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Senate Standing Committees on Community Affairs  
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Canberra ACT 2600  
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**National Disability Insurance Scheme Amendment (Participant Service Guarantee and Other Measures) Bill 2021**

Dear Committee Secretary

The Disability Council NSW (the 'Council') is a statutory body that provides independent advice to the Minister for Families, Communities and Disability Services on matters that affect people with disability in NSW and their families and carers.

The Disability Council NSW is concerned about an aspect of the Bill, specifically that the Category D rules in sections 47A(6) and 48(5) essentially provide unilateral power to the Minister for and CEO of the NDIS to make decisions about varying or reassessing participants' plans.

The Council is of the opinion that Category D rules in the proposed section 14(3), in which the States and Territories should be consulted but are not required to agree, should apply to purely administrative decisions, rather than decisions which directly affect an NDIS participant's funding.

The Council therefore seeks your support to amend the Bill so that the **rules in sections 14, 47A(6) and 48(5) are re-categorised as Category A rules**, to ensure that NDIS decision making about varying and reassessing participants' plans are multilaterally agreed, providing appropriate checks and balances.

Thank you for your consideration,

Dr Jill Duncan  
Deputy Chair

CC:

1. Senator the Hon. Linda Reynolds, Minister for the National Disability Insurance Scheme

The Disability Council NSW provides independent advice to the NSW Government on policies that advance the equality, inclusion and interest of people with disability  
[www.disabilitycouncil.nsw.gov.au](http://www.disabilitycouncil.nsw.gov.au)

2. The Hon. Alister Henskens MP, Minister for Families, Communities and Disability Services (NSW)
3. Senator the Hon. Hollie Hughes, Senator for NSW