

Submission to Senate Standing Committees on Community Affairs

Re: National Disability Insurance Scheme Amendment (Getting the NDIS Back on Track No. 1)
Bill 2024 [Provisions]

I previously submitted a submission to the Committee. I note a number of amendments have been proposed following these submissions. Unfortunately these amendments have done little to meet my concerns as an adult NDIS Participant with a physical disability that can't be cured but can be maintained with ongoing multi-modal care to prevent deterioration of functional capacity or as the carer of adult children with neurodiversity.

My experience in the past has been for the NDIA to interpret the legislation with an adversarial approach. As a result any parts of the legislation under review are being considered from this perspective.

I note that the Bill provides for co-design and consultation with the disability community but does not mandate it. I am disappointed that the co-design groups currently being formed by the NDIA provide for a very small number of people to give feedback on behalf of more than 600,000 NDIS participants and the many more people with disability not eligible for NDIS.

In order to adequately represent the view of people with disability co-design should be mandated, not recommended, and a minimum percentage of participants involvement for co-design be prescribed.

I note the definition of NDIS supports has been amended. I am concerned that supports will be determined to be the responsibility of other parties, such as the states, without being appropriately funded or unreasonably limited to certain classes making them inaccessible to people with disability. The amendments made to the Bill have not alleviated these concerns.

What is currently provided by the State of Western Australia is insufficient to maintain my disability at its current level of functioning which will result in further deterioration to my quality of life and a contravention of my human rights. Until sufficient details are released to ensure my support needs will be adequately met I am not prepared to support these legislative amendments.

There has been little amended to alleviate my concerns around the needs assessments. When my disability is appropriately managed I would unlikely meet the requirements for support, however without those supports my functional capacity deteriorates quickly. Only an allied health professional with experience specific to my disability would be able to provide an appropriate assessment that would fully identify my needs.

The legislation provides no certainty with regards to the experience or qualifications in relation to the needs assessor, it references needs specific to the impairment rather than a whole of person approach, and has no specified rights of review or appeal. Many impairments are known to have high co-morbidity rates and it is often difficult to interpret support needs without consideration to the whole of person. This is made even more difficult when NDIS does not tell you what impairments access has been granted for.

The Australian Parliament's Joint Standing Committee on the NDIS ('JSC') Inquiry into the Capability and Culture of the NDIA in its final report released in November 2023, made a recommendation that the NDIA considers the totality of a person's disabilities. The 'whole of

person' approach aligns with the recommendations of the NDIS Review and a series of AAT decisions and yet has not been incorporated into the Bill.

I continue to be concerned with the timeframes for response to assessment requests given the difficulties in accessing specialists, the lack of clarity as to who will perform these assessments and whether the assessment tool will be suitable for my impairment type and who will be responsible for paying for these assessments.

I do not support the Bill in its current form and without the Rules and other supporting frameworks being in place am concerned the passing of this Bill will result in significant detriment for people with disability who need certainty of continuity of support.