

4 November 2020

The Hon Stuart Robert MP  
Minister for National Disability Insurance Scheme, Minister for Government Services  
Parliament House  
CANBERRA ACT 2600

(by email to: [fadden@aph.gov.au](mailto:fadden@aph.gov.au))

Cc The Hon Bill Shorten MP, Shadow Minister for the NDIS, by email to:  
[bill.shorten.MP@aph.gov.au](mailto:bill.shorten.MP@aph.gov.au)

Mr Martin Hoffman, CEO, NDIA, by email to: [feedback@ndis.gov.au](mailto:feedback@ndis.gov.au)

Dear Minister,

**Re: Introduction of the Functional Capacity Assessment Framework**

On 7 September 2020, the NDIA released a new [NDIS Functional Capacity Assessment Framework](#) with the stated aim to provide “the evidence base and principles to inform the introduction of best practice Independent Assessments”.

As part of the implementation of this new Framework, we understand that in early 2021 independent assessments will be required as part of the access process, and, from mid-2021 independent assessments will be required as part of the plan review process.

The implementation of this new Framework is of great concern to MS Australia’s state MS organisations, who provide support and deliver services to people living with MS and other neurological conditions in each state and territory. Of particular concern is the negative impact the Framework will have on participants and prospective participants.

These concerns and questions arising are set out in the attached Report.

The Report sets out our concerns under a number of headings including:

- Inconsistency [of the Framework] with Tune Review recommendations
- Trialing independent assessments
- How “independent” is independent?
- Lack of ability of assessors to understand a progressive, degenerative neurological condition like MS
- “Sympathy bias” unfounded
- Independent assessments in rural, regional and remote areas
- Access to information
- Change of circumstances

**MS Australia**  
Level 19 Northpoint Building,  
100 Miller St  
NORTH SYDNEY NSW 2060  
T: 02 8413 7977  
F: 02 8413 7988

In the Report we have set out a small number of recommendations for your consideration that we feel will improve the process for NDIS participants and applicants living with MS. In summary, we recommend:

1. That the NDIA postpone the implementation of independent assessments until the trial can be completed, outcomes determined and any revisions to the Framework considered.
2. That the Framework be amended to ensure that people with MS are assessed by assessors with knowledge and experience of working with people living with MS.
3. That the Framework be amended to allow for the provision of functional capacity assessments and additional supporting information from members of an applicant's or participant's health care team through the issuing of improved clarification and guidelines.
4. That the Framework ensure people with an NDIS plan who have been hospitalised and require an NDIS plan review, should have their assessment prioritised.

We look forward to your consideration of the matters outlined above (and in the attached Report) and also to further consultation regarding the implementation of independent assessments for those with complex needs.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Deidre Mackechnie', with a long horizontal flourish extending to the right.

Deidre Mackechnie  
**Chief Executive Officer**  
MS Australia