

MC25-006325

Bob Buckley

convenor@a4.org.au

Dear Bob

Thank you for your correspondence of 3 June 2025 to the Hon Mark Butler MP, Minister for Disability and the National Disability Insurance Scheme regarding the impairment categories listed in the *National Disability Insurance Scheme Act 2013* (NDIS Act). The Minister has asked me to respond on his behalf.

I note your specific concerns about access for participants with autism spectrum disorder (ASD). It is important to note there have been no changes to the decision-making framework for access to the National Disability Insurance Scheme (NDIS). The only change is the requirement that a Notice of Impairments (NOI) is issued to all new participants to the NDIS from 1 January 2025.

The list of impairment categories in Section 24(1)(a) and 25(1)(a) of the NDIS Act has been enshrined in the legislation since its inception in 2013.

For example, a person meets disability requirements if:

- a) the person has a disability that is attributable to one or more intellectual, cognitive, neurological, sensory or physical impairments or the person has one or more impairments to which a psychosocial disability is attributable
- b) the impairment or impairments are, or are likely to be, permanent
- c) the impairment or impairments result in substantially reduced functional capacity to undertake, or psychosocial functioning in undertaking, one or more of the following activities:
 - communication; social interaction; learning; mobility; selfcare, self-management

- d) the impairment or impairments affect the person's capacity for social and economic participation
- e) the person is likely to require support under the NDIS for the person's lifetime.

Section 32BA of the NDIS Act describes the issuing of the NOI for all NDIS participants based on the 6 NDIS impairment categories. This section represents an addition to the current access process.

Issuing of the NOI by access delegates has been supported by an evidence-based guide providing a link from conditions or diagnoses to the 6 NDIS impairment categories. The access delegates determine the impairment categories based on the information presented at access by the participant and their treating professionals to demonstrate substantially reduced functional capacity in the activity areas nominated above. This process seeks to increase the transparency around the basis for access for each individual coming into the NDIS.

The high-level impairment categories encompass several more specific impairments including the social, communication and behavioural impairments that you have noted are characterised in ASD. As an example, a communication impairment can be related to several impairment categories such as neurological, cognitive, physical or psychosocial depending on cause and therefore the supports required may be very different.

The intent of the impairment categories is to reflect a person-centred approach to disability in that a diagnosis or condition may present differently for individuals. Supports can then be tailored based on need rather than condition.

The NDIS legislation maintains Australia's obligations under the Convention on the Rights of Persons with Disabilities by its continued support of Australians with disability in a person-centred, transparent and equitable way.

Thank you again for writing.

Yours sincerely

A handwritten signature in black ink, appearing to read 'AV', followed by a long horizontal line.

Aaron Verlin
Acting Deputy Chief Executive Officer
Service Design and Improvement
National Disability Insurance Agency

30 June 2025