

3 November 2021

Committee Secretary  
Senate Standing Committees on Community Affairs  
PO Box 6100  
Parliament House  
Canberra ACT 2600

*Via email: [community.affairs.sen@aph.gov.au](mailto:community.affairs.sen@aph.gov.au)*

**Mental Health Council of Tasmania (MHCT)  
National Disability Insurance Scheme (NDIS) Amendment (Participant Service Guarantee and Other  
Measures) Bill 2021**

MHCT welcomes the opportunity to provide a submission to the NDIS Amendment Bill 2021.

In October 2021, MHCT participated in consultations with peak community mental health organisations in states and jurisdictions across the country, to inform a submission made to the public consultation on proposed NDIS legislative improvements and the Participant Service Guarantee, facilitated by the Department of Social Services. MHCT's submission focused on the interests of participants with psychosocial disability, in particular the changes to the NDIS Act ('the Act') and the 'Becoming a Participant' rule. The full submission is available on the MHCT website: [https://www.mhct.org/ndis\\_legislative\\_changes](https://www.mhct.org/ndis_legislative_changes)

It should be noted that this Bill does not address the changes to the 'Becoming a Participant' rules, which we continue to advocate for, so we are responding herein only to our previous concerns around changes to the Act.

Broadly, MHCT welcomes the proposed modifications and additions that respond to the Tune review recommendations, including replacing the term "psychiatric condition" with "psychosocial disability".

MHCT supports the amendment to section 47A of the Act, which has been modified so that plans can no longer be varied by the NDIS without request, consultation, or consent from the participant. We welcome the stipulation that any variation must be prepared with the participant.

MHCT also supports the modifications to the Act that ensure all persons directly affected by a reviewable decision will automatically be given written notice, and the reasons for, any reviewable decision. This now more adequately reflects the Tune review recommendations and supports transparency and best-practice administrative decision-making principles.

MHCT continues to recommend that the amendments and changes to legislation are aligned with the 'NDIS National Framework for Recovery-oriented Psychosocial Disability Services', to be released in 2021.

Finally, while the principles of the Act have been updated to say that people with disability should be consulted in a co-design capacity, co-design has not been defined. MHCT suggests that genuine co-design and consultation is defined with appropriate processes and time frames in place to enable such an approach to take place.

For further discussion on any elements of this response, please contact MHCT.

Yours sincerely,

Connie Digolis  
CEO  
Mental Health Council of Tasmania