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Federal Member for Bradfield
Minister for Families and Social Services

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Ms Dawn Wright
Office of the State Coroner
Level 10, Central Law Courts
PERTH WA 6000

Dear Ms Wright

Thank you for your letter dated 7 February 2019 concerning the Western Australian State Coroner's Inquest into the circumstances surrounding 13 Kimberley deaths.

The findings of the inquest are of great concern and the Australian Government is committed to working with our counterparts to respond to the recommendations in the Inquest Report.

There are two recommendations that fall within my portfolio responsibilities.

Recommendation 2 – Foetal Alcohol Spectrum Disorder and the National Disability Insurance Scheme

I note that you have referred the implementation of recommendation 2 to me. As you are aware, this recommendation proposes that neurodevelopmental impairments be recognised as a disability under the National Disability Insurance Scheme (NDIS) and a diagnosis of sufficiently severe Foetal Alcohol Spectrum Disorder (FASD) be recognised as satisfying the NDIS disability access requirements.

As you are aware, the NDIS disability access requirements state that a prospective participant must have a permanent and significant disability that leads to a substantial reduction in functional capacity to undertake activities of daily living. A person is also able to access the NDIS if they have a developmental delay and would benefit from early intervention to reduce their future needs for support.

The National Disability Insurance Agency (NDIA) acknowledges that neurodevelopmental impairments affect the growth and development of a person over the course of their lifetime, but with variable degrees of severity and impacts on a person's functional capacity.

In addition, the NDIA recognises that FASD is a congenital condition that results in permanent impairment, but also with variable severity. The NDIS has a number of participants who have been diagnosed with FASD.

Children under seven years diagnosed with FASD have access to NDIS Early Childhood Early Intervention supports with no further evidence required. However, due to NDIS access being based on functional capacity rather than diagnosis, for those with FASD or another form of neurodevelopmental impairment aged seven and over, functional capacity will need to be assessed to access the Scheme.

It is possible that in the future there will be well-accepted levels of functional capacity associated with well accepted levels of FASD severity. The NDIS will continue to observe the available evidence to determine whether changes to the Operational Guidelines are required to support streamlined transition for this cohort, as proposed in recommendation 2.

Recommendation 22 – Cashless Debit Card

I note the recommendation of the State Coroner that consideration be given to extending the Cashless Debit Card, on a voluntary basis, across the entire Kimberley.

The Cashless Debit Card has been operating in the East Kimberley region since April 2016. It is currently legislated to operate until 30 June 2019 and we are working to extend the trials for a further 12 months. Aged Pensioners and other community members not in receipt of an Income Support Trigger Payment may volunteer for the Cashless Debit Card in the trial area.

While the Cashless Debit Card only operates in the East Kimberley, Income Management, an alternative form of welfare quarantining, is available on a voluntary basis across the Kimberley. Evaluations of Voluntary Income Management have shown positive results for those who take up the measure.

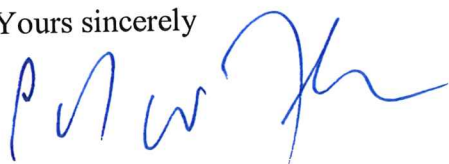
More broadly, the Australian Government is supportive of initiatives that manage the excessive consumption of alcohol in Cashless Debit Card and Income Management locations, including alcohol restrictions and Banned Drinkers Registers.

I note that the State Coroner has made a number of recommendations related to these matters. It may interest you to know that in the Northern Territory, the Banned Drinker Register Registrar can refer people to Income Management, if they receive a 12 month banned drinker order.

The Australian Government encourages jurisdictions, including Western Australia, to develop compatible systems to discourage grog running between states and territories and the consumption of alcohol by banned drinkers.

Thank you again for bringing the State Coroner's recommendations to the Australian Government's attention. My Department will continue to work collaboratively with other state and commonwealth departments in responding.

Yours sincerely



Paul Fletcher

16/3 / 2019