, Outcomes Framework, Guiding Principles, reporting arrangements and Data Improvement Plan.

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<sup>18</sup> Professor Bruce Bonyhady AM (2023) A 'Magic Pudding' dilemma – Speech Participant Webinar, 22 August, Newcastle, <https://www.ndisreview.gov.au/news/future-ndis-and-where-we-are-heading>, accessed 23 August 2023.

<sup>19</sup> Duffy S & Brown M (2023) Redesigning the NDIS: An international perspective on an Australian disability support system. Sheffield: Citizen Network Research pg. 7 accessed 29 August 2023 <https://citizen-network.org/library/redesigning-the-ndis.html> .

## Review of National Agreements, Strategies, and Plans (*Recommendation 5.4*)

This recommendation emphasises the need to assess national agreements and strategies related to various aspects of life, including education, housing, health, and community services. Such reviews are essential to ensure that these agreements recognise and cater to the needs and rights of people with disability.

The inclusion of specific outcome measures related to people with disability in these agreements is a key step in acknowledging the unique challenges they face and evaluating the effectiveness of the agreements in addressing those challenges.

The development of specific action plans related to people with disability ensures that these agreements lead to tangible improvements and address specific issues faced by people with disability.

The reviews of these agreements, planned through 2025, provide a structured and time-bound approach to evaluate and, if necessary, reform these agreements, ensuring they effectively contribute to the welfare and inclusion of people with disability.

In summary, these recommendations ensure that Australia's policies, strategies, and agreements are not only in line with the needs of people with disability but also incorporate their input. This approach strengthens the community sector's ability to support people with disability, promotes diversity, and enhances the sector's independence by making it more responsive to the unique needs of this community. The reviews and updates proposed in these recommendations by the Royal Commission are crucial steps toward creating a more inclusive and supportive community for people with disability.

## 5.0 Conclusion

A joined up, well resourced, independent, and sustainable ecosystem of support that includes specialist, community, and universal services and systems is critical to supporting people with disability and the communities that they live in.

Investing in community services offers substantial advantages. Services rooted in the community generate employment, stimulate local economies through the purchase of goods and services, enhance neighbourhood resources, and bolster economic activity. Moreover, they foster social cohesion, nurture community bonds, and promote overall social welfare.

We find ourselves at a pivotal moment in addressing the needs of people with disability, their families, and carers, as well as fortifying the disability sector. The recommendations stemming from the Disability Royal Commission and the

forthcoming review of the NDIS hold great promise for achieving a more robust, diverse, and self-sufficient community sector.

Australia's Disability Strategy 2021-2031 stands as a significant government initiative, aligning with international commitments under the UN CRPD. However, the true success of this strategy hinges on a collective, whole-of-community response, including businesses, non-government sectors, and individuals working together to build an inclusive and accessible Australia.

The Disability Royal Commission's Final Report underscores the fundamental right of people with disability to be treated with equality and respect, emphasising the importance of inclusive equality that extends beyond individuals to encompass societal institutions and organisations. Changing societal attitudes and behaviours requires a multi-faceted approach, involving diverse representation, leadership, comprehensive strategies, long-term planning, and data-driven decision-making.

Moreover, the report highlights the necessity of aligning disability policies and strategic arrangements to ensure that governments fulfill their obligations to provide inclusive and accessible mainstream services. This alignment is crucial in promoting an intergovernmental strategy that supports seamless transitions across support systems, clarifies responsibilities, and ensures that participants and providers can navigate funding without confusion.

The recommendations outlined in the report, particularly those relating to Australia's Disability Strategy and national agreements, strategies, and plans, offer a structured and time-bound approach to improve the lives of people with disability. By embracing these recommendations, we can create a more inclusive and supportive community sector, strengthening its diversity and independence and making it more responsive to the unique needs of this community. This approach will help us build a stronger, more inclusive, and self-sufficient community sector that benefits all Australians.

Contact: [REDACTED]  
CEO  
National Disability Services  
[REDACTED]  
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