

# NSW DISABILITY NETWORK FORUM

NSW Disability Network Forum Submission to:

## Discussion Paper on the National Disability Insurance Scheme Rules

March 2013

The NSW Disability Network Forum (the Forum) is pleased to provide this submission to the Discussion Paper on the National Disability Insurance Scheme Rules. Member organisations of the NSW Disability Network Forum have contributed to this submission from their areas of expertise as well as including jointly agreed positions shared within the Forum. If you require any further information or clarification, please contact the NCOSS secretariat (*contacts below*).

### About the NSW Disability Network Forum

Initiated in June 2011, the **NSW Disability Network Forum** comprises non-government, non-provider peak representative groups whose primary aim is to promote the interests of people with disability. The aim of the NSW Disability Network Forum is to provide a new avenue to build capacity within and across all organisations and groups so that the interests of people with disability are advanced through policy and systemic advocacy. The Council of Social Service of NSW (NCOSS) provides secretariat support to the Forum as part of funding from Department of Family and Community Services, Ageing, Disability and Home Care.

The NSW Disability Network Forum generally meets monthly to co-ordinate issues of significance among people with disability, make representations on disability issues in NSW to Government, advise Government and others on policies affecting people with disability and to promote issues relating to people with disability across the wider society.

More information and current reports from the NSW Disability Network Forum are available at [http://www.ncoss.org.au/component/option,com\\_docman/task,cat\\_view/gid,367/Itemid,78/](http://www.ncoss.org.au/component/option,com_docman/task,cat_view/gid,367/Itemid,78/)

### RIGHTS BASED RULES

The Rules must refer to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and the United Nations Convention of the Rights of the Child.

### SPECIFIC FOCUS ON ABORIGINAL COMMUNITIES

The Forum endorses the NSW Aboriginal Disability Network recommendations for strengthening the Rules in relation to the NDIS through the development of:

- A dedicated and continuing communication strategy for Aboriginal communities
- Active linking of Aboriginal people with disabilities to NDIS implementation agencies and services
- Culturally specific individual advocacy support
- Capacity building of Aboriginal people with disabilities and their families in relation to the Person Centred Approach

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- Culturally specific systemic advocacy with the NDIS implementation, so as to provide early warning of emerging difficulties

## PRIMACY OF EXISTING LEGISLATIVE FRAMEWORKS

The Rules must compel the CEO to act in the best interest of the person with disability rather than with the competing interests of the NDIS in mind. The Rules must be clear that the Commonwealth, State and Territory legislative frameworks cannot be overridden by CEO decisions. Where Guardianship orders have been granted, these must be adhered to and if there is a problem, then the CEO should pursue the matter with the relevant authority. If a participant requires a guardian, the relevant jurisdictional authority should be contacted. In the case of Children's issues, the relevant state and territory laws regarding child protection must be paramount. Decisions regarding Parental Responsibility for children with disability must also fall to the relevant state and territory rather than the CEO of the NDIS Agency.

These processes ensure the independence of the decision-making processes.

Further, the jurisdictional legislative frameworks have been developed over time and provide a level of arms-length safeguards for the Agency and participants. Where these jurisdictional frameworks may require updating or amendment, the NDIS Agency should initiate this process.

The Forum contends that, when the NDIS Bill has been enacted, there should be a review of all state and territory legalisation affected or likely to be affected by the provisions of the NDIS and a strategic plan put into place for appropriate action through COAG.

## INFORMATION AND REFERRAL SERVICES

*What sorts of general information and referral services should the Agency provide for people with disability who approach the NDIS?*

The Forum warns of the dangers in making referrals to favoured providers where business is channelled preferentially and may be unfair to other non-referred providers.

The Forum is concerned that the Agency must have responsibility to actively alert people with disability to the benefits of the NDIS and supports available to them. An "open door" policy will not be sufficient to address inequities among some people with differing types or levels of disability, among people in some cultural groups and people living on the margins, including people in insecure housing, people who are in contact with the justice system, people without significant relationships and people with disability who are parents. The Forum advises it is important that the NDIS actively extends this assistance to children and young people with disability in the child protection and out-of-home-care systems and their parents, carers and families.

*What guidance should the rules provide the Agency about how to support people in referring them to community or mainstream supports, or to other support systems?*

## Independent information and independent advocacy

The Forum strongly urges that the Agency refers participants to independent information and advocacy providers. These independent information providers can support participants with

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information on a range of options to make informed choices as well as perhaps possibilities not previously considered.

## **Informed referrals**

When making referrals to community or mainstream supports, the Rules should compel the Agency to check with the potential provider on behalf of the participant regarding their eligibility, their priority and the capacity to provide supports. In this way, the participant is saved from incorrect referrals, unnecessary provision of personal information and unfulfilled expectation.

## **CAPACITY BUILDING and DISABILITY SUPPORT ORGANISATIONS DSOs**

*What guidance should the rules provide the Agency about funding of persons or organisations so that those persons or organisations may assist people with disability to realise their potential, and participate in, all areas of life*

The Forum is vitally concerned at the absence of mention of Disability Support Organisations (DSOs) or similar. Such organisations will be ideally placed to assist the participant (and their family or chosen supporters) to improve their own skills and resources in decision-making towards an inclusive life.

The Rules should guide the Agency to fund organisations that can assist people with disability to realise their potential and build their own capacity. These organisations will have the following features:

- Conflicts of interest are minimised, ie. not regulatory bodies or service providers
- Strong and demonstrable commitment to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)
- Employment of people with disability at all levels
- In depth knowledge and expertise in how to develop a good life with people with disability

## **AGE REQUIREMENTS**

*Should the rules also set out the types of information the Agency will need to establish that a person meets the age requirement?*

The Rules should include people who acquire a non-age related disability at or after the age of 65 years, especially those for whom the age care system does not provide suitable responses, for example: motor neurone disease, multiple sclerosis, sensory disability and spinal cord injury. The Rules should set out how the NDIS will support the disability-related issues while the aged care system could support their age-related needs.

## **RESIDENCE REQUIREMENTS**

*What factors should be taken in to account in deciding whether a person meets the residence requirements?*

The NSW Disability Network Forum recommends that it makes good economic and logistical sense to provide the NDIS to anyone in Australia who needs it, including refugees.

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## CONTINUITY OF SUPPORT

*What factors should be considered in deciding whether the NDIS should provide continuity of support to someone who has been receiving assistance under other programs, but who would not otherwise be eligible for NDIS support?*

The Forum considered the time period during which previously existing supports were received and the programs delivering them.

To ensure the continuity of service for people with disability using community care services initially in the Hunter, the Forum advises that from the 1 July 2013 anyone in the catchment location is entitled to the NDIS who :

- has been assessed and has been told to expect a service (while the referrals to service providers are managed). They may not yet have received a service but their service is imminent.
- is receiving a community care service

The Rules should also provide specific guidance for the assessment and alternative support options for people with disability currently living in residential aged care.

## DISABILITY REQUIREMENTS

*What criteria/factors should be taken into account in determining whether a person meets the disability requirements?*

The Forum considered the following factors should be taken into account:

- the person should be able to self-assess and report the impact of their disability
- the disability should be 'long-term', rather than 'permanent'
- "Substantially reduced functional capacity" should include people who do not always need help with activities. It should include people who require assistance with food/meal preparation, housework, and some activities such as banking or shopping. It should also include people who cannot use public transport without assistance, and people with limited mobility.
- People with disability on the margins for whom their circumstances could exacerbate the impact of their disability, including people without significant relationships, homeless people with disability, parents with disability, people with disability in contact with the justice system and children and young people with disability in out-of-home care.

## ASSESSMENTS

*Should there be any guidelines on people being able to provide existing assessments to meet the disability requirements?*

Assessments under the NDIS should start with a self-assessment; this will be sufficient for most people with disability under the NDIS. Guidelines must stipulate this. Where existing prior

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assessments are available, these can be provided if conducted within an identified time period, which will be different for adults and children.

## Assessors

*What should be considered in developing a rule on the types of persons who should conduct assessments?*

Where an assessor would be required to conduct an assessment, the assessor must have the following knowledge, skills and attributes:

- Demonstrated understanding of the Objectives of the NDIS and the practical applications of Objectives of the Act
- Demonstrated knowledge and understanding of the social model of disability
- Expertise in the supports that people need to overcome barriers
- Demonstrated knowledge and commitment to UNCRPD
- Non-medical based. (Agency can ask for medical records.)
- Assessment should be done within a set of principles that cover rights and allow decision making

*What should be considered in developing a rule on the kinds of assessments that could be provided or undertaken as part of meeting the disability requirements?*

## Self-assessment

Self-assessment is essential to the person-centred principles of the NDIS and must be the starting point for assessments to meet disability requirements. An effective self-assessment tool would have the following essential features:

- be clear and transparent for users,
- consistent across locations,
- consistent in measurement of functions and impact of disability
- be accompanied by support where necessary with clear information
- could be collated for review and improvement over time and
- provide ownership by the person with disability
- what is being assessed, why and how would be explained at the start
- communication and other supports such as information and advocacy should be offered to ensure best outcomes for potential participants and NDIS.

## FUNCTIONAL ASSESSMENT

*How can we make sure the rules determine disability on the basis of a functional assessment of what a person can or aspires to do, rather than on the basis of diagnosis?*

The Forum supports a functional assessment in preference to diagnosis. This recognises that people with the same diagnosis and the same level of impairment can have very different capacities to cope with the impacts of the disability. Consequently, it is individually respectful as well as being efficient and effective to provide varying levels of support that respond to varying functional capacities and personal circumstances.

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## EARLY INTERVENTION

*What criteria would be useful for considering the benefits of early intervention for mitigating or preventing deterioration in a person's functional capacity to undertake activities such as mobility, self-care or self-management?*

The Forum has received concerns that for some children with developmental delay there may not yet be sufficient research/evidence for early intervention measures, particularly obscure or rare genetic disorders and developing treatments and interventions<sup>1</sup>. The Rules should not prohibit the provision of NDIS funding to those children and families where short term benefits are in the interests of child and family.

Similarly, where people with disability in the early intervention category can benefit from the NDIS but the evidence for mitigating deterioration is difficult to obtain, quantify or research, this must not be prohibitive for those people to access and use the NDIS. For people with disability requiring community care style supports, the early intervention category will be particularly important and the Rules must stipulate guidance on the maintenance of functional capacity.

*What criteria should be included in the rules to assist determining if an intervention strengthens the sustainability of informal support?*

In determining the criteria regarding informal support, the Rules should take into account the circumstances of people with disability who live on the margins, including people without significant relationships, homeless people with disability, parents with disability, people with disability in contact with the justice system and children and young people with disability in out-of-home care. For many of these people, informal supports are insecure, intermittent or uncertain but access to NDIS early intervention supports could be critical to sustaining or improving their life choices and opportunities.

*What criteria should be applied to determine 'evidence-based' assessment of the benefits of early intervention?*

The Forum advises that self-assessment is the most appropriate criteria for determining the impact of an early intervention.

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<sup>1</sup> Workshop discussion and key informant interview, 13 December 2012

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## REASONABLE AND NECESSARY

*What methods or criteria should be used to determine those supports that would not be provided or funded by the NDIS, based on the criteria set out in clauses 34 and 35 of the Bill?*

The Forum proposes that the Rules have the broadest possible definition of reasonable and necessary supports to be provided under the NDIS. In particular, the Rules should provide that supports under the NDIS are:

- The person's choice and control
- Outcomes-based to enable the participant to show how the supports work towards the plans, choices and goals
- Flexible, where the participant can change supports towards a goal or trial a better way or new approach or take risks.

The criteria to determine what should not be funded under the NDIS are supports that:

- Are illegal
- Are not associated with the person's disability or the impact of disability
- Do not conform with the UNCRPD, (for example, accommodation in congregate care settings, restrictive practices)
- Would ordinarily be paid from a person's income
- Are the responsibility of another Government Department. However, the Forum proposes that where a Department fails to provide the necessary support, the Rules should enable the NDIS to provide this support to a participant. The Agency should negotiate with the Department to deliver on its Departmental obligations to the participant.

*Are there any issues that are not covered by these proposed topics for determining reasonable and necessary supports that should be?*

## Communication

Members of the Deafblind community were very concerned that communication, including supports aids and equipment, be included as a key support under the NDIS. As a basic human right, access to clear communication will enable appropriate participation in all other aspects of the NDIS for prospective participants.

## Complementary to aged care

The Forum supports non-age-related access to the NDIS by people with disability over the age of 65, in the same way that universal service obligations must support other aspects of the lives of people with disability. NDIS could fund necessary supports not provided by aged care, e.g. motorised wheelchairs, thereby opening up scope for a person to have both aged care and disability support, and promoting better interface between these sectors.

Reasonable and necessary supports should include support across the lifespan. If the needs of a person with disability change as they age, these supports should be funded. A person should not be restricted from purchasing supports from an aged care provider if that is their preferred supplier. In other words, there should be no restrictions on a person's choices that would push them inappropriately into an aged care place and out of the NDIS after they turn 65.

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## **Therapeutic supports**

The Rules should stipulate how participants can have access to and purchase therapeutic supports, in addition to functional supports. There should be a choice of therapeutic options depending on needs, along with the expertise to treat the participant or to assist the participant in their choices. Of particular importance are the choices and assistance available to people in rural and remote areas where access to services can be limited.

## **Value of leisure and recreation**

The Rules must reflect that participants' goals involving leisure and recreation are not always secondary or of lesser value than other goals. The person must indicate the relative importance of their goals and this must be respected. Self-esteem, self-respect and life opportunities can flow from all manner of ordinary experiences for people with disability.

## **UNREASONABLE RISK IN RELATION TO SELF-MANAGEMENT**

*What criteria should be used by the Agency in deciding whether there is an unreasonable risk for the participant in self-managing funding?*

## **Assume capacity**

The Forum advises that the Agency assumes that the person (and their family and/or chosen supporters) has capacity for self-management in the first instance. The Rules should stipulate the assumption of capacity unless there is a reason not to assume capacity for self-management. Reasons could include personal choice and recent history. Reasons must be determined on an individual basis, never by a class of people or by groups or stereotypes.

The Forum discussed in detail the example of a person with a history of mental health issues and what might happen when they elected to self-manage their NDIS funding. Capacity for self-management must be automatically assumed. If there was a reason to review their self-management capacity, then the review should take place and, if necessary, other arrangements put into place. When the person regains capacity, the person must have the right to resume self-management. This review of self-management capacity could sit alongside the process of review of support plans but only when necessary. The Forum was concerned that the resumption of self-management depended on the person requesting a review of their capacity to do so. The Forum contends that there should be a systemic trigger for a capacity review towards resumption of self-management.

Members of the Forum advised that this is likely to affect many people with disability experiencing varying intensities, who will exercise their choice and control through self-management of their NDIS funding, including people with brain injuries.

## **CHANGES TO SUPPORT ARRANGEMENTS**

*What flexibility should a person have in making changes to their support arrangements without requiring a review of the plan?*

## **No review without the person**

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The Rules must be explicit that there must be no review without the involvement of the participant.

## **Flexibility**

The Forum advises that the Rules should stipulate substantial flexibility to change support arrangements without triggering a review of the plan. This enables suitably accountable choice and control without becoming bureaucratically burdensome for the participant.

## **Crisis**

The Rules must provide for capacity to quickly respond to crisis. The Bill currently provides no capacity to act and change a plan in a crisis i.e. where an immediate change is necessary due to crisis.

## **Review for 65+ years**

Regarding the management of plans, a person with disability aged over 65 years who elects to remain within the NDIS should be entitled to same rights of review as a younger person and should be able to change their plan as their needs change due to ageing.

## **DIGNITY IN RISK**

*How can the concept of 'dignity in risk' inform the development of these rules?*

The NSW Disability Network Forum acknowledges that safeguards will be built into the Rules for the protection of people with disability in extreme or adverse circumstances. There are dangers that, with an automatic presumption of vulnerability, these safeguards over time become regular practice and could restrict the very choice and control that the Objects and general principles<sup>2</sup> of the Bill seek to promote. The Rules should stipulate an acknowledgement of choice of 'dignity in risk' for the person with disability.

The Forum recommends that the Rules are framed within an enabling approach rather than in a restrictive or prohibitive manner. This will avoid constantly limiting options for the person with disability rather than promoting opportunities for independence and social, economic and political participation. The staff of the Agency should support people with disability who choose to try different things and risk failure in order to succeed. The Forum also recommends that the person with disability is enabled to take personal responsibility for their decisions and thereby share some of the risk.

## **DISCLOSURE OF INFORMATION**

*Under what circumstances would you consider it reasonable for the CEO of the Agency to disclose information to a Commonwealth or state or territory authority?*

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<sup>2</sup> Sections 3 and 4 NDIS draft Exposure Bill 2012

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Existing Commonwealth privacy legislation should determine the actions of the CEO in relation to the disclosure of information. The Forum recommends that a Privacy Impact Assessment be conducted to ensure all appropriate safeguards are put into place. Further to this, there should be no release of individual information without the express consent of the person or their nominee in every instance.

## THE PERSON OWNS THEIR INFORMATION

*How do we strike the right balance between making sure people don't have to repeat their story and personal information, and making sure people's privacy is respected at all times?*

Participant's plans will contain substantial amounts of very private information about the person with disability and the significant people in their lives. Accordingly, the Agency will hold and be responsible for the security of important personal information of many thousands of people. It is very likely that service providers will require information from participants in order to deliver appropriate supports, despite information held by the Agency. The best way to overcome repetition is for participants to own, hold and be in control of their information. In this way, participants (their nominees or chosen supporters) can use, amend, show and filter information for specific purposes to specific targets as they require it.

## CRITERIA FOR SERVICE PROVIDER REGISTRATION

*What would be appropriate criteria for registering a service provider to deliver different types of supports?*

### Not limited by registration

The Forum acknowledges that the funding relationship under the NDIS will be between the participant and the government. Service provider registration should not provide a false sense of assurance to the participant regarding quality or qualifications unless these are requirements of the registration. The Forum contends that participants should be able to purchase supports from wherever best suits their needs, including mainstream, commercial, private, disability specialist and other. However, participants' purchasing options must not be limited by the registration process.

### Registration for intensive supports

The Forum agrees that a more comprehensive process of registration or accreditation should apply to providers of more encompassing supports to people with very high support needs such as accommodation support services or intensive personal care. This could involve more rigorous registration perhaps covering greater accountability, quality assurance, operations and governance compliance, and closer monitoring. Specialist service types, such as early intervention services, could also be held to professional standards. For most service providers, however, the registration process should be least restrictive.

### Fund managers not service providers

The Rules should stipulate that it is a conflict of interest for a provider of supports (service provider) to be also managing the funding for supports, and not only for the one participant. There are concerns that this could serve to restrict the options of the participant to only those supports that

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the service provider can offer. The Forum contends that a provider of supports must remain separate from a funds manager.

## **Open registration**

In order for participants who use the Agency as their funds manager to access mainstream and other providers, the Rules should be more explicit in enabling the inclusion of disability support organisations, mainstream organisations, personal and informal supports and other entities to become registered providers of supports.

## **CHILDREN**

In addition to the UNCRPD, the Forum recommends that the Rules acknowledge and commit to the UN Convention on the Rights of the Child.

## **APPOINTMENT OF A PERSON NOT A PARENT TO ACT ON BEHALF OF A CHILD OR YOUNG PERSON**

*What criteria would a decision-maker need to take into account to appoint someone other than a parent to act on behalf of a child or young person?*

Commonwealth and state legislation provide for the appointment of someone other than the parent to act on behalf of the child or young person. The CEO must not have the capacity to override jurisdictional laws. If there are issues regarding parents of the child or young person with disability then the appropriate child protection legislation must be brought into effect. Where a child has a nominee, however, the Rules should stipulate the duties and responsibilities of those nominees as for the adults under the NDIS.

## **CRITERIA FOR THE DECISION TO APPOINT A NOMINEE**

*What criteria should guide the decision to appoint a nominee?*

### **Assume capacity first**

Regarding decisions about whether a person has capacity to make decisions, the Forum advises that the Agency should always assume capacity in the first instance. Where a nominee is needed or requested, the person should participate in the choice of nominee.

### **Guardian as nominee**

Further, existing Federal and State legislative frameworks should not be displaced in the process of determining whether a nominee is required. Section 88 (4) in the draft NDIS Bill suggests that the CEO is not compelled to appoint an existing guardian as a nominee. Where a guardian exists, the Rules should stipulate the guardian should be appointed as a nominee according to the participant's wishes. [If there is a problem, then that problem must be appropriately resolved, not simply avoided by the appointment of an alternate nominee which could serve to compound the problem for the participant.] If a nominee exists and a different person is appointed as a guardian, then the guardian should become the nominee.

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## **Maintaining “persons responsible”**

The role of family relationships and “persons responsible” must continue to be acknowledged and respected under the NDIS. The Forum warns, however, there is a danger that these relationships could become too formalised as a regular part of bureaucratic processes. Consequently, the Agency **must not require** that family relationships and “persons responsible” become regularly formalised into guardianship arrangements. This should only be triggered for a particular person when there is a specific reason to do so.

## **No conflict of interest**

The Rules must stipulate that a person’s nominee cannot be an employee of the Agency or a service provider.

## **Culturally appropriate nominees**

The NSW Aboriginal Community Care Gathering Committee has developed a range of policy statements designed to improve the provision of supports to people with disability and older people. The latest version *Challenge Change and Choice 2011*<sup>3</sup> contains a chapter on Aboriginal and Torres Strait Islander people with disability. The Gathering Committee insists that Aboriginal people with disability must be offered the choice of Aboriginal nominees by the CEO. The NSW Disability Network Forum contends that this provision must also apply to people from other cultural and language groups. The Rules should stipulate that participants must be offered the choice of culturally appropriate nominees.

## **People without family**

The Rules will need to take into account that there will be significant numbers of people with disability who will not have a family member or significant person who is willing and able to act as a nominee.

## **REVIEW OF APPOINTMENT OF NOMINEE**

*Should the appointment of nominees be for a fixed period or should there be a regular review of the arrangements to ensure the person with disability is satisfied with their nominee arrangements?*

There should be regular reviews of nominee arrangements.

The NSW Disability Network Forum contends that where the nominee/person has maliciously caused severe harm, or where the CEO believes this was intended, the CEO must be compelled to make a report to the authorities, not just suspend or cancel the nominee appointment.

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<sup>3</sup> Available at <http://ncoss.org.au/resources/120704-challenge-change-choice.pdf>

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The Rules must require the CEO to give reasons and/or explanations for the contents of the notices regarding the cancellation or suspension of the appointment of nominees. (Section 90)

## COMPENSATION

*How should compensation payments for care and support be treated in working out how much care and support should be provided by the NDIS?*

The Forum recommends that, where a person has decided not to seek compensation but the CEO requires it, the person can cede their compensation rights to the Agency to act on their behalf. However, the Agency must manage this situation very sensitively and with compassion because, in deciding to pursue a compensation case, the CEO could still re-traumatise the person with disability and their family in the interests of financial gain.

The Agency CEO should beware of potential for negative outcomes of a requirement to seek compensation. For example, the pursuit of a compensation case for medical or other negligence at or after birth could cause irreparable damage within the family, resulting in rifts in the personal and social support networks that the person with disability values and relies on and that the NDIS seeks to promote and strengthen.

In these cases, the prospective participant if eligible for the NDIS should be treated as any other NDIS participant, with no additional waiting times or requirements.

## *Other Matters:*

### **Complaints and Appeals**

The Rules should stipulate a complaints and appeals mechanism for the operations of the Agency itself, how it interacts with the mechanisms in the Bill, and what is expected of suppliers of supports in relation to participants.

### **Others to accompany**

The Rules must allow an NDIS participant to choose who accompanies them to an NDIS-related appointment. The Exposure Draft of the Bill seems to indicate that participants can only be accompanied by a nominee to assessments or examinations (refer section 85). In actuality, people with disability choose different people to accompany them on different occasions, like anyone else. Similarly, an NDIS participant must be able to be accompanied by any person of their choosing. This is in addition to the nominee status described in the Bill. This provision will be especially important for some people, for people in specific circumstances and for people in particular cultural groups.

### **Required formats**

The Rules must stipulate that all notices are provided in the required formats and also in the manner most likely to be understood by the participant. (Section 7)

### **Agency not to act as a fund manager**

The Agency is a Commonwealth statutory authority and is required to use Commonwealth procurement processes to purchase services. Accordingly, the Agency is limited to purchasing supports on behalf of a participant only from registered providers of supports. Participants who use

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other fund managers can purchase supports from wherever is most suitable. The Forum is gravely concerned that this will effectively limit options for choice and control of the people whose funds are managed by the Agency. Consequently, the Agency should **not** act as the purchaser of services and supports for a person with disability. Therefore, the Agency must recommend that the person uses an independent fund manager who is not limited to registered providers of supports and who can purchase supports according to the person's choice and requirements.

## **Evaluation Framework**

If the Agency role continues to include fund manager, the Forum is interested in the comparison of outcomes for people using different fund managers. The Forum recommends that the NDIS evaluation framework includes the collection of data on the breadth of outcomes and activities of plans and options by participants using the Agency as fund manager (thereby only purchasing from registered providers of supports) and compare this to outcomes and activities of plans and options by participants self managing or using other fund managers and not limited to registered providers. If there is a difference in the quality and scope of outcomes, this will indicate the relative impact of different purchasing methods.

## **Matters relating to access requests**

The Rules should stipulate the provision of financial assistance and other considerations where necessary to people from whom the CEO requires additional information. (Section 19)

## **CEO to give reasons**

The Rules must require the CEO to give reasons and/or explanations for the contents of any notices to participants and nominees.

## **Functions of the Board**

One of the necessary and explicit functions of the Board must be to receive advice from the Independent Advisory Council. This must be explicit in the Rules. (Section 124)

# NSW DISABILITY NETWORK FORUM

## CONCLUSION

The NSW Disability Network Forum appreciates the opportunity to provide input to the Discussion Paper on the National Disability Insurance Scheme Rules.

If you require any further information or clarification, please contact the NCOSS Senior Policy Officer, Christine Regan at [chris@ncoss.org.au](mailto:chris@ncoss.org.au) ph. 02 92112599 ext. 117

### NSW Disability Network Forum Member Organisations:

Aboriginal Disability Network NSW	NSW Consumer Advisory Group - Mental Health
Association of Blind Citizens of NSW	NSW Council for Intellectual Disability
Brain Injury Association NSW	NSW Disability Advocacy Network
Deaf Society of NSW	People with Disability Australia
DeafBlind Association NSW	Physical Disability Council of NSW
Deafness Council (NSW)	Positive Life NSW
Institute For Family Advocacy	Self Advocacy Sydney
Intellectual Disability Rights Service	Side By Side Advocacy Incorporated
Multicultural Disability Advocacy Association of NSW	Council of Social Service of NSW

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