



Senator Wendy Askew  
Chair, Legislation Committee  
Senate Standing Committees on Community Affairs  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

8<sup>th</sup> November 2021

Delivered by email to [community.affairs.sen@aph.gov.au](mailto:community.affairs.sen@aph.gov.au)

Dear Senator Askew,

**RE: NDIS Amendment (Participant Service Guarantee and Other Measures) Bill 2021**

Assistive Technology Suppliers Australia welcomes the opportunity to provide this submission on the NDIS Amendment Bill 2021.

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

Our 157 members comprise businesses and not-for-profit organisations and range 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 that its 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.

## **General Comments**

ATSA would like to commend the intent to increase the focus on participants in the changes to the NDIS Act. We also commend the removal of references to the transition to the NDIS making the Act more relevant to current times.

## **Comments on the Variation of Participants' Plan by CEO, Section 47A**

ATSA would like to alert the Standing Committee to a potential risk around the variation of participants' plans. The risk occurs if an order has already been placed for Assistive Technology equipment and expenses incurred by the supplier to provide that device, then a participant's plan is changed and the equipment no longer approved. In this case payment to the provider will need to be honoured by the participant/NDIS. To ensure the NDIS is cost effective, the timing of any changes to a participant's plan should be prior to any orders for services or goods being placed and be transparent to all parties.

It is assumed that Consumer Law continues to apply to the supply of Assistive Technology under the NDIS. If this is not the case, this also needs to be transparent.

**Case Study:** A customised electric wheelchair has been approved and ordered to meet Anna's needs and is therefore not suitable for supply to anyone else as a result of these modifications. Prior to delivery, Anna's plan is changed and this particular customised wheelchair no longer approved. The provider has acted in good faith and should be recompensed for the work that has been carried out and will be required to enable the supplier to on-sell this wheelchair.

## **Provision of information to recipients and assistance to receive supports**

Coming from the amendment in Schedule 2, 10 Section 14(a), ATSA recommends a mechanism be included to provide clarity on how Assistive Technology and other providers recover costs associated with providing

- i) information in relation to disability and disability supports and
- ii) services or assistance to participants so they receive supports.

## **Potential Bad Debt Risks**

Under Schedule 2 49 Paragraph 182(2)(c) Assistive Technology Suppliers risk incurring a bad debt if an NDIS participant dies before receiving a personal medical device approved and ordered through the NDIS. Family members need to be reimbursed for the transportation costs to return the equipment and Assistive Technology providers reimbursed for the restoration of any equipment that has been modified so it can be on-sold. This will also reduce the dumping of new equipment.

### **Issue of Sustainability of the NDIS**

Schedule 2 50 Subsection 209(3): The issue of sustainability should be expanded beyond financial sustainability to include retaining partners and suppliers who support and work with the NDIS. These other areas are also key to the success and longevity of the NDIS.

As an example, the NDIS needs to encourage Allied Health Professionals such as Occupational Therapists to remain in the disability sector rather than move to the hospital system where they currently receive more professional development.

Yours Sincerely



David Sinclair  
Executive Officer