



Make your submission on behalf of an organisation or institution

Complete this form to make your submission to the Disability Royal Commission. Questions that require a response are marked as 'Response required'.

How to communicate with you

In this section, we ask for your contact details and the best way to communicate with you. Please note, while we ask for your contact details, your submission may be made anonymously.

What is your name?

☐ I do not wish to provide my name

Title

Mr

Given Names

David

Preferred name (if different from given name)

Family name

Sinclair

Note: submission may be made anonymously.

What is your preferred contact number?

☐ I do not wish to provide my contact number

Contact number

0418861847

What is your email address?

☐ I do not wish to provide my email address

Email address

david.sinclair@atsa.org.au



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

What is your postal address?

☐ I do not wish to provide my postal address

Street address

P.O Box 562

Suburb

Ryde

State

NSW

Postcode

What is the best way to contact you? (Response required)

☐ I don't want to be contacted by the Royal Commission

☐ Please contact me by phone call

☐ Please contact me by text message

☒ Please contact me by email

☐ Please contact me in writing by post

☐ Please contact me in a different way (specify)

If you selected to be contacted by phone call, please respond to the following:

What time of day (during business hours) is best for you?

Is there anyone else you need/would like to be part of this phone call?

☐ Yes

☐ No

If yes, could you please tell us their name so that we can make sure we only speak to you with your preferred person present.

What are the contact details of that person?

☐ Phone

☐ Email address

Please enter their phone number or email address

Is there any other information you would like us to know about your communication needs or how you would like us to contact you?

I am also happy to be contacted by phone or sms.



About your submission

This section is about the information you would like to share with the Royal Commission.

How are you going to share your experiences with us? (Response required)

- ☐ I am using this form to make a written submission (with or without attachments)
- ☒ I am going to attach a written submission, image or artwork that I have already prepared
- ☐ I am going to attach a video or audio submission
- ☐ I wish to provide additional information to a previous submission

Reference number of the previous submission

Who are you making this submission for? (Response required)

- ☐ I am making this submission for myself
- ☒ Other (please specify)

Please specify who you are making the submission for

Assistive Technology Suppliers Australia



How would you like us to use your information? (Response required)

You can choose how your information is used in our public material by selecting one of the options below. We will only use your information in the way that you agree to.

Individual submissions will not be published on the Royal Commission website. Your submission may be developed into a brief narrative to share your story. Narratives do not mention names or other details that could identify you.

Organisational submissions may be published on the website if the Royal Commission considers it appropriate to do so and consent to do so has been given. However, in line with our legal obligations, we may need to black out (redact) part or parts of any submission that is published.

You can get free legal advice to help you understand your options in sharing your experience with the Royal Commission. Your Story Disability Legal Support is separate from the Royal Commission. For First Nations people, the service is delivered in partnership with community-controlled Aboriginal and Torres Strait Islander Legal Services. Please call Your Story Disability Legal Support on 1800 77 1800 or visit their website www.yourstorydisabilitylegal.org.au.

For information about how your information will be protected after the Royal Commission ends, please visit our website at the following link: [Confidentiality clauses and defamation](#).



Public - Published on website

If you select this option, your submission may be referenced in public documents prepared by the Royal Commission, for example, our interim or final reports.

In these documents, your name and other identifying details about you may be included. However, your contact details including your phone number or address will not be published. Part or parts of your submission may be quoted or paraphrased.

Your submission may also be developed into a brief narrative to tell your story, without mentioning your name or other details that would identify you. This may appear in our public documents or on our website.

Organisational submissions in this category may also be published on the Royal Commission website subject to our legal obligations.



Anonymous – published on website

If you select this option, your submission will only be used in our public documents once it has been de-identified.

De-identified means that your name and any features that would identify you will be removed. Anyone reading the document would not know that it refers to you.

Using your information in a de-identified way will help to give the community an understanding about your experiences without identifying you.

Part or parts of your submission may be quoted or paraphrased in a de-identified way.

Your submission may also be developed into a brief narrative to tell your story, without mentioning your name or other details that would identify you. This narrative may be used in our public documents or published on the Royal Commission website.

Organisational submissions in this category may also be published on the Royal Commission website but will not include the submitting organisation's name or contact details, such as an address or phone number.



Royal Commission

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

How would you like us to use your information? (Response required)

Continued.



Anonymous – not published on website

If you select this option, your submission may be used in a de-identified way in our public documents.

De-identified means that your name and any features that would identify you will be removed. Anyone reading the document would not know that it refers to you.

Using your information in a de-identified way will help to give the community an understanding about your experiences without identifying you.

Part or parts of your submission may be quoted or paraphrased in a de-identified way.

Your submission may also be developed into a brief narrative to tell your story, without mentioning your name or other details that would identify you. This narrative will not be published on the Royal Commission website, but may be used in our public documents.

Organisational submissions in this category will not be published on the Royal Commission website.



Restricted

If you select this option, your submission will not be published in any way in any format.

This means that we will not refer to the information you have provided to the Royal Commission on the website or in any public document in any way other than for statistical analysis (which will not identify you).

Your submission will not be developed into a brief narrative to tell your story.

Organisational submissions in this category will not be referred to in public documents or published on the Royal Commission website.



Unsure

Some people may be concerned about providing certain types of information to the Royal Commission. If you are concerned about the confidentiality of your information, you should seek legal advice.

You can get free, independent legal advice from Your Story Disability Legal Support. Your Story Disability Legal Support is separate from the Royal Commission. For First Nations people, the service is delivered in partnership with community-controlled Aboriginal and Torres Strait Islander Legal Services. Please call Your Story Disability Legal Support on 1800 77 1800 or visit their website www.yourstorydisabilitylegal.org.au.

If you are unsure about providing information to the Royal Commission, please select this option and we will contact you to discuss your options. If we cannot get in contact with you, we will assume that you do not want your information published in any way and will treat it as a restricted submission (see above) until we hear from you.

As of August 2021, new legislative protections apply to confidential accounts of violence, abuse, neglect or exploitation. For more information, please visit our statement of confidentiality on our website, located here: [protecting your confidentiality](#) or contact Your Story Disability Legal Support on 1800 771 800 (Monday to Friday, excluding public holidays).



About You

These questions are about you – the person who is submitting this information. Please remember, you only have to answer what you feel comfortable with. You can leave blank any question you don't wish to answer. These questions allow us to know more about the person who is making the submission.

If you are making a submission for someone else, we will also ask you to complete an additional section below.

We recognise that some people may share their own experiences, as well as those of others. We also recognise that some people may be sharing a lifetime of experiences, and may have developed multiple perspectives over time. For example, you might be a person with disability and also work in the disability sector.

What is your age range? (Response required)

- ☐ I am under 18 years old
- ☐ I am between 18 – 25 years old
- ☐ I am between 26 – 35 years old
- ☐ I am between 36 – 45 years old
- ☐ I am between 46 – 55 years old
- ☒ I am between 56 – 65 years old
- ☐ I am 65+

What is your current postcode?

2112

What is your gender? (Response required)

- ☐ Female
- ☒ Male
- ☐ Intersex
- ☐ Transgender
- ☐ Indeterminate, unspecified
- ☐ Prefer not to say
- ☐ Other

Please specify other gender



What is your main language other than English spoken at home?

In which country were you born?

Australia

Do you identify as a member of any of the following groups?

Please tick all that apply

- ☐ First Nations Person (Aboriginal or Torres Strait Islander)
- ☐ Person from a culturally or linguistically diverse background
- ☐ Person who identifies as LGBTQI+

Do you identify as a person with disability? (Response required)

- ☐ Yes ☒ No

If you do identify as a person with disability, please describe your disability,
and how it impacts your day to day life



Do you provide support to a person or persons with disability?

(Response required)

☐ Yes ☒ No

What is your relationship to the person or persons you provide support to? (If applicable)

Please tick all that apply

- ☐ Spouse (married or de facto partner)
- ☐ Parent of a child with a disability under 18 years
- ☐ Parent of an adult with a disability over 18 years
- ☐ Legal guardian (appointed by a court or tribunal)
- ☐ Sibling
- ☐ Other family member
- ☐ Friend
- ☐ Child
- ☒ Advocate – paid
- ☐ Advocate – unpaid
- ☐ Support person – paid
- ☐ Support person – unpaid
- ☐ Legal representative
- ☐ Other (please specify)



About your organisation

This section is for organisations who would like to provide information to the Royal Commission.

So we know how we can use the information, it is important for us to know whether you are providing information on your own behalf or as a representative of the organisation.

What is the name of the organisation/s or institution/s you represent?

Assistive Technology Suppliers Australia

What is your position in the organisation?

Executive Officer

Do you have authority from the organisation to make a submission on its behalf?

- ☒ Yes, I am authorised to make this submission on behalf of the organisation I represent
- ☐ No, I have not obtained the consent of the organisation to make this submission

What is the core work of your organisation?

Please tick all that apply

- ☐ Provide services to people with disability – NDIS funded
- ☐ Provide services to people with disability
- ☐ Provide individual advocacy for people with disability
- ☐ Provide systemic advocacy for people with disability
- ☐ Aboriginal and Torres Strait Islander community controlled organisation
- ☐ Disabled People's Organisation
- ☐ Legal assistance service, for example, a community legal centre or Legal Aid authority
- ☐ Non-government / not-for-profit organisation
- ☐ Academic institution, e.g. university
- ☐ Private business
- ☒ Other



Your submission

In sharing your experiences with us, you may find the following questions a useful starting point.

What would you like to share with the Royal Commission about your experiences or knowledge of violence, abuse, neglect or exploitation of people with disability?

Please see attached submission on ATSA's input towards a Vision for an Inclusive Australia.



**Have you shared these experiences with anyone before?
Who did you tell and what happened?**

People that have supported you

In a few sentences, what would you like to tell our nation about your hopes for the future?

Is there anything else you would like to tell us?

Would you like to provide supporting material? (optional)

☐ Yes ☐ No

If yes, please scan and attach your photo along with this form.

If you would like assistance to attach your files, please contact the Royal Commission by calling 1800 517 122 or emailing RC.Enquiries@rc.gov.au



Are there any suggestions or recommendations you would like to share, including any examples of what worked well, or ideas for how things could be done better? You might also like to tell us about any people that have supported you.

In a few sentences, what would you like to tell our nation about your hopes for the future?

Would you like to provide supporting material? (Response required)

☒ Yes ☐ No

If yes, please scan and attach your file(s) along with this form.

If you would like assistance to attaching your files, please contact the Royal Commission by calling 1800 517 199 or emailing DRCEnquiries@royalcommission.gov.au.



Submission in response to:

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

- Vision for an Inclusive Australia

Date: 2nd December 2022

Contacts: David Sinclair, Executive Officer and Margaret Noonan, Senior Policy Officer

Email: david.sinclair@atsa.org.au margaret.noonan@atsa.org.au

About Assistive Technology Suppliers Australia (ATSA)

ATSA is a national organisation representing assistive technology (AT) suppliers, including manufacturers, importers, distributors, retailers, tradespeople, allied health workers and technicians.

Our 160 members comprise businesses and not-for-profit organisations ranging from small family-owned concerns to multinational organisations throughout Australia. It is estimated that, excluding AT for communication and sensory disabilities, approximately 80% of the AT in Australia passes through the hands of ATSA members.

ATSA is a registered not-for-profit charity with the ACNC and requires members adhere to a comprehensive Code of Practice on the provision, sales and servicing of AT. We are also a member of the Australian Ethical Health Alliance.

About Assistive Technology

Assistive Technology (AT) covers a wide range of medical devices and every day products designed to support daily living activities. The WHO define AT as “the application of organized knowledge and skills related to assistive products, including systems and services. Assistive technology is a subset of health technology. An assistive product is any external product (including devices, equipment, instruments, or software), especially produced or generally available, the primary purpose of which is to maintain or improve an individual’s functioning and independence, and thereby promote their well-being. Assistive products are also used to prevent impairments and secondary health conditions. Source: Priority assistive products list. Geneva: World Health Organization; 2016 (<https://www.who.int/publications/i/item/priority-assistive-products-list>, accessed 20 April 2022).”

In general in Australia AT is deemed a medical device and is regulated by the Therapeutic Goods Administration (TGA). The higher the potential risks of a medical device, the more evaluation, information, and scrutiny is carried out by the TGA and is primarily Class 1 within their register. Assistive Technology which has a higher risk is registered with the TGA as a Class 1. include wheelchairs, beds, lifting chairs, shower chairs, pressure cushions and mattresses, commodes, kitchen stools and other medical devices which are weight bearing or come in prolonged contact with the skin.

The supply of other AT such as home monitoring devices, memory software systems, vision and external hearing assistive products and kitchen utensils come under the jurisdiction of the Australian Competition and Consumer Commission.

The supply of modified vehicles comes under state regulations and is also covered by the Australian standards and recommendations from the National Transport Commission.

Additionally, there are a number of Australian Standards for AT including ISO 9999:2018 - Assistive products for persons with a disability.

Introduction

ATSA is appreciative of this opportunity to provide input on the Vision for an Inclusive Australia. In this submission, we are providing input on key areas we believe will have an impact on how effectively AT will continue to contribute to people who have a disability living well and as independently as possible.

These areas are

- (i) the collection of data to provide evidence of the need for AT including the type and volume of devices.
- (ii) The importance of education in assistive technology for consumers, planners, health professionals and mentors.
- (iii) Safety and quality in the maintenance and repairs of AT, particularly for second hand (reissued) AT.
- (iv) Consumers' experience of repairs and maintenance of their AT.
- (v) Consistent legislation across States

Data

Useful data on the Assistive Technology (AT) sector is non-existent and the ability to determine volume and needs is currently limited to "market experience" and "observation." It is surprising that in the total NDIS budget of \$166.6 billion over 4 years, there has been little importance placed on the collection of data by either type, category or value for products and services.

In a fast-changing market, i.e., shift from a restricted welfare support model to an open "choice and control" consumer focussed market designed to appropriately meet an individual's clinical and life needs, accurate data is imperative in measuring outcomes and planning for the future.

The collection of data by the NDIS is improving and consultation has been held on the collection of data in the aged care sector. Further work is also required to map the data collected by state programs, the Department of Veterans Affairs and information held by not for profits on assistive technology (for example, the Motor Neurone Disease, Technical Aid for the Disabled and other assistive technology programs).

ATSA's recommendation: The Australian Bureau of Statistics be the repository for data from the above sources and private sector for reporting and the Australian Institute of Health and Welfare to conduct an annual analysis of the data to show trends to inform policy and budget decisions.

Education on Assistive Technology:

AT underpins the independence and inclusion of people with a disability in the community, work, education, and recreation/social activities but there is a lack of information and training. Knowledge optimises client outcomes through the correct selection, application, client use and experience of AT. This results in increased economic efficiencies, improved health outcomes and inclusion.

Education on AT will benefit consumers, families, carers, planners from government funded programs and health practitioners. This shared knowledge will support transparency and good decisions and planning involving these stakeholders.

Consumers, families, and carers.

In the WHO Global Report on Assistive Technology, May 2022, p5 one of the key messages is "Access to assistive technology is a multi-step process that begins with a potential user being

aware of possible assistive technology solutions and ends with the person realizing their rights and goals.” Ref: <https://www.who.int/publications/i/item/9789240049451>

Programs such as the NDIS provide information on the type of AT available under the program, however, there is no context to explain how to use the AT or the outcomes a person should expect from the use of that AT.

Additionally, carers and family members supporting the consumer also need to understand how to use the AT correctly for the safety of all involved.

Another key focus is the need to attract workers to the Disability sector by offering a professional development pathway in Assistive Technology. The Education should provide the Allied Health professional or technician with a certificate of attainment/qualification.

New workers also need to understand the way the AT sector works – there are approximately 108 non-NDIS schemes in Australia (source: 2022 Australian AT Equity Studies Report). How does the average person navigate this? Where do they find the information?

With our limited resources ATSA is working towards an education package for consumers, their family and carers and allied health workers aimed at explaining AT and where it can benefit consumers. Another group are new workers in the supply of AT who will learn about consumer rights, ethics, how AT works and the correct maintenance and repair procedures.

Phase 1 of the Education project is the initial work being done by ATSA is to bring existing information and education packages together in an easy-to-follow menu on our website. We are forming an expert panel to vet the information we have collated. Once the menu system is online, we will establish a pilot for consumers and allied health workers to provide feedback.

Phase 2 of the Education project is the development of a recognised training program with qualifications to upskill workers in the AT sector and create a pathway for professional development. This will be critical in the area of repairs and maintenance of AT and is further addressed below under Reissued AT.

It should be noted the speed of this project will be governed by available funding and resources.

ATSA's recommendation: We are seeking the support of this Royal Commission for the development and funding of this education program.

Safety and Quality of Reissued AT

As governments look for options to reduce costs, delivery time and waste (land fill), there is a move towards the use of reissued AT for people with disabilities and older Australians. While ATSA's members support the use of reissued AT there are some areas that need urgent attention to ensure the AT provided is safe, fit for purpose and of a high quality for the consumer.

Consumer safety

There is no formal education for repair and maintenance in Australia or any accreditation model for technicians. The majority of reissued AT comes from state programs or not for profits who have technicians checking the AT, however there are no universal standards for them to work to in this process. ATSA is recommending recognised education on repairs and maintenance be developed to address this issue. The manufacturers of AT are quite good at

providing training and technical manuals – certainly better than in agriculture and other industries.

There is a need to ensure the size of the reissue market in Australia does not impede access to innovation in the AT sector.

Product whole of life product management needs to be considered e.g. from product release to raw materials recycling/waste.

Today in Australia, the staff of AT suppliers receive training from the manufacturers in the maintenance of the Class 1 AT medical devices they sell. This includes the provision of manuals and parts in order for the maintenance and repairs to be conducted in accordance with the manufacturer's specifications. This is extremely important when it comes to higher risk items devices such as bed poles or wheelchairs. As an example, in the USA a person had a repair made to their wheelchair and the replacement front wheels were not to the manufacturer's specification. The chair was tested on the flat and was fine, however, as the person drove their chair up the ramped curb guttering, the incorrectly sized front wheel became caught in the footplate causing the chair to tip resulting in the person's death.

To reduce the level of risk as much as possible, the Education project ATSA is scoping will include a qualification in the repairs and maintenance of AT. While there will always be a need for the training and support from manufacturers, we believe the development of a universal approach to the reissue and recycling of AT will create efficiencies and reduce waste. By providing a qualification, we will also be able to encourage new workers into the sector and build their confidence, understanding of the importance of the manufacturers' standards and skill levels. It will ensure reissued AT is safe and of a high quality for people who have a disability.

ATSA envisages a suitable education framework will enable greater choice of repairers for consumers of AT across the country including thin markets as repairers are able to access training.

Recommendations: Australia continues to monitor the impact and effectiveness of changing repair regulations in Europe and the USA in regard to repairs and maintenance of class 1 AT.

Labelling of reissued AT is also critical in the event of a recall and to alert funding bodies when the AT has reached the end of its' product life cycle and needs to be replaced. Note: The labelling of Class 1 AT devices comes under the responsibility of the TGA and manufacturers.

Online platforms as a source for reissued AT

Currently, there is no consumer protection for AT sold via digital platforms by individuals. As some state and federal entities move towards the consumer owning the AT, no process for people to pass unwanted AT back to funding bodies or suppliers has been developed. This has resulted in a second-hand market where families and consumers sell AT in order to remove it from their home. It also creates waste as non-sales lead to the AT being thrown out rather than the parts being recycled.

This issue is also being accentuated by people receiving the wrong AT for their needs. As noted above, this would be minimised through improved education.

Recommended solution: ATSA is looking to identify a suitable sustainable solution to reclaim unwanted AT for reissue or recycling to address the needs for consumers, their families, industry, and government.

ATSA also recommends the introduction of set guidelines for the safe sale of second-hand AT in conjunction with the TGA, ACCC and government funding bodies.

In the interim, ATSA recommends the ACCC establish an alert for reissued AT sold by individuals on online platforms. This would advise the consumer to seek allied health advice to ensure the AT device is the correct one to meet their needs (harm prevention strategy) and that it is “buyer beware” regarding the safety of the device.

Consumers Experience of Repairs and Maintenance of their Assistive Technology

ATSA would like to acknowledge the support of the Physical Disability Council of NSW who recently undertook a survey of people with a disability on our behalf. Unfortunately, there was little response possibly due to survey fatigue by consumers.

Recommendation: The experience of consumers regarding repairs and maintenance of AT needs to be monitored.

ATSA recommends this be done through existing processes where consumers can submit complaints to the NDIS Quality and Safeguards Commission. We would ask the Commission to advise ATSA of any trends so that we can initiate appropriate training for our members.

Consistent legislation across States

It would seem in Australia that some areas of government assume a person who has a disability or an older Australian never travel, work, or move interstate. This assumption is reflected in inconsistent legislation across Australia. Two examples of where this issue is problematic and discriminatory for people who have a disability are

- 1) Child's car safety restraints such as buckle covers. Mobility and Accessibility for Children in Australia (MACA) have developed a policy to guide allied health professionals to use buckle covers for children with disabilities who get out of their vehicle restraint. Currently some state and territory governments do not have adequate legislation and processes in place for the safe use of buckle restraints. A family travelling by car from state to state may be within the legislation in their state of origin but in breach in another state.
- 2) The speed and weight of motorised wheelchairs. The National Transport Commission (NTC) has developed recommendations for the weight and safe speed for motorised wheelchairs. Unfortunately, these have not been consistently adopted across all states and territories. For example, in NSW the limit is 110kgs, but in Queensland it is 300kg and in Tasmania it is 150kg. The reality is that bariatric motorised chairs and many others weigh more than the weight limits in some states as they are designed to meet the needs of the individual. Additionally, the NDIS, Aged Care and the Department of Veterans Affairs plus other funding bodies are placed in a difficult situation of needing to respond to their clients or meeting multiple state legislation.

ATSA recommends the establishment of a cross jurisdictional body to resolve these matters.