



Brotherhood of St. Laurence
Working for an Australia free of poverty

National Disability Insurance Scheme Amendment (Getting the NDIS Back on Track) Bill 2024 [Provisions]

Brotherhood of St. Laurence

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For further information or to discuss this submission, please contact:

Susan Hall

Director
Disability Services
Brotherhood of St. Laurence
0400 194 234
Susan.hall@bsl.org.au

Tanya Oxlade

Head of Programs and Innovations
Disability Services
Brotherhood of St. Laurence
0491 052 062
Tanya.Oxlade@bsl.org.au

The Brotherhood of St. Laurence and NDIS

The Brotherhood of St. Laurence (BSL) is a social justice organisation working towards an Australia free of poverty. Our purpose is to advance a fair Australia through our leadership on policy reform, our partnerships with communities, and the quality of our services.

As an NDIS Partner in the Community (PITC), BSL supports NDIS participants as well as people with disability who are not NDIS participants.

Our approach is informed directly by people experiencing disadvantage and uses evidence drawn from our research, together with insights from our programs and services, to develop practical solutions that work.

BSL Comments

Proposed legislative amendments

BSL notes this is the first in a series of legislative changes the Australian Government will make in response to the 2023 Independent Review into the NDIS (the NDIS Review). The NDIS Review called on Australian governments to commit to creating a unified ecosystem that supports people with disability. However, the federal government has not yet released a formal response and implementation plan to the NDIS Review. Rather, this 'first-in-a-series' of changes is being proposed

in advance of government setting out the wider unified ecosystem. BSL welcomes the government taking action to implement the NDIS Review but our ability to comment on the merits of the proposed changes is limited without further information on the plan for implementation of the recommendations. We are concerned that approaching the reforms in this way increases the risk that future changes are made in a piecemeal manner that creates unintended consequences. The importance of this is heightened by the NDIS review which noted “...all recommendations and actions must be implemented as a package to achieve a more inclusive and fairer Australia for all people with a disability”.¹

For example, if eligibility requirements for NDIS funding packages are tightened before supports outside the scheme are in place, there is a risk that participants and people with disability would be left ‘stranded’ without adequate support. This would have negative consequences for people with disability and for the credibility of the scheme and the reform agenda. The timing and sequencing of reforms will need to be carefully managed to minimise risks and maximise the likelihood of success.

BSL recommends that government release a formal response and implementation plan to the NDIS Review as soon as possible to ensure reforms are advanced in a coherent, coordinated and transparent manner.

Further, the Royal Commission into Violence, Neglect and Exploitation of People with Disability (DRC) made 222 recommendations to support the independence of people with disability and their right to live free from violence, abuse, neglect and exploitation. Government has not yet released a response. It will be important to ensure that policy responses and the implementation of changes brought by the NDIS Review and DRC are coordinated and aligned.

BSL recommends that government release a response to the DRC as soon as possible.

Recommendation 1: BSL recommends that government release a comprehensive and detailed formal response to the NDIS review and the DRC as soon as possible.

Budget measures

The 2024–25 Budget announced both spending and savings measures allocated to the NDIS.

Savings measures exceed \$14 billion over four years from 2024–25, and are linked with the NDIS Amendment (Getting the NDIS Back on Track) Bill 2024 No. 1². However, the nature of these savings is not detailed – further contributing to uncertainty noted above and increasing the importance of a full government response to the NDIS review.

Spending measures directed at NDIS consultation, design and implementation include³:

- \$129.8 million over two years from 2023–24 for design and consultation work to respond to the findings of the Independent NDIS Review
- \$20.0 million over two years from 2024–25 for initial design and consultation work on reforms to help participants and people with disability navigate services

¹ [Working together to deliver the NDIS. NDIS Review: Final Report](#) p. ii.

² [Budget Paper No. 1](#), p. 7 and [Budget Paper No.2](#), p. 173.

³ [Budget Paper No.2](#), p. 172.

- The Government will also establish a NDIS Implementation Advisory Committee and a NDIS Implementation Working Group, to oversee implementation of reforms recommended by the Independent NDIS Review and agreed by Government.

BSL's role as a PITC positions us to be a willing and constructive contributor to these initiatives as they are advanced and to support the involvement of people with disability.

Recommendation 2: That government consults BSL and other relevant agencies as NDIS budget initiatives are advanced and implemented.

Supported areas of focus

Noting and emphasising the limitations above concerning uncertainty, BSL welcomes measures in the Bill that offer potential for greater clarity, certainty and flexibility for participants in the following areas:

- Clarification of NDIS access arrangements and pathway options (namely disability and early intervention).
- Increased clarity and flexibility about how budgets can be used by participants (and plan nominees).
- Greater clarity about how budgets are linked to a participant's disability and/or the functional impact of their disability.
- Plans being made easier for NDIS participants to understand.

Further work and deep consultation needed

The DSS information session, Getting the NDIS Back on Track Bill – Information Session 3 (11 April 2024), advised that the Bill enables changes to the NDIS, however substantial additional work will be required (both legislative and non-legislative) to give effect to any decisions made by government in the future.

As a PITC, BSL supports more than 61,000 NDIS participants as well as people with disability who are not NDIS participants. In its engagement with people with disability – both within and outside the NDIS – BSL observes that the Bill's 'enabling' approach is creating significant concern and anxiety due to uncertainty around possible future changes.

These concerns come on top of existing change and uncertainty for people with disability associated with implementation of the 3P (Participants, Platforms and Processes) delivery model introduced by the National Disability Insurance Agency (NDIA) in November 2023. Additional uncertainty around possible future changes can lead to increased testing of access and requests for plan changes.

Greater clarity from government and deep consultation with the disability community is needed. There are significant concerns about NDIS changes in the areas set out below. These need to be addressed.

- The nature of the early intervention pathway – particularly for children and people with psychosocial disability.
- The processes for reassessment of participant status and revocation of eligibility.

- The nature of eligible NDIS supports – inclusions and exclusions.
- Changes to plan-management status.
- The deep consultation and co-design process (with the disability community) for future government decisions.
- Ensuring that choice and control for participants is protected and defended, particularly in relation to the implications of provider registration and as-yet unwritten rules.

Recommendation 3: BSL recommends that government engages in deep consultation with the disability community to address concerns and identify areas where further detail and clarification is required.