

Senate Community Affairs Legislation Committee
National Disability Insurance Scheme Amendment
(Getting the NDIS Back on Track No. 1) Bill 2024 [Provisions]

Public Hearing – 14 June 2024
ANSWER TO QUESTION ON NOTICE
National Disability Insurance Agency

Topic: Assessments required under new legislation

Question reference number: NDIA IQ24-000023

Question asked by: Jordon Steele-John

Type of Question: Spoken. Hansard Page: 34

Date set by the Committee for the return of answer: 17 June 2024

Question:

Senator STEELE-JOHN: ...Has the NDIA received any advice about the capacity of allied health professionals to undertake assessments required under this legislation?

Mr Swainson: Thank you for the question, Senator, and thank you for not forgetting about us. I will have to take that on notice. I'm not aware of any advice, but that's not to say we haven't received it.

Answer:

The National Disability Insurance Agency has not received any advice on the capacity of allied health professionals to deliver National Disability Insurance Scheme needs assessments.

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Public Hearing – 14 June 2024
ANSWER TO QUESTION ON NOTICE
National Disability Insurance Agency

Topic: NDIS plan reassessments

Question reference number: NDIA IQ24-000025

Question asked by: Jordon Steele-John

Type of Question: Spoken. Hansard Page: 37

Date set by the Committee for the return of answer: 17 June 2024

Question:

Senator STEELE-JOHN: Can I ask you to table, in the interest of time, any developing or developed practice guidelines about when you accept an action—a plan change request? Can I also ask you to table any developing or developed conversational guides about communicating with participants for when they make a plan change request?

Answer:

National Disability Insurance Agency staff use Our Guideline – Changing your plan when making a decision about a plan change request. Our Guidelines are based on the *National Disability Insurance Scheme Act 2013* and Rules. The guideline is published at <https://ourguidelines.ndis.gov.au/your-plan-menu/changing-your-plan>

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Public Hearing – 14 June 2024
ANSWER TO QUESTION ON NOTICE
National Disability Insurance Agency

Topic: Safeguards in Section 182

Question reference number: NDIA IQ24-000026

Question asked by: Jordon Steele-John

Type of Question: Spoken. Hansard Page: 39

Date set by the Committee for the return of answer: 17 June 2024

Question:

Senator STEELE-JOHN: Yes, I understand. I don't quibble with that. But you have said publicly that you would only seek to use section 182 powers in relation to a section 46 issue should it be an extraordinary case where a participant is identified to have actively engaged in fraud against the scheme, and there is no wording within either section 46 or section 182 that actually provides those safeguards that you have identified to the media, in a public comment, on this—

ACTING CHAIR: Thank you, Senator Steele-John. I'm going to ask the department to take that question on notice. I'm sorry. I know it's an important issue.

Senator STEELE-JOHN: Yes.

Answer:

Existing section 46(1) of the *National Disability Insurance Scheme Act 2013* (NDIS Act) requires spending to be in accordance with a participant's plan. Existing section 182(3) of the NDIS Act provides that if a person does not comply with subsection 46(1) in relation to a NDIS amount, an equal amount is a debt due to the Agency by the person. This is how section 182 of the NDIS Act currently operates and no changes to section 182 are proposed under the Bill.

Changes are proposed to section 46 by the Bill to require a participant who receives a NDIS amount, or a person who receives a NDIS amount on behalf of a participant, to spend the money in accordance with the participant's plan and only on 'NDIS supports'.