

7 October 2021

NDIS Act Review Consultations  
GPO Box 9820  
CANBERRA ACT 2610

Submitted via <https://engage.dss.gov.au/proposed-ndis-legislative-improvements-and-the-participant-service-guarantee/make-an-online-submission/>

Re Consultation on the proposed legislative changes to the *National Disability Insurance Scheme Act 2013* (the NDIS Act) and the NDIS Rules 2021 - Submission by the Australian Physiotherapy Association (APA)

The Australian Physiotherapy Association (APA) welcomes the opportunity to provide feedback on the proposed legislative changes to the NDIS Act and NDIS Rules to the Australian Government – Department of Social Services.

**The APA endorses the feedback submitted to this consultation by Allied Health Professions Australia (AHPA) on behalf of its members representing allied health professions in Australia.**

We would like to particularly stress two aspects that are of concern for the APA.

Our main concern is around Section 8 of the Plan Management Rules *Supports not to be provided by particular providers*. In its current wording, the rule does not provide adequate detail in order to define the circumstances where the CEO chooses to enact their power when varying a Participant's plan. This section then has the ability to cause harm to providers and participants. There is member feedback of NDIA staff's lack of understanding concerning providers, the supports and services they deliver to participants and the clinical reasoning process which determines the way the supports and services are delivered. It is concerning that in the current wording of the rule there only needs one circumstance for the CEO to be satisfied that a plan may specify that a support must not be provided to the participant by a particular person. The clause 'any other matter the CEO considers relevant' is of particular concern.

Another point that requires clarification is Section 10 of the Plan Administration Rules *Variation of participant's plan on CEO's own initiative*. It is essential that the Rules provide more specific guidance regarding the circumstances where the CEO may make a variation to a Participant's plan. This should provide detail regarding how the matters will be weighed and what supports the decision whether to vary, reassess or review a plan regardless of whether the CEO or Participant or their nominee initiates the process.

There is inconsistency in the understanding amongst NDIA staff that intervene at different stages of plans drafting – planning – coordination – implementation of how capacity building supports are provided by physiotherapists, the outcomes to be achieved by these supports, and the difference and complementarity of these supports with those provided by other Allied Health Professionals. Safeguards must be in place in the form of clear rules.

It is our view that beyond amendments to the NDIS Act and the NDIS Rules, there is an urgent need to adequately train the NDIA planning workforce to acquire a clear understanding of the specific role of physiotherapists when delivering services alone or as part of a multidisciplinary team (compared with other allied health professionals, and compared with allied health assistants).

### Background: Physiotherapy and Disability

Physiotherapy is a highly regulated discipline with expert knowledge, skills and training in understanding how people move and learn to move, and the development of movement, specifically, as these relate to the health, well-being and quality of life of people of all ages. Physiotherapists are trained in the biomechanics of movement, combining knowledge of physics, physiology and anatomy to analyse movement and determine movement difficulties.

Physiotherapists are movement and participation experts in disability who provide expertise in improving function, participation and building capacity. Physiotherapists analyse an individual's quality of movement, identify motor impairment, and investigate the interrelationship between movement and other neurological and physiological factors such as sensory perception and pain.

Physiotherapists are committed to providing evidence-based, client centred, safe and high-quality care to people with disability and contributing to an effective and equitable disability sector.

Physiotherapists promote social inclusion through optimising a person's function and encouraging participation and inclusion in the economic and social life of the community.

### About the APA

The APA is the peak body representing the interests of Australian physiotherapists and their patients. It is a national organisation with state and territory branches and specialty subgroups representing more than 30,000 physiotherapists who conduct more than 23 million consultations each year.

The APA's vision is that all Australians will have access to quality physiotherapy, when and where required, to optimise health and wellbeing.

For further information, the APA contact is: General Manager Policy and Government Relations, Simon Tatz, on 0402 613 745 or [simon.tatz@australian.physio](mailto:simon.tatz@australian.physio).

Yours sincerely,



Anja Nikolic  
Chief Executive Officer