

Speak Out Association of Tasmania



Response to the Proposed NDIS legislative improvements and the Participant Service Guarantee

7 October 2021

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Speak Out Association of Tasmania, also known as Speak Out Advocacy is a state-wide, independent, non-government organisation that aims to develop a respectful and inclusive community by promoting and defending the rights of people with disability.

Speak Out provides individual and systemic advocacy. We use rights-based advocacy as an educative tool to community, government and services. Trends from our advocacy work informs our systemic work and drives systems change in education, community, government and with service providers; at local, regional and national levels.

We are also a membership organisation for people with intellectual and cognitive disability and are the Tasmanian agency member for Inclusion Australia: National Council on Intellectual Disability. Our Self-Advocacy groups and Peer Support groups meet each month across the state. They provide peer support, information and support to understand and exercise rights; and a gateway to access information and participate in the community.

Speak Out welcomes the opportunity to provide a brief Response to the Proposed NDIS legislative improvements and the Participant Service Guarantee.

Due to the short 4 week consultation period and limited Easy Read materials, we have been restricted in following our usual processes to maximise the involvement of people with intellectual disability:

- Learning about the issues
- Producing additional resources
- Undertaking an in-depth consultation with our members
- Producing a draft Easy Read submission
- Checking and clarifying content with members
- Final submission of a fully accessible Easy Read document.

Consequently, this document presents the key information and opinions expressed from a small focus group of Speak Out members and disability advocates.

These perspectives align with the submissions of PIAC and Inclusion Australia.

Speak Out endorses both these **Responses to the Proposed NDIS legislative improvements and the Participant Service Guarantee**

Tune Review Recommendations

Many Speak Out members actively participated in the consultations for the Tune Review.

We are pleased to see their voices and those of others with disability recognised and reflected in the proposed changes.

Positive responses

We welcome the proposals to:

- insert timeframes into the Act and Rules, including timeframes around access, participant plans and internal reviews
- require annual reporting by the Commonwealth Ombudsman to review the NDIA's performance against the Participant Service Guarantee, as well as in relation to participant experience
- clarify the language around the different types of 'reviews' which has caused confusion between participants and the NDIA
- fix the Administrative Appeals Tribunal (**AAT**)'s jurisdiction when it comes to reviewing plans which have been varied or replaced by new plans over the course of the appeal
- improve the NDIS principles, including adding co-design with people with disability, and using more inclusive language
- adopt contemporary language around psychosocial disability and acknowledge that

- psychosocial disability can be episodic but still be lifelong and require ongoing support, and
- make it easier for episodic disability to qualify for the scheme
- make payment to providers easier and enable the agency to pay providers directly
- where thin markets exist, have more flexibility so the Agency can intervene to stimulate the market
- whilst issues are @ AAT, ensure additional reasonable and necessary supports can be provided during the appeals process
- Early intervention U7 supports can be funded outside of the plan process while planning underway
- Board members being required to have 'lived experience of disability'.

Reasons for Decisions

People with intellectual disability strongly support the importance of providing reasons for decisions.

We believe however that this is a fundamental right of inclusive, transparent process and should be routinely done, rather than requiring a request.

People with intellectual disability who were consulted think it is potentially unfair and illogical to have to ask the reasons for a decision when it is known within the Agency.

“If it’s about me, I have a right to know. Some people find it hard to ask.

Why not just do it?” Speak Out member

Consequently, the need for participants to make a request should be removed, and this be included as an automatic requirement on the Agency to provide reasons for decisions to all participants who are subject to any decision being made about them. This provision should be inserted as a legislated requirement.

Discretionary Powers of the CEO

People with intellectual disability recognised some positive benefits in the ability to vary a plan with quick adjustments, enabling timely access to support, faster funding for providers, and more resources dedicated to quality planning.

They were however concerned and somewhat suspicious of the risks of increasing the discretionary powers of the CEO.

They did not think the CEO should have power to vary or reassess plans without the participant being consulted and were unanimous in thinking this was a risk to them, their plan and supports.