



**THE HON BILL SHORTEN MP
MINISTER FOR THE NATIONAL DISABILITY INSURANCE SCHEME
MINISTER FOR GOVERNMENT SERVICES
MEMBER FOR MARIBYRNONG**

Ref: MC24-001953

Ms Susan Templeman MP
Chair
Standing Committee on Petitions

petitions.committee.reps@aph.gov.au

Susan
Dear Ms Templeman MP,

Thank you for your correspondence of 1 July 2024 regarding House of Representatives petition EN6251 to recognise endometriosis as a permanent disability under List D Conditions in the National Disability Insurance Scheme (NDIS).

I appreciate you taking the time to advocate for people living with endometriosis. To address your concerns, it's important to explain how the National Disability Insurance Agency (NDIA) makes decisions about eligibility for the NDIS.

The NDIA publishes information on the NDIS website about what NDIA staff consider when they make decisions under the *National Disability Insurance Scheme Act 2013* (NDIS Act). These are called 'Our Guidelines' and are based on the NDIS Legislation and Rules and guide staff to make consistent, evidence-based decisions under the NDIS Act. All NDIS guidelines are available on the NDIS website at ourguidelines.ndis.gov.au

The NDIA decides eligibility based on a person's impairments, not their disability or diagnosis. When the NDIA says impairment, it means a loss or significant change in a person's body function, structure or in how they think and learn.

When applying for the NDIS, an applicant needs to provide evidence that they have substantially reduced functional capacity due to their impairment. They also need to demonstrate their supports are best funded through the NDIS.

As the impact of conditions like endometriosis can vary, each NDIS access request must be assessed on the person's individual circumstances. NDIA staff look at the person's whole life and consider how the person's impairments affect their functional capacity. Staff will consider evidence provided by the person about their impairment/s and assess this against the NDIS eligibility criteria.

Supports for endometriosis are often health-related and health-related supports are generally provided by the health system. Therefore, NDIA staff may also need to look at the supports a person is already receiving when considering an access request.

A person whose disability is not listed on the Access Lists can still become a NDIS participant if they meet the eligibility requirements set out in the NDIS Act.

An access decision is a reviewable decision. This means if a person does not agree with NDIA's decision, they can ask for a review of the decision. More information about reviewing decisions is available on the NDIS website at ourguidelines.ndis.gov.au/home/reviewing-decision/reviewing-our-decisions

If a person is eligible for the NDIS, the NDIA will create an individualised plan based on their disability-related support needs. All supports must meet the NDIS funding criteria. One criteria is that the support must be most appropriately funded or provided through the NDIS rather than another system, such as the health system.

The NDIS is responsible for supports that help a participant go about their daily life and relate to their disability-related impairments that impact their functional capacity. These supports are related to activities the participant can and can't do because of their disability, such as moving around, communicating, socialising, learning, or undertaking self-care or self-management tasks.

The health system is responsible for treating and diagnosing health conditions, including the management of ongoing or chronic health conditions. The NDIS may fund disability-related health supports if they meet the NDIS funding criteria. A disability-related health support is a support a participant may need to help them manage a health condition directly because of their disability.

Disability-related health supports could include training for support workers to provide the participant's disability-related health supports, or training for other people who support the participant. For a participant to be eligible for disability-related health supports, the need for these supports must be ongoing and directly related to a significant and permanent functional impairment. More information is available on the NDIS website at ourguidelines.ndis.gov.au/supports-you-can-access-menu/disability-related-health-supports.

The Independent Review of the NDIS recommended many changes across the Scheme. This includes a better understanding of the evidence needed to support decisions about a person's eligibility for the NDIS. The recommendations are focused on improving the NDIS and making sure people can access the support they need.

I am working with governments to make sure we get these changes right. Any changes will be developed with people with disability and the disability community.

I trust this information is of assistance to you.

Yours sincerely,

Bill Shorten MP

3/9/2024