# NDIS Draft Supports List – Feedback

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**De-identified, anonymised**

**10 August 2024 – 25 August 2024**

**From: Person A, Person B, Person C, Person D, and Person E – from NSW & Vic**

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# Appendix A – Table of Recommendations

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| Supports that should be included | Supports that should **not** be excluded |
| * Short-term accommodation & Respite * *Animal-related supports for dogs that are assistance animals*   + **Recommendation 1.0**:   + “Reword ‘*An animal specially trained by an accredited assistance animal provider to help a participant with tasks*’ on Page 1 to now read ‘*An accredited animal specially trained to help a participant*’.” * Assistive Technology (‘AT’) that is required due to a person’s disability – such as a wheelchair. | * Therapeutic aids used to facilitate psychosexual therapy (included but not limited to disability sex toys & sex aids) that are required due to a person’s disability. * Adaptative sexual and reproductive health products (including but not limited to adaptative menstrual products, adaptive period underwear, and tampon insertion aids) that are required due to a person’s disability. * Assistance with meal preparation and meal delivery — for those whose disability impacts their ability to prepare and access food. * Costs associated with operating and maintaining required Assistive Technology (‘AT’), such as batteries and generators. * Assistance animal funding & costs, including but not limited to: vet fees, assistance animal registration costs, assistance animal food, and other costs that arise from having an assistance animal   + **Recommendation 2.0**:   + “Reword the ‘*Day-to-Day Living Costs*’ section on Page 13, which lists supports that are supposedly not ‘*NDIS supports*’ so that ‘*Pet-Related*’ now instead reads ‘*Animal-related supports for dogs that are NOT assistance animals*’.” * Additional costs of computer hardware & software (including but not limited to Tablets, Smart phones, smart watches, and other apps) above the standard cost that is required due to a person’s disability. * Alternative and complementary therapies (including but not limited acupuncture, deep tissue massage, somatic therapy, neurofeedback, trauma-sensitive yoga therapy) that are required due to a person’s disability / cost savings. * Executive functioning, sensory processing, and augmented communication supports (including but not limited to speech-to-text software, text-to-speech software, and other Assistive Technology (‘AT’) & supports associated with economic participation) that are required due to a person’s disability. * Specialised/adaptive clothing that is required due to a person’s disability. * Home modifications that are required due to a person’s disability. * Vehicular modifications that are required due to a person’s disability. * Assistance with daily living in a home (including but not limited to gardening, lawn mowing, removalist services, and home maintenance) that is required due to a person’s disability. * Programs for parents & carers with disability (including but not limited to family therapy and relationship counselling) that are required due to a person’s disability. |

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# NDIS Draft Supports List – Feedback

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**De-identified, anonymised**

**25 August 2024**

**Topic: Assistance Animals (regarding the NDIS Draft Supports List)**

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**o General Feedback**

The [**Draft Supports List**](https://engage.dss.gov.au/consultation-on-draft-lists-of-ndis-supports/draft-list-of-ndis-support/) needs to be changed to ensure that we are not inadvertently punishing people who already have **Assistance Animal Funding** in their plans.

Right now, we are concerned that the current wording of the List may lead to some National Disability Insurance Agency (‘NDIA’) staff such as Planners misunderstanding assistance animals and the costs which are associated with them.

**What is working well**:

The overall recognition of Assistance Animals as a valid NDIS support is commendable. For example, the wording of the ‘Assistance Animals’ section within “**Supports that are ‘NDIS supports’**” on page 1 is overall satisfactory, despite some crucial changes which must be implemented.

**What is not working well**: we have **two** (**2**) recommendations which we urge the NDIA & Department of Social Services (‘DSS’) staff implement — both of which are about how the Draft NDIS Supports document approaches the subject of ‘Assistance Animals’.

**RECOMMENDATION 1.0**:

Reword ‘*An animal specially trained by an accredited assistance animal provider to help a participant with tasks*’ on Page 1 to now read ‘*An accredited animal specially trained to help a participant*’.

**Rationale of Recommendation 1.0**:

I would be cautious of the wording ‘*an animal specially trained by an accredited assistance animal provider*’.1

Currently, Section 9 of the *Disability Discrimination Act 1992* (Cth) — which defines the accreditation requirements for an assistance animal — defines an assistance animal as a dog or other animal:

‘*(a) accredited under a law of a State or Territory that provides for the accreditation of animals trained to assist a person with a disability to alleviate the effect of the disability; or*

*(b) accredited by an animal training organisation prescribed by the regulations for the purposes of this paragraph; or*

*(c) trained:*

*(i) to assist a person with a disability to alleviate the effect of the disability; and*

*(ii) to meet standards of hygiene and behaviour that are appropriate for an animal in a public place*.’2

We would therefore be wary of specifying that an assistance animal must be specially trained by an accredited animal provider. In order to be compatible with Section 9 of the *Disability Discrimination Act 1992 (Cth)*, the Draft NDIS Supports should recognise that in jurisdictions, the state / territory will be responsible for overseeing the training and accreditation of an assistance animal.

The wording ‘*an animal specially trained by an accredited assistance animal provider*’ fails to reflect not only the *Disability Discrimination Act* but also the reality that state / territory accreditation is more similar to that of drivers’ registration: **driving assessors** who are accredited by the government (state / territory / federal) can provider a driver’s licence to drivers whom they assess as passing the statutory requirements of driving.

Most state / territory accreditation schemes will specify that assistance animals must be accredited by an **accredited *assessor***, rather than mandating that the assistance animal must only be trained by an **accredited *trainer*** / **accredited *provider***.3 The assistance animal accreditation should be not whether the **trainer** is *accredited* but whether the **assessor** is *accredited* and can ascertain whether the assistance animal is able to perform tasks specifically designed to alleviate the impact of a person’s disability.4

In the absence of national assistance animal accreditation that has the same level of rigour as Queensland’s GHAD Scheme,5 state / territory accreditation should be explicitly recognised in wording of the Draft NDIS supports

**RECOMMENDATION 2.0**:

Reword the ‘*Day-to-Day Living Costs*’ section on Page 13, which lists supports that are supposedly not ‘*NDIS supports*’ so that ‘*Pet-Related*’ now instead reads ‘*Animal-related supports for dogs that are NOT assistance animals*’’

**Rationale of Recommendation 2.0**:

I would be cautious of the wording ‘*Pet-related*’ and the choice to have an exhaustive list of examples that the NDIA would not fund because the cost supposedly relates to a ‘pet’.

All assistance animals, by legal definitions, are pets; in fact, the law defines *all* pets as companion animals — as in, **domesticated animals** — and that all assistance animals are a subcategory of companion animals, which must follow all of legal requirements mandated for companion animals, such as registration and microchipping.6

The law, as well as research and policy, specify that whilst all assistance animals are pets (or companion animals), not all pets are assistance animals. **This distinction is important**, because *all* assistance animals — by virtue of being a subset of domesticated animals — will necessitate ‘pet-related’ expenses by virtue of being a pet.

Peer-reviewed articles and international best-practice, as of August 2024, distinguishes assistance animals from pets by operating the following evidence-based definition for assistance animals:

‘***an animal who performs at least one identifiable task or behavior (not including any form of protection, comfort, or personal defense) to help a person with a disability to mitigate the impacts of that disability, and who is trained to a high standard of behavior and hygiene appropriate to access public spaces that are prohibited to most animals***.’7

According to the nexus of legislation and research, most animals — including most companion animals — will not have the public access rights of assistance animals, which would be able to access medical facilities and restaurants that an ordinary pet would not and could not access.8

However, despite the clear distinction between an assistance animal and a ‘pet’ or domestic animal, the NDIA had previously released public statements that had conflated assistance animals and pets — and research substantiates that there is poor understanding amongst the community of what is an assistance animal.9 For example, Australia’s first study to undertake a large-scale survey of assistance animal users with a range of disability types — including Autistic people with assistance animals — revealed that the majority (**90**%) agreed that more public education on assistance animals was required.10

Assistance animals come in all different shapes & sizes, for a variety of disability types.11 Therefore, having such prescriptive lists may cause deleterious misunderstandings, which compound upon the already-poor levels of understanding regarding how assistance animals differ from pets.

Therefore, we would recommend not only removing the prescriptive subcategories itemised under the banner ‘***Pet-related***’ on Page 13, such as ‘*veterinarian costs, pet boarding, pet grooming, taxidermy, pet cremations/funeral*’, but also rewording the category header for ‘***Pet-related***’ so that the header now instead reads ‘*Animal-related supports for dogs that are NOT assistance animals*’.