

Chapter 37

The Australian National Disability Insurance Scheme and People With Disabilities From CALD Backgrounds

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ABSTRACT

The National Disability Insurance Scheme (NDIS) is considered to be the second greatest reform in healthcare in Australia after the introduction of Medicare in Australia in 1983. This reform was introduced in 2012 in two phases. The first phase as a trial took place for three years. The expectation was that the reform will be rolled out by 2019 or 2020. This article argues that the trial implementation process has achieved very positive outcomes in the lives of a great number of people with disability in Australia. At the same time, NDIS is facing many serious challenges in some areas. One of the obvious challenges is that this reform is a market approached reform. The second challenge relates to meeting the needs of minorities. People with disabilities from Culturally and Linguistically Diverse (CALD) backgrounds are one of the five most vulnerable, underutilised users of NDIS services in Australia. They have no strong voice and negotiable abilities. The main question here is how NDIS is to meet its commitment to satisfy the needs of these vulnerable people in Australia.

INTRODUCTION

After the introduction of Medicare in Australia, the introduction of the National Disability Insurance Scheme (NDIS) is arguably the second greatest change in Australian healthcare system. This paper argues that while NDIS has been progressing well in many areas and providing much-needed services to people with disabilities, yet available evidence and research findings so far clearly indicate that NDIS is facing some serious challenges in a number of areas including meeting the needs of people with disabilities from Culturally and Linguistically Diverse (CALD) backgrounds. Whilst discussing this topic,

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this paper also attempts to provide holistic understanding of disability by critically discussing various perspectives on disability including: ‘individualised funding approaches’, ‘person-based service’, ‘choice’ and ‘market-purchase service’.

People with disabilities from CALD backgrounds are one of the most vulnerable groups of Australians with little or no voice in Australian society. This becomes more pronounced if we consider the sheer number of people with disabilities from CALD background in Australia. It is estimated that out of 1 million people with a disability from CALD backgrounds, there are over 120,000 people with severe and on-going disability (see: National Ethnic Disability Alliance (NEDA),). The significant number of this group and the intensity of their required services create serious challenges for NDIS. This paper aims to attract the required attention of NDIS Authority as well as Australian government on the provision of required services for this vulnerable group in Australian society. Within this context it is also important to emphasise that these services must be provided within the relevant cultural context and competency.

BACKGROUND

At the outset, it is useful to state that during the last several decades’ social change has altered the society’s view, at least, in the Western World on disability. Prior to this change, people with disability were not considered as ‘normal’ human beings and were faced with on-going abuse and gross discriminations. Many people with a disability were institutionalised. They had very little control, if any, on their own lives. Background information in this area is very important in order to understand how disempowerment and marginalisation of disability groups form the historical context for our understanding (see more information on the National Disability Insurance Scheme, 2014:268).

The NDIS (National Disability Insurance Scheme) is considered being the second most important healthcare reform in Australia. This reform has altered many Australians’ perceptions of viewing and treating people with disability in Australia and beyond. This achievement has been the result of continuous efforts of people with disabilities and their supporters to challenge the existing individual legislations and anti-discrimination acts on people with disabilities within different States in Australia. Some of these Acts date back to 1980s. However, the first most significant national act in this area was developed in 1992 and was called *Disability Discrimination Act 1992 (DDA)*. It was an act presented by the Parliament of Australia to promote the rights of people with disabilities in certain areas. The objects of this Act were: “(a) to eliminate, as far as possible, discrimination against persons on the ground of disability in the areas of (i) work, accommodation, education, access to premises, clubs and sport and (ii) the provision of goods, facilities, services and land; and (iii) existing laws; and (iv) the administration of Commonwealth laws and programs; and (b) to ensure, as far as practicable, that persons with disabilities have the same rights to equality before the law as the rest of the community; and (c) to promote recognition and acceptance within the community of the principle that persons with disabilities have the same fundamental rights as the rest of the community” (Commonwealth Consolidated Acts).

This act aimed to standardise the scope of rights offered in various states and territories as well as to implement the Australian Government’s obligations as a signatory to the International Declaration on the Rights of People with Disabilities. The overall assessment of the Act is that it has been reasonably effective in reducing discrimination in employment and education for people with disabilities, yet it was not responding to the needs of these people in many areas of their lives. However, in late 2000s there were increasing calls from within the disability sector to introduce a new mechanism for funding

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