Dear NDIS,

As a Local Area Coordinator for 3.5 years and a Support Coordinator, I have witnessed the urgent need to address the ineffectiveness of NDIS spending and fraudulent behaviours within the NDIS scheme. These behaviours have a significant financial impact, costing the government and the country billions of dollars that could be better allocated. This underscores the immediate need to address these issues.

Drawing from my experience as a LAC and Support Coordinator and through consultation with plan managers who witness these fraudulent behaviours daily, I have compiled extensive notes on how the NDIS Support List document could be improved to provide more explicit guidance. These improvements have the potential to significantly impact the NDIS ecosystem, aligning stakeholders and preventing further misuse. This potential impact should give us hope for a more secure and efficient NDIS system.

## Reasonable and Necessary

The ‘reasonable and necessary’ principle allows flexibility in decision-making regarding NDIS support and encourages providers to offer innovative support. However, the NDIS Support List presents a crucial opportunity for the government to establish clear guidelines and implement unambiguous definitions of what can and cannot be funded under the NDIS. Like the specificity in Medicare legislation, this approach could prevent further misuse and ensure that funds are used for their intended purpose.

While flexibility and the principle of ‘reasonable and necessary’ are essential aspects of the NDIS, they are often left too vague, leading to confusion about what can legitimately be funded. It is crucial to ensure that all participants, providers, and the entire NDIS ecosystem—including LACs, planners, and support coordinators—understand their collective responsibility in aligning and having a shared understanding of what can and cannot be funded with NDIS resources. This alignment is essential to ensure the system's integrity and prevent further misuse.

## The Choice and Control Principle

The NDIS Support List document must implement clear guidelines to prevent participants and providers from continuing to misconstrue the ‘Choice and Control’ principle. All stakeholders in the NDIS ecosystem should be educated and aligned on this issue to provide consistent advice across the ecosystem.

The choice and control concept has often been misinterpreted as allowing unrestricted choice in how funding is spent rather than focusing on choosing preferred providers. This misunderstanding has led to widespread misuse, particularly in areas like transport funding and Specialist Disability Accommodation (SDA), where services are provided based on participant desires rather than actual needs related to their disability. Clarifying this principle will help ensure that participants understand its intended purpose and that providers do not exploit participants by claiming it is ‘their choice’ in how they spend their funding other than the providers they use.

## Key Areas of Improvement

1. **Comprehensive Support Categories:**

* Provide a detailed list of every support category, clearly distinguishing what can and cannot be funded.
* Create a national database of providers for each funded support category, including contact details of providers and therapists.

### Example Household Tasks

The NDIS Support List defines Household Tasks as “essential household tasks that a participant cannot undertake because of their disability, including meal preparation and delivery, house or yard maintenance, cleaning, and laundry.” This broad statement encompasses at least four distinct line items: meal preparation and delivery, house or yard maintenance, cleaning, and laundry. These four line items are highly contested within the NDIS and require extensive detail on what can and cannot be funded to address and prevent unlawful and fraudulent behaviour by participants and providers. Each line item should be addressed separately, as they have distinct criteria requiring specific guidelines.

From a range of provider websites, I have provided some examples of how Household Tasks could be addressed as an example of how each segment of the NDIS Support List could be structured:

**House Or Yard Maintenance**

|  |  |
| --- | --- |
| Reasonable and  Necessary | Not Reasonable and Necessary |
| * Lawn Mowing * Whipper Snipping * Edging, Trimming & Hedging Cut low trees & branches * Gardening * Weeding * Fertilising * Weed & Pest Spray * Tidy ups * Mulching * Blowing pathways and driveways * Gutter cleaning * Change light bulbs * Window washing * Yard clean ups * Hang pictures * Washout wheely bins * Install handrails | * Standard home security and maintenance costs * Fencing * Gates * Building repairs * General furniture removal and services * Unwanted furniture pick up * Pools * Pool heating and maintenance * Spa baths, saunas and steam rooms * General home repairs * General renovations and maintenance * Water, gas, and electricity bills * Council rates * Water filters, purifiers, or aerators. * Electricity generators * Solar panels and batteries * Small carpentry & painting jobs * Unblock drains * Replace leaking taps and tap washes * Fix door handles & catches * Fix windows * Install battery-operated doorbells * Install letterboxes * Replace sliding doors |

**Cleaning**

|  |  |
| --- | --- |
| Reasonable and Necessary | Not Reasonable and Necessary |
| * General household cleaning * Cleaning the kitchen * Cleaning the bathroom * Cleaning toilet * Cleaning bath * Cleaning the shower * Cleaning the stove * Mopping * the floor * Blind cleaning * Vacuuming * Wiping the bench * Dusting * Tidying & organising * Decluttering * Hoarding & Squalor Cleaning | * Sanitising * Forensic Cleaning * Spring cleaning * Pest control * Pressure cleaning * Carpet Cleaning * Tile Cleaning * De-moulding * Removing rubbish |

1. **Clear Guidelines for Assistive Technologies:**

* Develop a list of assistive technologies clearly distinguishing what can and cannot be funded.
* For each assistive technology funding category (e.g., low, medium, and high-cost assistive technologies), specify the products and technologies eligible for purchase. This will clarify for participants and the NDIS ecosystem, such as support coordinators, which products can be purchased and ensure that ineligible products are no longer acquired. Additionally, for products deemed not reasonable and necessary, detailed criteria explaining why these items do not meet the funding requirements must be provided. This will help justify to the Australian public why certain products are excluded from NDIS funding.
* Include a national database of technologies organised by category, with links to local vendors where each product can be purchased.

### Example Customised Prosthetics and Orthotics Low-Cost, Low-Risk

|  |  |  |
| --- | --- | --- |
| Reasonable and Necessary | Not Reasonable and Necessary | Reason not Reasonable and Necessary |
| * Prosthetic socks * Prosthetic shrinkers * Stump sheaths * Cosmetic Hosiery * Sleeves * Liners * Slip on aids * Prosthetic belts * Suspension accessories * Skin protectants and treatments * Sweat control * Prosthetic cleansers * Silicon and gel pads * Custom covers * Amputee equipment | * Orthotics for conditions such as plantar fasciitis * Shoes not customary designed by prosthetists | Not related to disability |

### Example Assistive Products for Household Tasks Low-Cost, Low-Risk

|  |  |  |
| --- | --- | --- |
| Reasonable and Necessary | Not Reasonable and Necessary | Reason not Reasonable and Necessary |
| * Adaptive clocks * Dishwasher assistant devices * Environmental control software and systems * Modified utensils and crockery * Pick up sticks * Rollator * Alarms and doorbells (hearing impaired) * Programmable memory devices * Personalised alarms * Bathing and showering aids * Bathroom and toilet rails * Toileting aids * Drinking aids * Disability plates and bowls * Eating systems and accessories * Bibs and clothing protectors | Standard Household Items:   * Dishwasher * Fridge * Washing machine * Non-modified kitchen utensils and crockery * Fire alarms * Floor rugs * Beanbags * Lounges * Standard mattresses, and * Bedding | Everyday living expenses |
| Replacement of appliances, including hot water services, solar panels, etc. | Everyday living expenses |

## Idea: Discrepancy Register

The NDIA could establish an online discrepancy register over the next 24 months, where:

* LACs, planners, plan managers, and support coordinators can report any supports or assistive technologies they are uncertain about meeting the reasonable and necessary criteria.
* An NDIA representative board could review these submissions and decide whether the items meet the criteria.
* The list could also include instances where non-reasonable and necessary supports have been deemed reasonable and necessary in exceptional circumstances based on participant and provider reviews or unique situations identified by the NDIS ecosystem.
* An updated list of all reasonable and necessary supports could be compiled, including an overview of these decisions.

## Conclusion

These examples illustrate how the NDIS Support List could be more specific to establish clear, ‘black and white’ guidelines, like Medicare legislation. The NDIS can no longer rely on vague definitions of reasonable and necessary and must take definitive action regarding the principle of choice and control. By clearly defining support categories and specifying what can and cannot be purchased, the NDIS can save significant funds and address fraudulent behaviour that hinders the scheme’s effectiveness. With the support of NDIA staff and consultation with the NDIS ecosystem, it is feasible to define ‘reasonable and necessary’ in clear, unambiguous terms, thereby resolving the current ambiguities that plague the scheme.

Yours sincerely,

Andrew Turtle