

NDIS Consultations

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Re: National Disability Insurance Scheme Amendment (Getting the NDIS Back on Track No. 1) Bill 2024: Consultation on draft lists of NDIS Supports.

Guiding Questions

1. Do you think the draft list of NDIS Supports covers the kinds of disability supports you think should be included?
 - If not, what changes would you suggest?
2. Are there goods or services on the draft exclusion list that you think shouldn't be there?
 - If yes, please list in order of importance
3. Do you have any further feedback or concerns with the draft NDIS support lists?

About Spinal Cord Injuries Australia

SCIA provides specialty knowledge in Spinal Cord Injury and similar neurological conditions, and broader knowledge and experience across physical disability. SCIA was founded by people with acquired spinal cord injury in 1967. Today people with disability still largely lead our organisation.

People with disability make up 35% of our employees and a further 25% of employees have a close family member with disability. Over 50% of our Board of Directors have disability and we represent 3000 members across Australia who have spinal cord injury or neurological condition and their *families*.

SCIA is committed to speaking up about every day needs and issues of our members and community. Our NSW Advocacy Advisory Committee, our 300-member advocacy network and our 3000 members inform our advocacy and recommendations.

SCIA welcomes the consultation regarding the draft list of NDIS Supports. NDIS supports are a critical foundation for people with disability that enable independence and participation including activities of daily living and community participation.

The importance of co-design

In SCIA's submission to the Getting the NDIS Back on Track Bill, April 2024, we wrote:



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“It is critical that:

- a. there is sufficient flexibility within the definition of a *NDIS Support* and that the addition of a prescriptive category list does not impede the stated goal of *choice and control* that underpins the NDIS.
- b. people with disability, their family/caregivers and representative organisations are engaged to determine what is and what is not a NDIS Support.”

We feel that our calls, and the calls of others for codesign seem to have been ignored. This *transitional list of supports*, which will be in use for an unspecified period, make detrimental assumptions about what is a reasonable support. This places an unfair burden on people with disability to explain how their needs meet the possible ‘carve outs’ in the list.

The needs of people with disability, like the needs of the entire population are varied. The strength of the NDIS is the person-centred approach that acknowledges that a person with disability has choice and control and understands their needs.

SCIA is concerned that, while endeavouring to clarify the concept of NDIS Support (as recommended in the NDIS review) and to eliminate fraud, the proposed list will, in fact, undermine people with disabilities right to choose the support that is most cost effective and that gives them the best opportunity to meet their personal goals as defined under the scheme.

NDIS Supports

It is understood that the list has been developed to promote consistency however many people with permanent and complex disability have spent years learning what specific assistive technology and other supports are required for activities of daily living.

In a recent Service Provider Survey¹ 68 SCIA members shared their personal experience of engaging with service providers. Within this group 34% received over 20 hours of supports each week including personal care, domestic assistance, transport, medical (e.g., nursing / physiotherapy) and community participation. Of note, members rated their experience working with service providers at 5.6 on a scale of zero to ten. Many members are looking for ways to reduce their reliance on support workers through technologically creative approaches. Thus, a prescriptive list that includes “in” and “out” supports is cause for careful consideration.

This is best exemplified by a member who explained their strong preference to prepare their own meals rather than having a support worker prepare meals. They are currently able to do this through purchasing kitchen appliances such as a Thermomix or a Slow Cooker and pre-cut meat and vegetables. This solution not only offers improved choice and control but also greater value for money. Whilst the ‘carve outs’ identified in the list of supports do enable a participant to explain this preference, it is incumbent on the participant to provide further explanation, this creates additional administration and burden on the participant and the scheme which over time will increase the cost of the scheme. There should be a better way to allow for a participant to identify their own value-for-money solution.

The list of things that are not supported rely on assumptions and value judgements that may look fair on the surface but, in practice, may limit a person’s ability to participate in their community. For example, in SCIA’s Peer Support and Resilience Programs, people are encouraged to consider what



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used to bring *meaning and purpose* in their lives and consider re-engaging with such activities. Evidence suggests that engaging in things that bring meaning and purpose can reduce depression and pain and boost wellbeing².

On the list of exclusions (the “out list”) are services such as memberships for general recreational clubs, memberships to general sporting associations or the purchasing of associated equipment. Whilst it is reasonable to create a boundary outlining that “mainstream services” are not eligible for funding in the NDIS, in some cases, this ruling will act in direct opposition to a person participating in their community. The alternative, to attending a disability specific association may not be desirable or more economical.

Additional items in the “out list” such as electricity generators or batteries are items that, for people who rely on electricity for survival (hoists in and out of bed, air pressure mattress etc), are vital for emergency situations such as bushfires and floods. Including these items on the “out list” appears to contradict the NDIS Emergency and Disaster Management Practice Standard introduced in 2021 which recommend organisations support “individual safeguards associated with emergencies and disasters”³.

The proposed prescriptive list risks setting up a system whereby people with disability are required to argue their case for their preferred supports and contrasts with the recommendations of the NDIS review of flexible budgets with few limitations supported by trained needs assessors.

An Alternative Approach

Built into the current proposed transitional draft list of NDIS supports is an assumption that people with disability are not able to determine what is reasonable for their participation and wellbeing within an agreed budget.

We recommend that, rather than beginning from a position of prescribed supports that are “in” or “out”, a more person-centred approach is desirable – one that offers a flexible needs assessed budget combined with a trained support person to assist if further clarity is required.

We recommend that the ‘out list’ be limited to specifically illegal or unhelpful items and the ‘in list’ be broad and based on allowing people to use their agreed budget on items that facilitate participation in activities of daily living and the broader community.