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SUBMISSION NDIS REVIEW

The concerns raised about the NDIS legislation changes are significant, reflecting the need for clarity, transparency, and the preservation of rights for individuals with disabilities. The introduction of the National Disability Insurance Scheme Amendment (Getting the NDIS Back on Track No. 1) Bill 2024 aims to address these issues by implementing reforms based on the recommendations of the NDIS Review. These reforms should include a whole-of-person approach to participant support needs, improving service quality and safeguards, and reforming participant pathways onto the NDIS.

However, the apprehensions regarding the lack of detail in the Bill about the needs assessment process and the potential increase in ministerial power are valid. The legislation should specify who will conduct the needs assessments and how these will translate into budget allocations to ensure that participants can plan their lives with certainty. The principle of "nothing about us without us" is central to the ethos of the NDIS, and co-design should be an integral part of the legislative process to ensure that the voices of those affected by the changes are heard and considered. Co-Design should be mandated not just recommended.

Creating a plan can indeed have various implications, and it's essential to consider the impact on individuals with disabilities. Here is a breakdown of my concerns:

1. **Costs:** When creating a support plan, there are several factors to consider. While a well-designed plan can optimize costs by tailoring services to an individual's needs, it's crucial to strike a balance. Overly restrictive plans may lead to inadequate support, affecting the overall well-being of the person.
2. **Whole-Person Approach:** A whole-person approach is essential. Disabilities often intersect, and addressing only the primary disability may overlook other critical needs. A comprehensive plan should consider physical, cognitive, emotional, and social aspects, ensuring holistic support.
3. **Complex Disabilities:** For individuals with complex disabilities, a multidisciplinary team (including medical professionals, therapists, and social workers) can assess their unique needs. This team can create a personalized plan that considers all aspects of their well-being, rather than focusing solely on one disability.
4. **Rights and CRPD:** The United Nations Convention on the Rights of Persons with Disabilities (CRPD) emphasizes the rights of people with disabilities. Some key principles include non-discrimination, full participation, and accessibility. Ensuring these rights are upheld in support plans is crucial.

Collaboration between individuals, their families, and professionals is vital. By actively involving all stakeholders, we can create more effective and compassionate support plans

The proposed amendments to the Bill, which include requiring the Minister to provide a consultation statement as part of the explanatory statement for all legislative instruments made under the Act, are a step towards greater accountability and transparency. Additionally, the amendments seek to clarify and introduce additional safeguards around the exercise of information gathering powers by the CEO of the National Disability Insurance Agency.

It is crucial that any determination provides sufficient accountability and includes checks and balances to prevent the undue concentration of power. The concerns about the Minister having more power and participants having less should be addressed by shaping the Bill to ensure that the rights of people with disabilities are not only protected but also strengthened. The government's circulated proposed amendments in the Senate aim to address some of these concerns by allowing First Ministers, in addition to Disability Ministers, to agree to NDIS rules and clarify the provisions relating to the 'needs assessment'.

The ongoing Senate Committee's further consideration of the Bill, with a report due by 5 August 2024, presents an opportunity for these concerns to be thoroughly examined and for the legislation to be shaped in a way that upholds the rights and interests of NDIS participants. It is imperative that the final form of the Bill reflects the needs and aspirations of the disability community, ensuring that the NDIS continues to empower individuals with disabilities to lead fulfilling lives with dignity and independence.

Yours Sincerely

Leah Kateiva