

17th May 2024

Committee Secretary
Senate Standing Committees on
Community Affairs
PO Box 6100
Parliament House
Canberra ACT 2600

Dear Committee Secretary

RE: National Disability Insurance Scheme Amendment (Getting the NDIS Back on Track No. 1) Bill 2024

Thank you for this opportunity to make a submission to the consultation process on the National Disability Insurance Scheme Amendment (Getting the NDIS Back on Track No. 1) ("the Bill").

I am Professor of Public Service Research at the Public Service Research Group, University of New South Wales Canberra. I have expertise in policy design and implementation with a particular interest in disability policy and services. I have undertaken several research studies examining the implementation of the NDIS in terms of market stewardship, the role

established the National Disability Research Partnership.

I have a number of concerns relating to the legislation as it currently stands and the belief that it has the potential to detrimentally impact current and future participant experiences of the scheme and the supports that they receive. Moreover, some of these changes may also be counterproductive to the efficiency of the scheme. Some of these changes would put the scheme at odds with the growing international evidence base about what is needed to make individual funding schemes for disability effective and efficient. Below I outline specific concerns alongside recommendations that should mitigate these.

Co-design of reforms

The NDIS Review states that changes to the NDIS must be genuinely co-designed with people with disability. However, there has yet to be a Government response to either the NDIS Review or the Disability Royal Commission findings. Despite this lack of formal response or the publication of an implementation plan, the Bill suggests that legislative reform has started and the implementation process has begun. This stands in contrast to commitments to co-design of the scheme. This Bill lacked co-design with the disability community and an exposure draft for comment from the sector. Furthermore, the short timeframe of this inquiry means that people with disability, their families and representative organisations need more time to engage and understand these reforms. This is particularly the case for individuals with disability who are significantly marginalised and who often encounter barriers in having their voices heard.

As previous reform efforts within the NDIS have demonstrated, a lack of co-design can lead to changes either not having their intended impacts or having unintended consequences as they do not fully take into consideration all potential factors within the lives of scheme

assessments in a culturally sensitive and informed way. These requirements are not currently stated in the Bill.

The Bill does not state that the decision of the NDIA to rely on a needs assessment report in preparing a statement of supports as a reviewable decision. This means there is also a lack of a mechanism for decisions to be internally reviewed by the Agency (Section 99). There should be a clear provision within the legislation to allow individuals to appeal if a needs assessment has been of poor quality. Without there is a lack of ability to refer to the Administrative Appeals Tribunal for external review.

Recommendation 2:

Recommendation 13:



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