



Australian Government  
Department of Social Services

*National Disability Insurance Scheme  
Amendment (Getting the NDIS Back on  
Track No. 1) Bill 2024  
Consultation on draft lists of NDIS Supports*

## **Acknowledgement of Country**

In the spirit of reconciliation, the Department of Social Services acknowledges the Traditional Custodians of country throughout Australia and their connections to land, sea and community. We pay our respect to their Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples today.

## **Help and Support**

We understand that sometimes sharing information about things that you are worried about may be distressing.

**If you or someone close to you is in distress or immediate danger, please call 000.**

If you would like someone to talk to about what is distressing you, please call:

**Lifeline Australia** - 13 11 14

Crisis support and suicide prevention.

**Beyond Blue** - 1300 224 636

For low-intensity support options, Beyond Blue counsellors are there to help.

**13YARN** - 13 92 76

Crisis support for Aboriginal or Torres Strait Islanders.

## **Privacy Notice**

The Department of Social Services (department, we us) is currently inviting the community to provide feedback on the following consultation NDIS Legislative Rules (Consultation).

This feedback will be used as part of our consultation process to understand how the proposed legislative changes will impact the Australian community, particularly people living with disability, their family and carers.

If you decide to be part of the Consultation we may be able to identify you (for example, by your email address or other computer information). Because it is

your choice to participate, this means that when you provide responses to questions to the Department, you consent to your opinions and other information about you in your responses being handled in the ways described in this notice.

The Department is required to handle personal information and sensitive information it collects about you in accordance with the *Privacy Act 1988* (Cth). You can find more information about how we do this in our [privacy policy](#), including your rights to access information and make a complaint.

- **Personal information** is information or an opinion about an identified individual, or an individual who is reasonably identifiable.
- **Sensitive information** is a subset of personal information and includes information about things like health and disability.

If the Department publishes information about Consultation responses, this will be to identify common themes and issues and will not identify any individual. We will not send your information overseas, and we will not disclose it, unless we are required or authorised by law to do so.

If you would like to access the Department's privacy policy in an alternative format (e.g. hard copy) please contact us using the contact details below. This Policy is available free of charge.

- **email:** <mailto:mcomplaints@dss.gov.au>
- **telephone:** 1800 634 035
- **post:** DSS Feedback, GPO Box 9820, Canberra ACT 2601.

## **Why are we consulting on the lists before the Bill has been passed by the Parliament?**

- We have heard concerns raised by the community about not having the opportunity to see some of the detail that will be in rules and transitional instruments.
- In particular, the transitional instrument about NDIS Supports which will need to be in place if the Bill commences.
- This transitional instrument will include lists about what NDIS funding can and cannot be spent on.
- We would like to take as much time as possible to hear from the disability community about the lists.

## **What are the lists?**

- We have prepared two draft lists about what NDIS funding can and cannot be spent on.
- The list about [what NDIS funding can be spent on](#)
- The list about what [NDIS funding cannot be spent on](#)

## **Where did the lists come from?**

- They come from current operational guidance and work alongside the National Disability Insurance Scheme (Supports for Participants) Rule 2013 which already describe some of what the NDIS will and will not be responsible for funding.
- The intent is to broadly reflect current practice including some proposed exclusions in relation to items that are not evidence-based or are daily living costs that were never intended to be part of the Scheme.

## **What is the purpose of the lists?**

- The purpose of the lists is to provide clarity for participants, nominees, providers and the disability community when selecting their supports, but it does not change the types of supports that have always been appropriate to purchase with NDIS funding.

- The overarching test will remain whether:
  - a person has a need for the support as a result of their disability, and
  - whether the support is most appropriately funded by the NDIS.

### **What is the new definition of NDIS Support in the Bill?**

- The proposed amendments to Section 10 of the NDIS Act enable the creation of new rules about what is and is not an NDIS support.

### **Why do we need a definition of NDIS Support?**

- The NDIS Review heard consistently, particularly from participants, that it is not always clear what they can spend their funding on.
- Currently this is in rules and operational guidance which is difficult to access.
- The NDIS Review recommended providing more clarity to participants about what is and is not funded under the NDIS.
- Making it clear about what the NDIS does and does not fund will help participants make more informed choices.
- This will support the development of the new budget-setting framework recommended by the NDIS Review to enable more flexible use of funding.
- A future rule will be developed with governments and people with disability and must be agreed by all states and territories.

### **What is a transitional rule and why do we need it?**

- The new rules will take time to develop, together with the disability community and must be agreed by states and territories.
- Until these rules are developed, there will be a transitional approach to defining what is and is not an NDIS support.
- These lists will be incorporated in a transitional rule based on current arrangements around what NDIS funding can be spent on.
- This transitional rule will stay in place until the Commonwealth, States and Territories agree on a rule to replace it.

## **What do we need from you?**

We want your feedback on the draft lists to help us understand if we have got them right, or what we might need to change.

To provide feedback please answer the questions below by:

- Responding to the targeted questions online via the [DSS Engage website](https://engage.dss.gov.au), using this link: [engage.dss.gov.au/ndis-support-survey](https://engage.dss.gov.au/ndis-support-survey)
- Sending us an email at: [NDISConsultations@dss.gov.au](mailto:NDISConsultations@dss.gov.au)
- Requesting a call back on 1300 653 227
- Posting your response to NDIS Consultations, GPO Box 9820, Canberra ACT 2601.

## **Questions**

Based on the [draft lists of NDIS support](#):

1. Do you think the draft list of NDIS Supports covers the kinds of disability supports you think should be included?
  - If not, what changes would you suggest?
2. Are there goods or services on the draft exclusion list that you think shouldn't be there?
  - If yes, please list in order of importance
3. Do you have any further feedback or concerns with the draft NDIS support lists?