



Department of Social Services – Engage

Via email: [ndisconsultations@dss.gov.au](mailto:ndisconsultations@dss.gov.au)

25 July 2024

## **Uniting NSW.ACT response to the Draft List of NDIS Supports**

Thank you for the opportunity to respond to the Draft List of NDIS Supports. We note that the time frame for response was limited with this consultation and we strongly urge the government to ensure that people with disability, their representatives and providers have adequate time to respond to such significant reforms in the future.

We agree with the findings of the NDIS Review that there is a need to clarify the use of NDIS Supports to provide clarity for participants, avoid duplication of services and prevent inadvertent or intentional fraud. However, we believe that it is important to balance the need for clearer definitions with the need to allow participants to use their funding flexibility according to their needs.

### **Over-reliance on mainstream service systems**

The Draft List has appropriately identified circumstances in which other mainstream service systems should be expected to deliver disability related supports. This includes systems such as health, education, children and family services, and housing.

As a provider, we work across multiple service systems and believe that we have the experience to comment on this approach. Drawing on our expertise, we are significantly concerned that these systems are currently ill-equipped to provide support for people with disability.

The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability consistently and repeatedly found that these mainstream service systems were not meeting the needs of people with disability and, in some circumstances, could be understood as perpetrating systemic neglect. The NDIS participants that we support continue to fall through the gaps between service systems who do not have the capacity to meet their needs.

While we recognise the need to differentiate between the responsibility of the NDIS and mainstream services, simply stating the responsibilities of other systems will not change the existing and underlying problems. The NDIS Review and Disability Royal Commission provided some guidance as to how collective reform had been achieved, but to date we

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have not seen the ambitious efforts required from all levels of government to see these realised.

We appreciate that these concerns are outside the scope of this consultation but we provide them as there is a significant risk to people experiencing the most vulnerability should the gap between the NDIS and mainstream systems continue (or expand further).

### **Definition of Assistance Animals**

We note that the Draft List has limited the scope of Assistance Animals to animals which “help a participant with tasks”. This appears to have been deliberately drafted to exclude animals which provide emotional, mental and behavioural supports but are not trained in specific tasks (such as the example provided of guiding a participant through a crowded place).

As a provider, we support participants who have received funding for animals which support their disability related needs but are not specifically task trained. We are concerned that this appears to be an extension of the NDIA’s reluctance to fund assistance animals more broadly.

### **Exercise Physiology and Personal Wellbeing Activities**

We note that the definition of Exercise Physiology and Personal Wellbeing Activities does not include the use of dieticians. This is different from the current wording and would represent a change for participants and providers. Dieticians provide a critical resource for participants to support their health, wellbeing and management of disability. We would appreciate further guidance from the Department as to the role of dieticians in the future within the NDIS.

### **Assistance with Daily Life Tasks in a Group or Shared Living Arrangement**

The definition of Assistance with Daily Life Tasks in a Group or Shared Living Arrangements specifically refers to the provision of short-term accommodation and respite. Short term accommodation and respite is otherwise absent from the proposed list.

It is unclear to us if this means that participants can therefore only receive respite and short-term accommodation in group settings. We are concerned that this would adversely impact participants for whom shared living is not appropriate or safe who would otherwise be denied access to critical respite services. We strongly urge the Department to clarify how short-term accommodation and respite will be implemented and to ensure that it adequately reflects the needs of all participants.

### **Specialist Support Coordination**

As a provider, we deliver support coordination services to people with complex needs and as such, have the expertise to comment on the proposed definitions of Specialist Support Coordination and Assistance in Coordination or Management Life Stages, Transitions and Supports.

The definition of the first aligns with our experience as a provider and our responsibilities to participants to reduce complexity, connect with services, build capacity and reduce barriers to support. However, the second appears to be far more limited in scope and only refers to establishing assistance to develop skills. Support Coordination cannot only be understood as a service which develops skills but rather is far more expansive and includes enabling participants to connect with services, providing information on rights and assistance in understanding NDIS plans and generally assisting with plan implementation.

We are concerned that the limitations of the definition of Assistance in Coordination is too limited and fails to accurately capture the experiences of participants and Support Coordinators. The implementation of this definition could result in a loss of critical supports between participants and their Support Coordinators and weakens the capability of this role.

We also note that this process is being undertaken at a time when the Australian Government is considering the introduction and implementation of the Navigator function as proposed by the NDIS Review. The disability sector is already in a state of significant change and we are concerned that the confusion caused by these proposed reforms will be detrimental to participants and providers.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'L. Kinsey-Smith'.

Lisa Kinsey-Smith  
Head of Operations, Disability  
Communities