

rare voices

A U S T R A L I A<sup>®</sup>



# **RVA NDIS Virtual Roundtable**

**NDIS Provider Registration and Draft Legislation**

**16 April 2024**

# Introduction

- **Welcome**
- **Acknowledgement of Country**
- **Introductions**
- **General Principles for Engagement**
- **Lens – People living with rare disease with significant and permanent disability impacts ('severe and profound')**
- **Scope of the Roundtable**
  - **Part A: NDIS Provider Registration and Enrolment**
  - **Part B: NDIS Draft Legislation**
  - **Other Engagement**



# NDIS Provider Registration and Enrolment

- The NDIS Review Report recommends a new model of mandatory registration, or enrolment, for all providers. There would be 4 levels of provider registration available.
- There would no longer be Plan Management. Participants would use an NDIS card to pay for supports.
- Participants would only be able to use NDIS-registered or enrolled providers.
- The 4 levels of registration or enrolment for providers would be:
  - **Advanced Registration** - for high-risk supports like daily living supports in group homes.
  - **General Registration** - for medium-risk supports like high intensity daily personal activities, complex bowel care or injections, and supports with significant 1:1 contact with people with disability.
  - **Basic Registration** - for lower-risk supports like sole traders, smaller organisations, social and community participation supports, and supports with more limited 1:1 contact with people with disability.
  - **Enrolment** - for lowest-risk supports like consumables, equipment, technology, home and vehicle modifications, gardeners and cleaners.

# NDIS Provider Registration and Enrolment

## Issues

- Losing choice and control over what services participants can use.
- Thin markets, and mandatory registration further limit access to services.
- Workforce implications with registration being a barrier and supports leaving the industry.
- Unnecessary duplication of registration for professionals e.g. AHPRA, Master Builders Association, ACA, APA etc
- That provider registration and the NDIS Quality and Safeguards Commission have not been effective in protecting people from abuse.
- Increased costs of support services due to reduced innovation and not being able to use cheaper, mainstream options for support.
- Loss of access to support in regional and remote Australia, where there are minimal or no registered providers.
- Some people expressed serious concerns about this recommendation, including fears of a losing all their supports with no benefit, and increased risks and danger due to lack of supports.

# NDIS Draft Amendment 2024

## Overview

- Minister for the NDIS the Hon. Bill Shorten MP introduced NDIS legislation to Parliament on 27 March 2024.
- It's called the National Disability Insurance Scheme Amendment (Getting the NDIS Back on Track No 1) Bill 2024.
- The bill proposes significant policy reform that will impact NDIS participants.
- This legislation is based on the recommendations from the NDIS Review.
- The immediate changes arising from the Bill can be operationalised by the Agency from early 2024-25.

# NDIS Draft Amendment 2024

- The Bill contains two schedules:
  - **Schedule 1**
    - new definition of NDIS supports;
    - clarifies the process for reassessment of participant status;
    - provides for participants to transition to a new framework plan;
    - provides for new framework plans that include a flexible budget and budget for stated supports;
    - old framework plans to have total funding amount;
    - updates to circumstances in which the Agency will manage funds;
    - specification of the requirement that participants spend money only on NDIS supports and in accordance with their plan and;
    - exemptions for NDIS rules from sunseting.
  - **Schedule 2** sets out conditions on approval of quality auditors in relation to the employment of someone with a banning order against them and provides for an expansion of delegation powers with respect to compliance and enforcement powers.

# NDIS Draft Amendment 2024

- **Access** - Provide participants with a clear statement of the basis on which they enter the NDIS – disability, early intervention or both
- **Criteria** - Expand rules to access including the methods or criteria being applied when making decisions and matter which must/must not be taken into account
- **Budget Framework** - Reasonable and necessary budget framework (not the current Reasonable & Necessary Supports) – budget depends on the basis of access (disability or EI)
- **Needs Assessment Process** - Access and Budgets based on impairments
- **Definition of NDIS Supports** - Clarification of what constitutes an NDIS Support – provide a clear definition of the authorised supports that will be funded by the NDIS and those that will not; Replace APTOS – [Applied Principles and Tables of Support \(APTOS\)](#) (2015)
- **Plan Structure** –
  - Longer plans (3 to 5 years);
  - Capping on plan spend per year or per month; This reflects the reasonable expectation that participants should spend up to the limits specified in their plan – unless their needs significantly change and spend on supports needed as a result of their impairment.
  - Enable the Agency to change plan duration, plan management type and impose other ‘safeguards’ to prevent exploitation

# Other RVA Engagement

- **Foundational Supports – led by Department of Social Services (DSS)**
  - General
  - Targeted
- **NDIA Stakeholder Engagement – ongoing monthly engagement**
- **NDIS Working Groups – Neurological and Palliative Care**
- **Disability Representative Organisation Grant – still awaiting outcomes**
- **Disability Royal Commission Taskforce - led by Department of Social Services (DSS)**
- **Intersection between NDIS and Health – ongoing discussions with NDIS and State Health Departments**
- **Resources**
  - [NDIS reforms | Department of Social Services, Australian Government \(dss.gov.au\)](https://www.dss.gov.au/ndis-reforms)
  - [engage.dss.gov.au](https://engage.dss.gov.au)