
Committee Secretary
Senate Standing Committees on Community Affairs
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Parliament House
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Dear Committee Secretary,

As the peak disability advocacy organisation in the Northern Territory, Integrated disAbility Action, Inc. (IdA) would like to express our profound concern regarding the proposed legislative amendments to the National Disability Insurance Scheme (NDIS).

Our apprehensions align with those articulated by various advocacy groups across the nation. The proposed changes have the potential to adversely affect individuals in remote and Indigenous communities, who are already navigating considerable obstacles in accessing necessary support.

The suggested redirection of decision-making authority and the redefinition of NDIS support could result in a framework that is less attuned to the specific needs of individuals and more susceptible to bureaucratic complexities.

In response, we propose the following recommendations to ensure that the NDIS continues to deliver robust, equitable, and person-centred support:

1. Meaningful Co-design with People with Disability AND A Whole of Person Approach:

All aspects of NDIS reform must involve genuine co-design with people with disability to ensure their voices are central to the decision-making process. The Bill

This includes the **Needs Assessment and Budget Setting Process:**

The needs assessment and budget setting process should be designed to fully capture the needs of each individual and their specific contexts including may not fully account for people with multiple and interrelated disabilities, which could lead to inadequate support. We recommend the involvement of health professionals in the co-design of support plans. It should be incumbent upon NDIS and NDIA decision-makers to consider these professional opinions as the primary evidence for a participant's support needs.

This includes ensuring that the needs assessment leads to an accurate budget, provides people with the support they require, and includes safeguards such as providing people with copies of their reports, a process for identifying errors, and allowing additional information from self-assessments and input from support teams.

2. **Participant Safeguards and transparency of process:** Suspension powers should only be used as a last resort and should involve independent advocacy if they are being considered. We request a transparent decision-making process where any opposition by NDIS and NDIA decision-makers to the recommendations of health professionals must be substantiated with clear and comprehensive reasoning.
3. **Inclusive Review Process, Robust Appeals Process and Right to a New Assessment:** The Bill lacks a clear provision for participants to challenge or replace needs assessments they find inappropriate. We suggest the establishment of an inclusive review process that brings together health professionals, participants, and NDIA representatives to deliberate and resolve any discrepancies regarding the supports recommended by health professionals. We propose the fortification of appeal mechanisms for participants, enabling them to contest decisions by NDIS and NDIA that are contrary to the recommendations of their health professionals, thus ensuring the protection of their rights. The Bill lacks a clear provision for participants to challenge or replace needs assessments they find inappropriate.
4. **Limits on Support and Spending:** The Bill proposes allowing the NDIA to restrict how a participant can spend flexible funding in a new framework plan and gives the NDIA more power to deny a participant's plan management request (subclauses 32F(6)-(7) and 43(2C)). The Bill allows the NDIA to do this where:
 - (a) the participant would likely suffer physical, mental or financial harm;
 - (b) NDIS funds have previously not been spent in accordance with a participant's plan; and/or
 - (c) a circumstance to be prescribed in new 'Category A' Rules.The circumstance in (b) seems broader than is appropriate for what should be a 'last resort' power, as it would allow a single accidental instance of non-compliance to result in restrictions and controls.

These recommendations are crafted to ensure that the NDIS meets the distinctive needs of Territorians with disabilities. By adopting these measures, we can foster a more inclusive and responsive support system that truly comprehends and addresses the needs of all Australians, irrespective of their location. We urge the government to contemplate these alternatives as a means to reinforce, rather than diminish, the support available to individuals with disabilities throughout the Northern Territory and Australia at large.

Sincerely,

Janet Wright, CEO
Integrated Disability Action, Inc. (IdA)