

# Mind Australia Limited

## Submission

**NDIS Amendment (Getting the NDIS  
Back on Track No.1) Bill 2024**

## About Mind Australia

Mind Australia has supported people experiencing mental health and wellbeing challenges to find help, hope and purpose in their lives for more than 45 years. We provide individualised, evidence-based and recovery focussed support to more than 11,000 people experiencing mental health and wellbeing concerns in Australia every year, including many with dual-disabilities. Mind is a registered NDIS provider, entrusted to deliver federal and state government funded services across Australia at scale.

## Submission

Mind recognizes that the NDIS Amendment (Getting the NDIS Back on Track No.1) Bill 2024 provides an opportunity for the reform of the NDIS. Mind is broadly supportive of the proposed directions of the NDIS Review and understands that the Bill is proposed as enabling legislation.

However, the timing of its introduction is not appropriate and should be delayed.

The Government is yet to formally respond to either the NDIS review or the Disability Royal Commission. It means that there cannot be any trust that the yet to be developed operational rules will follow the Review's or Commission's recommendations and/or that the Bill is being introduced in good faith. The lack of detail and commitment is creating uncertainty and a great deal of stress for those for whom the NDIS has been life changing, including because of risks that the operational rules will lead to poorer outcomes.

The NDIS review and the Royal Commission reports include very specific actions and recommendations, as well as significant supporting information which confirms the intent of these actions and recommendations. The Bill does not on its own promise that:

- The new pathways, including the psychosocial early intervention pathway, assessment tools and processes will be codesigned with people with a psychosocial disability.
- That people with psychosocial disability entering through the early intervention pathway will be able to move into the full scheme with relative ease should supports continue to be necessary.

Mind is also concerned that the passing of the Bill will set in motion the ability for the NDIA to restrict entry, through the tightening of access criteria and the creation of the early intervention pathway without first ensuring that there are alternative (foundation) supports in place. In fact, since the review's release we have already seen changes in NDIA processes which appear to be effectively reducing and/or delaying access for people with a psychosocial disability.

While Mind agrees that the NDIS should not be an "oasis" in the desert, this can only be addressed by developing supports outside of the NDIS. There is still much work to be done to firstly define and identify what these alternative supports should be and how they will be funded and delivered.

Additionally, we are aware that the new definition of NDIS supports explicitly includes rehabilitation. While this is welcomed the old Applied Principles and Tables of Support (APTOS) make it clear that rehabilitation is a State/Territory health portfolio responsibility. With the passing of the Act, we believe that people with

a psychosocial disability are potentially at risk of spending their funding on services which may or may not be appropriate, depending on which definition is being used. It is of particular concern given there is no timeframe for the replacement of APTOS with the proposed new Disability Service Agreements or guarantee that the negotiation of these Agreements will occur in a timely manner such that there is consistency across Australia. As the consequences of inappropriate spending are significant this is of concern.

We ask that the Senate Select Committee:

- Delay the passing of this Bill until such a time that the Government has made a clear and committed response to the NDIS Review and the Disability Royal Commission so that proper consideration of the impact of the Bill can be determined.
- Hold the Government accountable to resourcing (financially and technically) quality codesign and coproduction of the operational rules, as well as the tools and processes that will be employed to support the change.
- Ensure that the Bill does not result in restriction of access before alternative supports and services are in place.