



Response to the Proposed NDIS Legislative Improvements and the Participant Service Guarantee

Polio Australia thanks the Australian Government for the opportunity to provide a submission regarding proposed legislative changes to the National Disability Insurance Scheme (NDIS).

About Polio Australia

Polio Australia is a peak body organisation representing thousands of Australians with physical disability related to polio and its late effects.

There are two main disability groups in the polio community. The first group is those who acquired polio in the twentieth century in Australia and are now ageing with their disability, many also experiencing significant progression of their condition due to Post-Polio Syndrome/Late Effects of Polio. While most of these people are ineligible for the NDIS due to the age cut-off, there are some NDIS participants in this cohort.

The second group is people who acquired polio internationally before migrating to Australia and now live with some level of disability. These people may be of any age, as there are many parts of the world where polio either still exists or was eliminated only recently. Many of those who are younger now will also experience a progression of their disability later in life.

Response to proposed legislative changes

Polio Australia has endorsed the more comprehensive submission provided by the Australian Federation of Disability Organisations (AFDO). This submission from Polio Australia is in support of the issues, commendations and concerns raised by AFDO, and will focus on those areas of the proposed changes pertinent to the polio community.

Polio Australia appreciates the opportunity to consult on proposed legislative changes to the National Disability Insurance Scheme (NDIS). However, Polio Australia echoes many in the disability sector in raising the short timeframe for consultation, particularly given the volume of complex legal documentation attached to the proposed changes.

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Along with, and in support of, the recommendations submitted by AFDO, Polio Australia would like to submit the following comments and recommendations:

1. **Annual reporting by the Commonwealth Ombudsman** – Polio Australia supports the proposed changes to grant the Commonwealth Ombudsman power to review the NDIA’s performance against the Participant Service Guarantee.
2. **Clear timeframes** – Polio Australia welcomes the proposed changes to increase the clarity and appropriateness of timeframes for decision-making, plan development and internal reviews.
3. **Increase in CEO’s discretionary powers** – Polio Australia recommends that any changes to the discretionary powers of the CEO be aligned with the recommendations of the Tune Review.

We are particularly concerned about the possibility for a participant’s plan to be reassessed or varied at the CEO’s discretion without consultation, as described in section 47A. We recommend clarity around this section to ensure that any variations to a participant’s plan are transparent and consultative.

4. **Changes to the “Becoming a Participant” Rules** – Polio Australia commends the increased clarity around permanency of disability for people with psychosocial disabilities.

Polio Australia would also like to take this opportunity to state that disability from polio is permanent, and that disability from Post-Polio Syndrome/Late Effects of Polio is permanent, progressive and fluctuating in nature. Along with the increased allowance for inclusion of people with psychosocial disability, Polio Australia recommends further clarity, and consistency, around the inclusion criteria for people with physical, virus-generated disability such as polio and its late effects.

We would also like to express our continued disappointment that a person’s age being over 65 is grounds for automatic exclusion from the NDIS, especially

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given the large number of people who have lived with polio disability for several decades but were excluded due to age simply by the misfortune of NDIS roll-out dates.

5. **Payment of supports** – Polio Australia is concerned that lack of clarity in the proposed amendment to section 45 could lead to uncertainty around the ability of self-managed participants to continue their existing payment method. Polio Australia recommends further clarity of this section in order to provide certainty for self-managed participants.
6. **Reasons for decisions** – the proposed provision of reasons for NDIA decisions is welcome. It is not uncommon for a person with polio disability to be informed that their NDIS applications did not meet the criteria and that a review is required, without clear reasons given.

However, Polio Australia recommends that reasons for decisions be given automatically to participants. An automatic provision of reasons would allow greater transparency and consistency with application for people with polio disability.

Once again, we thank the Australian Government for the opportunity to contribute. We look forward to an improved National Disability Insurance Scheme that is accessible and available to all people with disability.

Polio Australia
7th October 2021