

Submission on the Draft Lists of Permitted and Prohibited 'NDIS Supports'



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www.swanautism.org.au

Executive Summary

South West Autism Network (SWAN) provide this submission in response to the Draft Lists of Permitted and Prohibited 'NDIS Supports'. SWAN, a not-for-profit organisation based in the south-west region of Western Australia, has been advocating for and supporting autistic individuals and their families for the past 15 years. With more than 2000 members, SWAN is deeply integrated into the disability community and is committed to ensuring that the National Disability Insurance Scheme (NDIS) remains effective, inclusive, and responsive to the needs of its participants.

SWAN strongly oppose the introduction of the proposed draft lists. These lists, as currently outlined, undermine the core principles of the NDIS, particularly those of choice, control, and individualisation. The restrictive nature of the lists threatens to limit participants' ability to access the personalised supports they need, particularly in regional and remote areas where service availability is already limited. SWAN also raises significant concerns about the impact on vulnerable groups, including those with complex needs, First Nations people, and culturally and linguistically diverse (CaLD) communities.

This submission details the numerous ways in which the draft lists is likely to lead to increased costs, reduced innovation, and greater segregation of people with disability. The lack of genuine co-design and the insufficient consultation period provided by the Government further exacerbate these concerns. SWAN calls for the Government to withdraw the draft lists and instead define NDIS Supports as the existing Reasonable and Necessary principles, which provide a more flexible and individually tailored approach to supporting NDIS participants, in-line with the original intent of the scheme.

SWAN urge the Government to abandon the proposed draft lists and to engage in meaningful consultation with people with disabilities, their families, and representative organisations. By adhering to the Reasonable and Necessary principles, the NDIS can continue to offer the personalised support necessary to enable participants to live fulfilling and independent lives, included in their local communities.

Introduction

South West Autism Network (SWAN) is a not-for-profit, charitable organisation that has been supporting autistic individuals and their families in the south-west region of Western Australia for the past 15 years. We are a Disabled Persons and Families Organisation (DPFO) with more than 2,000 members, and we provide free support to many more people with disabilities and their families. All staff, volunteers, and Board members either have a disability or are family members of someone with a disability.

Our primary role in the community is to provide information, peer support, advocacy, and connections to mainstream and disability services. We build the capacity of people with disabilities and their families to navigate government and non-government systems to meet their needs and participate in their local communities. We support people seeking diagnosis, post-diagnosis, and across their lifespan, and provide autistic-safe space group programmes for autistic children, teens, and young adults through our AutStars and YES Programmes. We also deliver Youth Mental Health First Aid training to the wider community.

This submission outlines SWAN's formal stance on the Draft Lists of permitted and prohibited 'NDIS Supports'. SWAN has significant concerns about the practical effects of this proposal and the insufficient safeguards it provides for participants. We believe these Draft Lists could undermine the tailored support essential for our members and fail to address the unique and diverse needs of the individuals and families we serve.

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SWAN's Position on the Draft NDIS Support Lists

SWAN strongly reject the introduction of prescriptive and restrictive lists to define 'NDIS Supports' introduced by the 'Getting the NDIS Back on Track No. 1' bill. These itemised lists are not in-line with the intent of the National Disability Insurance Scheme (NDIS), restrict choice and control, prevent innovation and will result in significantly more expensive and segregated disability supports. The lack of genuine codesign of 'NDIS Supports' with people with disability, families, and our representative organisations is extremely alarming. The community has been repeatedly promised codesign, and the Government has repeatedly failed to deliver on this promise. An initial 14 days with a last minute extension of 7 days following united advocacy from the sector is completely insufficient.

Accessible versions of the draft lists were not made available until the middle of the second week, and there remains only a summary Easy Read version of the lists, which are both misleading and lacking in important detail. The timeframe does not permit organisations to comprehensively consult with our members, and excludes the voices of the most isolated people with disability who will be the most impacted by these changes. Conducting the brief 'consultation' on the draft NDIS Support Lists concurrently with the Government's response to the Disability Royal Commission, release of the NDIS Provider and Worker Registration Taskforce Report and large volumes of amendments to the NDIS legislation, does not allow full and proper consultation with disability advocates on the plethora of issues being raised.

We emphasise that prescriptive support lists directly contravene the NDIS's core principles of choice and control. By imposing rigid categories and predefined supports, these lists limit participants' ability to tailor their services to their specific and evolving needs. Disability is entirely individual. What works for one person does not necessarily work for another, and what works for people with disability in metropolitan areas is frequently entirely unavailable in regional and remote communities. For individuals with diverse and complex support requirements, this restriction undermines the flexibility necessary for effective and responsive support, and innovation to access support to meet needs where traditional options are unavailable, unsuitable, more expensive or reduce independence and community inclusion.

The draft NDIS Support lists are particularly concerning to SWAN, given the potential negative impact on several vulnerable groups:

- **Regional and Remote Areas:** Individuals living in regional and remote areas already face significant barriers and challenges to accessing appropriate services, requiring innovation and flexibility. The draft lists will further limit their access to individualised support, worsening the inequities faced by those in geographically isolated locations.
- **People with Complex Needs:** The proposed lists do not adequately cover the diverse and unique needs, and will lead to inadequate or inappropriate support which increases segregation. The introduction of an exemption to the legislation does not adequately address this issue.
- **First Nations and CaLD Communities:** There are additional barriers faced by First Nations and Culturally and Linguistically Diverse (CaLD) individuals. Restrictive lists do not account for the unique cultural and community-based needs of these groups, exacerbating existing disparities.

SWAN are in agreement with all Disability Representative and Carer Organisations. The lists must be removed, and the transitional rules must define 'NDIS Supports' as the Reasonable and Necessary principles of:

- *“must be related to a participant’s disability*
- *must not include day-to-day living costs not related to your disability support needs, such as groceries*
- *should represent value for money*
- *must be likely to be effective and work for the participant, and*
- *should take into account support given to you by other government services, your family, carers, networks and the community.”*

Overarching Concerns

- The proposed lists eliminate individualisation and restrict choice and control for participants, preventing innovation, increasing the cost of supports to the taxpayer and reducing community inclusion. The lists will have significant negative impacts on individuals with complex and unique disability support needs.
- The lists contradict Action 3.5 of the [NDIS Review Final Report](#), which states *“The National Disability Insurance Agency should allow greater flexibility in how participants can spend their budget, with minimal exceptions.”*
- The draft lists are complicated and confusing, placing an unfair burden on participants to navigate the interface between the NDIS and other service systems without sufficient support.
- The 14-day consultation period (extended to 21 days after extensive advocacy from the community) is woefully inadequate, with a minimum of 12 weeks with fully accessible communication necessary to allow for meaningful feedback. Throughout any consultation period related to the NDIS, comprehensive disability-accessible information must be made available in all formats.
- While the Government made an amendment to the NDIS bill at the eleventh hour to enable participants to request an exemption to the lists, it seems that the support must still comply with established rules, limiting participants to requesting supports within their designated class of disability. The decision to reject an exemption request is not reviewable, leaving participants with no clear options if the support they need isn't listed.
- NDIA do not have the workforce to manage the huge volume of exemption requests that will be submitted if these lists proceed. There are currently wait times of up to 12 months for [List A](#) (diagnostic) eligible folks to have their access requests approved, which should occur within 21 days, according to the Participant Service Guarantee. New participants wait a further 3-6 months for the first planning meeting. Wait times for S48 plan change requests to be considered currently exceed 8 months, with more than 50,000 in the queue and a further 5000 submitting one every single week. Contrary to rhetoric, these plan change requests occur because the original plan was not correct, the plan was auto-extended for multiple years and no longer meets needs, or there has been a change to the participant’s circumstances. There will be hundreds of thousands of exemption requests submitted if these lists proceed. It will blow out every single other internal NDIA process dramatically, and will directly lead to deaths of disabled people.
- NDIA Delegate Planners routinely treat the ‘Would We Fund It?’ Operational Guidelines as blanket yes or no rules, lacking the understanding of nuances in how participants’ disabilities impact function, appropriate supports to meet their needs and how these interact with the Operational Guidelines. Participants face extremely high risk of being denied reasonable exemptions without the right of appeal.
- There is no comprehensive Easy Read version of the lists available, which is crucial for making the information accessible to all participants. The Easy Read summaries

that were produced are misleading, omitting important details, and were released much later than the standard versions of the lists. This delay has severely limited the opportunity for feedback from people with intellectual disabilities, who are frequently excluded from critical consultations like this. These individuals need significantly more time to understand, consider, and respond to such an important and impactful topic.

- The draft lists are excessively complex, confusing, and restrictive, placing an undue burden on participants to independently navigate the NDIS, as well as Health, Mental Health, Education, and Mainstream services, with little to no support. ‘Carve out’ is not clearly explained. Disability advocates with extensive NDIS experience are struggling to understand these lists, while NDIS participants and nominees who will be legally required to comply with the lists rarely have the same level expertise. The complexity makes it extremely challenging for participants to fully understand and utilise the services available to them.
- The language used in the lists is inconsistent, shifting between being overly vague in some areas and extremely specific in others, which adds to the confusion and makes it difficult for participants to know how to apply the information to their unique situations. The lists also contain numerous contradictions and an excessive use of terms like "etc.," which further muddles the information and reduces overall clarity, leaving participants uncertain about what is and is not covered.
- Any errors made by participants while interpreting these lists could result in unappealable debts under the NDIS legislation, creating a significant risk for individuals who may already be struggling to manage their support needs. While the legislation allows for debts to be waived, the debt itself cannot be appealed and remains on the participant’s record permanently, affecting all future decisions made about them. A NDIS participant is deemed guilty with no right to prove innocence. This occurs nowhere else in law, and is discriminatory.
- The lists fail to consider self-directed supports such as direct employment and services for one. No consideration has been given to associated costs like insurances, bookkeeping software, superannuation, subscriptions, staff training and equipment like N95 masks, gloves etc.
- The lists are heavily text-based and extremely difficult to follow. Presenting this information in a table format would greatly enhance clarity and make it easier for participants to understand the available options.
- The lists appear to be based on the 2017 provider registration groups, not the current ones. They are not in a familiar format, such as the NDIS Price Guide, which makes them harder for people to unpack, understand, and give meaningful feedback on.

Draft Permitted NDIS Support Lists - Specific Concerns

List Item	Issue(s) of Concern
Accommodation and Tenancy Assistance	
Rental costs carve out	Excluding Individual Living Options (ILO) and similar arrangements which reimburse housemates for providing support is counterproductive. ILO arrangements are extremely cost-effective compared to other forms of in-home support, such as Supported Independent Living (SIL), reduce segregation and promote inclusion in the community.
Assistance Animals	
‘ongoing maintenance costs’	The description is not clear as to whether this refers to grooming for assistance animals, which will be necessary for some

	participants, especially those who have a physical disability or are blind and vision impaired.
Assistance In Coordinating or Managing Life Stages, Transitions and Supports	
‘peer support’	Peer support has not been claimable from NDIS plans, and is not defined here. Does this indicate that peer support will now be claimable?
Assistance to Access and Maintain Employment or Higher Education	
‘learning and support needs of students that primarily relate to their education and training attainment’ carve out	The exclusion of this specific support is extremely problematic. Many individuals with intellectual disability, acquired brain injury and autistic people need significant support, such as tutoring, to build the skills necessary to start and complete tertiary education. With Certificate III now considered entry-level for most careers, but introductory courses like Certificates I and II increasingly unavailable, this carve-out will severely limit tertiary educational opportunities, and thus economic participation.
‘work-specific support related to recruitment processes, work arrangements or the working environment’ carve out	Many people with intellectual disability acquired brain injury and autistic people require significantly more support to prepare for, understand and navigate recruitment processes, work arrangements and to understand appropriate workplace conduct. Others may require a support person during recruitment processes. This carve out appears to limit or prevent access to School Leavers Employment Supports (SLES) and similar supports, further reducing economic participation of people with disability.
‘funding or provision of employment services and programs’ carve out	As above, this appears to limit or prevent access to School Leavers Employment Supports (SLES) and similar supports. It also appears to exclude work readiness programmes and other initiatives, which are crucial for developing necessary workplace skills.
<p><u>Note:</u> The similarities between what is included and excluded in the lists create significant confusion. For instance, individual employment supports such as work experience, the discovery process, customised employment and practicing job tasks might be mistakenly disallowed as "work-specific support related to the working environment." This misinterpretation could deny participants the crucial individualised support they require.</p> <p>Additionally, there is a worrying exclusion of self-employment and microenterprise options. These pathways are invaluable for individuals who do not fit the traditional mould of open employment and serve as critical progression to achieving open employment. The NDIA still has a significant gap in understanding how self-employment and microenterprise can enhance not just economic participation, but also social inclusion and overall well-being.</p>	
Assistance With Daily Life Tasks in a Group or Shared Living Arrangement	
‘Short Term Accommodation (STA) and respite’	Short Term Accommodation and respite are only referred to in this category. Restricting STA solely to group-based delivery is a safety issue for many people with disability, and prevents the use of innovative and cost-effective self-directed and self-managed options.
Assistance With Travel/Transport Arrangements	
This is contradictory to the Mainstream - Higher Education and Vocational Education and Training advice. In this category, transport to educational facilities and employment is included, yet the advice states that transport between education and training activities is the responsibility of mainstream services.	

<p>Similarly, there is confusion at the intersection of this section and Mainstream Employment regarding transport. There seems to be a lack of mainstream services that support travel for work-related purposes, such as interstate meetings or long-distance travel.</p>	
<p>Assistive Equipment for Recreation</p>	
<p>‘Specialist products used in competitive and non-competitive sports and other recreational pursuits’</p>	<p>The term "specialist" is used excessively throughout these lists and is extremely broad. The implication that the equipment must be prescribed by a specialist could increase costs and limit access.</p>
<p>Assistive Products for Household Tasks</p>	
<p>‘Specialist products to enable cooking, cleaning, washing, home maintenance and other tasks’</p>	<p>As before, the term ‘specialist’ implies that these products must be prescribed by a specialist of some type. There are many mainstream products which enable people to more independently undertake household tasks, are highly costs effective and don't require a specialist prescription. Excluding low-cost, mainstream products that assist with household tasks, such as electric can-openers (\$44 approx), robot vacuums, etc strip participants of their independence, increases segregation and increases the cost of NDIS supports to the taxpayer. Participants may be forced to use support workers at a minimum of 2hrs per shift (\$135.12), or seek ‘specialist’ prescription, presumably from an allied health professional at a cost of \$193.99-\$244.22. Other examples include bar fridges for people with disability unable to leave their beds, robot mop, dishwasher, tipping kettle, large handled utensils, and more.</p>
<p>Assistive products for personal care and safety</p>	<p>Many everyday items used for personal care and safety now appear on the 'no' lists. While these items have been categorised as day-to-day living expenses, they are cost-effective solutions for helping individuals maintain independence in self-care, and are being utilised specifically for disability-related needs. These items are significantly more affordable compared to employing paid support workers.</p>
<p>Development Of Daily Care And Life Skills</p>	
<p>‘including supports that will enhance the ability of the participant to travel and use public transport independently’</p>	<p>This appears to be a duplication of the Assistance with Travel and Transport Arrangements category, which people are finding confusing.</p>
<p>Disability-Related Health Supports</p>	
<p>‘Supports for people with complex communication needs or challenging behaviours while accessing health</p>	<p>NDIA delegate planners routinely deny funding for supports needed by individuals with complex communication needs or challenging behaviours when accessing health services, including hospitals and inpatient facilities. These supports are vital and should be provided.</p>

services, including hospitals and in-patient facilities'	
Early Intervention Supports For Early Childhood	
'mix of therapies'	The term 'mix of therapies' is unclear, ambiguous, and does not specify which types of therapies are included in this category, and which are not. This is likely to cause significant confusion.
Home Modification Design and Construction	
'Design and subsequent changes or modifications to state or territory owned public housing' carve out	There is a considerable risk that people with disability living in state or territory owned public housing will be denied minor, low-cost modifications, such as grab rails in bathrooms or removable ramps. More clarity is needed to address this concern.
Household tasks	
The majority of the items listed in the description for household tasks are also detailed on the exclusion list, which leads to significant confusion for participants.	
Innovative Community Participation	
'mainstream providers who want to enable participants to access mainstream activities'	The lack of clarity in the description is likely to deter disability specific providers from developing innovative, creative and value for money individualised supports.
Specialised Driver Training	
The description excludes additional driving lessons for individuals with intellectual disabilities, acquired brain injury or autistic people who commonly require significantly more than the standard 10 driving lessons. By limiting funding to only those who require adaptive equipment or vehicle modifications, the list discriminates against people with other needs in this area. This approach not only restricts access to driving instructors with specialised skills but also limits employment prospects and opportunities for inclusion for those who do not need adapted equipment but still require individually tailored support.	
Specialised Hearing Services	
There is a contradiction between the description of 'Specialised Hearing Services' and the earlier information stating that hearing services are the responsibility of Hearing Australia rather than NDIS. The ambiguity is likely to lead to confusion and the risk of participants claiming supports which are not permitted and incurring debts, or being unable to access supports they are entitled to.	
Specialised Support Coordination	
The description appears to be limited solely to level 3 Specialist Support Coordination, excluding level 1 and 2 Support Coordination and Psychosocial Recovery Coaching. This section needs to be rewritten to improve clarity and ensure that participants are able to access the supports they require.	
Specialised Supported Employment	
This seems to a regressive step backward in human rights and inclusion of people with disability. Previously, there was flexibility to use these supports across a wider range of employment settings, not just within Australian Disability Enterprises (ADEs). The new restrictions are likely to limit opportunities for participants. Further clarification and discussion are needed to understand the full implications of this change.	
Therapeutic Supports	

The scope of the description is too narrow, omitting critical supports for areas of disability needs like emotional recognition and regulation, theory of mind, protective behaviours, understanding friendships and relationships, balance and coordination, fine and gross motor skill development, sensory regulation, executive functioning, problem-solving, and decision-making.	
Vehicle Modifications	
Mechanical repairs	There is a lack of clarity as to whether repairs to driver adapted equipment is covered.
Tools	Some safety restraints, including those used for electric wheelchairs and other vehicle modifications require specific tools for adjustment, and should be claimable.
Vehicle registration	Vans fitted with motorised wheelchair lifts and similar modified vehicles are heavier, incurring a higher vehicle registration fee. The cost difference between standard vehicle registration and the heavy vehicle registration cost should be claimable.
Vision Equipment	
SWAN strongly disagree with the lack of carve outs for employment and education related vision supports. However, there needs to be equity between disability types, and the ability to claim relevant supports to meet individual support needs.	

Draft Prohibited NDIS Supports List- Specific Concerns

List Item	Issue(s) of Concern
Day-to-Day Living Costs:	
'Rent'	As previously noted, this excludes cost innovative support arrangements like Individual Living Options (ILO) which reimburse rent for housemates providing support, a more cost-effective alternative than other in-home support options.
'Standard home security and maintenance costs, fencing, gates and building repairs'	These supports are commonly required for participants who may run away and don't have road safety awareness, and for property repairs required due to damage incurred as a result of behavioural issues comprising part of a person's disability. These supports are considerably cheaper than the robust category of Specialist Disability Accommodation.
General furniture removal and services, unwanted furniture pick up	These expenses are not an everyday cost for most people, especially in regional and remote areas where people without disability simply perform these duties themselves. Where people with disability would be able to perform these tasks if not for their disability, the additional cost should be claimable.
Pool maintenance	Participants living in rental properties with an on-site pool may not be able to maintain it as required by the lease because of their disability. People have extremely limited housing choices due to the nation-wide housing crisis, so expecting participants to move to a property with no pool is unreasonable. Notably, a support worker may not be permitted to perform pool maintenance, and it may be cheaper to use a mainstream pool maintenance service.
General home repairs, general renovations and maintenance	The description lacks clarity, and could easily be interpreted to mean that people with disability who are unable to perform general home repairs and maintenance due to their disability will be unable to claim these supports.

'Electricity bills'	People with thermoregulation disability and those needing medical equipment such as ventilators have substantially higher electricity bills as a direct result of their disabilities. While States and territories may provide small subsidies on electricity bills for eligible customers, the subsidy is frequently inadequate for people with high and complex disability-related medical needs. The additional cost incurred due to disability-related equipment must be claimable.
Electricity generators	The inclusion of electricity generators on the prohibited list will directly lead to deaths of people with disability. Participants who are reliant on electric medical equipment such as ventilators require backup generators for power outages. During power outages, people without disability get out candles and play board games. Individuals reliant on ventilators who don't have a backup generator die. There are many other disability-related medical equipment requiring consistent electrical supply or battery recharging, for example hoisting machines (people may be trapped in a chair or bed, developing pressure sores), pneumatic equipment such as AffloVests, feeding pumps, IPC devices, elevators and stair lifts (in an emergency people could be trapped in their homes). Backup generators are included in Specialist Disability Accommodation (SDA) 'high physical support' category as this is a known risk. Funding backup generators for individuals who need them is substantially cheaper than funding SDA for each participant with these needs.
Standard household items	<p>The exclusion of low cost items will require replacement with high cost supports like support workers, while simultaneously denying participants their independence. For example:</p> <ul style="list-style-type: none"> ▪ A robot vacuum / mop is significantly more cost-effective than claiming a support worker to vacuum each day. ▪ Deaf people need vibration and light-based fire alarms. ▪ Individuals immobilised in bed may need a bed-side fridge to access drinks and meals. ▪ A Thermomix may empower someone to make their own meals independently and safely – over the long term this is cheaper than years of meal preparation and delivery. ▪ Other mainstream appliances enable people with disability to prepare meals independently rather than the more costly support worker / meal delivery option. ▪ A dishwasher is significantly more cost effective than paying a support worker to wash dishes, while fostering independent living skills. ▪ Participants with continence issues may require a separate or larger washing machine and dryer (which again increases electricity costs) in order to manage the volume of bedding and clothing to be washed.
Finance and Payments related	
'home and contents insurance, car insurance'	While there is a carve out for vehicle insurance where additional costs are incurred due to modified vehicles; disability equipment increases the cost of household insurance and is considerably cheaper than replacing stolen or broken disability equipment at the taxpayer's expense. Additionally, workers compensation

	insurance, public liability insurance and professional indemnity for services for one and direct employed support workers seem to be excluded. In Western Australia workers compensation insurance for support workers is a legal requirement regardless of whether they are contracted, sole traders or directly employed. For direct employers and services for one to comply with other legal requirements, these costs must be claimable.
Superannuation for participants or related parties (exceptions apply for arm's length Employment arrangements)	The description is very unclear about whether superannuation for direct employment and services for one is permitted or not. In order to comply with other laws, this must be claimable.
Business development costs, business skills development costs	The exclusion of supports in these areas prevents the development of microenterprises, an extremely important employment option for people with disability to achieve economic participation.
Food, Beverage related	
Fast food services and takeaway food	There are times when pre-planned meal delivery service do not arrive as expected. Participants may need to have takeaway food delivered in order to be able to eat, and this is particularly important in circumstances where alternative food sources are unavailable or impractical. This ban is a clear example of the problematic nature of these lists, requiring participants to be able to foresee the future and apply for exemptions, months in advance of the actual need.
Lifestyle related	
Sex work	The inclusion of sex work on the prohibited list breaches human rights. Adults in relationships where one or both partners have a disability and need assistance with positioning for sex require support, and very few support workers are willing or suitably skilled to do this. Participants may need physical assistance to masturbate or learn how to masturbate, including to avoid infections such as sperm duct blockages due to lack of ejaculation. Without this support, participants may be in severe pain, unable to communicate that pain, which is incorrectly interpreted by others as 'behavioural'. Untreated infections result in severe complications, including sepsis and death. Additionally, this ban places parents and siblings in the position of assisting people with disability who are unable able to masturbate independently. As well as being inappropriate, this is illegal.
Sex toys	Some mainstream or adapted sex toys may be necessary for some individuals with disability to enable participation in sexual activities.
Menstrual products	The listing of menstrual products as a 'lifestyle' choice is misogynistic and extremely offensive. Menstrual products are a hygiene requirement for more than half of the adult population. Period underwear and other accessible menstrual products are extremely expensive and are not everyday products used by the majority of individuals who menstruate. Period underwear support intellectually disabled and autistic people to manage

	<p>periods more independently and hygienically. For people with physical disabilities, period underwear improve dignity when menstruating, without the requirement and hygiene risk of having a support worker assisting with the use of tampons and pads. Additionally, some participants use period underwear for managing light incontinence.</p>
Trampolines	<p>Relatively everyday play equipment for children, trampolines are <u>not</u> everyday items for adults and may be necessary for managing sensory difficulties. Further, children and adults reliant on trampolines for managing sensory regulation typically wear out trampolines significantly faster than is typical, necessitating frequent repairs and replacements.</p>
General play equipment, indoor or outdoor	<p>The description is ambiguous and open to interpretation. General play equipment is often highly costs effective, while enabling child and adult participants to manage sensory regulation. This is particularly necessary for adults with invisible disabilities, for whom the use of public playground equipment to manage sensory regulation is considered socially inappropriate.</p>
Clothing related	
'Including smart watches'	<p>Smartwatches perform a safety function for many individuals with disability. Heart rate and blood oxygen monitoring are crucial in managing disability-related health issues. Fall alerts are vital for notifying seeking emergency assistance, and GPS tracking for people who may become lost, disoriented, or overwhelmed and go into unsafe parts of the community. For autistic people or individuals with intellectual disabilities, a smartwatch may enable them to navigate the community independently, rather than requiring a support worker or family member to accompany them at all times. For individuals with physical disability, smartwatches provide access to emergency calls for assistance if they are unable to access their phone. For other participants, a smartwatch improves or enables independence in managing daily routines without prompting from others. Remembering medication, appointments, daily living tasks such as eating, drinking and hygiene requirements and other tasks. Smartwatches are not an everyday expense for the mainstream population – most people do not own one. For many individuals with disability, the need for a smartwatch is entirely disability-related.</p>
Makeup, cosmetic treatments, wigs, and cosmetics	<p>Professional body hair removal is significantly safer, more cost-effective and hygienic compared to having a support worker perform shaving, which also increases the risk of abuse. This also prevents the use of individual-specific supports like acrylic nails who need them as orthoses, eg. a participant with a extreme pain in their fingertips due to a neurological condition may be able to work 25 hours per week rather than 2 hours due to the use of acrylic nails. We note also that voice to text options do not work for everyone as an alternative.</p>
Travel related	
Cruises, holiday packages, holiday accommodation,	<p>While the NDIS should not cover the cost of holidays for participants, it is entirely reasonable for the cost of a support worker accompanying a participant during travel or holidays to be</p>

including overseas travel, Airfares, passports, visa, meals and activities	claimable. Participants should not be expected to cover this additional expense which others without disabilities do not incur.
Petrol	Participants might pay fuel costs for a neighbour or friend to transport them to an appointment, particularly for ad hoc supports or when scheduled supports do not arrive. This is far more economical than employing a support worker, charging the taxpayer for a minimum of two hours plus travel costs.
Pet related	
veterinarian costs, pet boarding, pet grooming, taxidermy, pet cremations/funeral	Aside from taxidermy costs, all expenses related to assistance animals should be covered, and most of these costs are not detailed under the permitted costs for assistance animals.
Not value for money/not effective or beneficial	
Alternative and complementary therapies	Some of the alternative therapies in the list have significant evidence behind them and are a strange exclusion. We need to be careful not to exclude innovative, effective new therapies where the evidence base is still being developed. CaLD communities rely on some alternative or complementary therapies which western researchers have not explored to develop evidence. They should not be excluded due to a lack of western evidence, as this is not culturally safe practise.
Yoga therapy	Effective for improving mobility, balance, lung capacity and strength in some individuals with disabilities.
Neurofeedback	Supported by evidence as beneficial for certain people with disabilities.
Gaming therapy	Games like Dungeons and Dragons, Lego therapy, and Monopoly have evidence supporting their effectiveness for autistic and intellectually disabled youth. They aid in developing skills such as turn-taking, cooperation, problem-solving, decision-making and money skills, while making therapy engaging.
Somatic therapy	Evidence supports the effectiveness of somatic therapy for some individuals with disabilities.
Beauty services related	
Hair therapy, hair and beauty services including nail salons	Having hair washed at a salon is a more reasonable and cost-effective option compared to using a support worker for the task. It preserves dignity and promotes community inclusion. For some people with disability, having a shower to wash hair is a 3 hour ordeal, whereas a hairdresser takes as little as half an hour and doesn't require undressing, the use of hoists etc. Other participants living independently may need their hair washed professionally once a week, in order to improve hygiene while living independently.
Mainstream – Health	
Any equipment or assistive technology prescribed as a result of clinical care, treatment or	The exclusion of equipment or assistive technology prescribed during clinical care needs clarification. The distinction between clinical care, treatment, and disability management is poorly understood by participants, nominees, therapists, health professionals and NDIS representatives. This needs a clearer explanation.

management from a medical practitioner delivered in the context of clinical care	
Sleep consultant services	Sleep difficulties often relate to a person's disability, such as genetic conditions that affect sleep hormone production. Mainstream sleep consultancy services are generally not equipped to address the unique challenges posed by the intersection of disability and sleep issues.
Palliative Care	Disability-specific supports are often crucial during palliative care, especially for children and youth with life-limiting disabilities. These supports can significantly improve the quality of end-of-life care, allowing individuals to be cared for at home instead of in a hospital's palliative care ward.
Mainstream – Mental Health	
'Supports related to mental health that are clinical in nature'	The distinction between capacity-building supports, covered by NDIS, and clinical supports, handled by the mental health system, is frequently unclear to people with disabilities, families, clinicians, therapists, and NDIS representatives. This needs to be clearly explained to avoid participants unintentionally incurring debts and to ensure that participants are able to claim reasonable and necessary disability supports.
Mainstream – Child Protection and Family Support	
Parenting programs	Contrary to the carve-out, some mainstream parenting programs are well-suited for parents with disabilities, helping them build essential skills and reducing the risk of their children being removed from their care. Some parents with disabilities may require more intensive support with parenting to ensure their children remain in their care.
'Dating or relationship services'	The description here is extremely problematic, especially as there is no carve out. Many autistic people, people with intellectual disability and acquired brain injury want to have relationships and date, but require significantly more support to achieve these goals than those without disabilities.
'relationship counselling'	For many youths and adults with disabilities, building skills and capacity through relationship counselling is essential. Autistic individuals, those with intellectual disabilities, and those with acquired brain injuries often need specialised counselling and education to understand friendships, appropriate sexual behaviour, consent and protective behaviours. Mainstream services typically fall short of meeting these needs.
General parenting programs	Some parents with disability may substantially more support with parenting than is typical, particularly to reduce the risk of children being removed from their care.
Mainstream – Early Childhood Development	
Children with high and complex needs are often the first to be denied access to mainstream childcare due to the lack of additional support staff, especially amid significant workforce shortages in the early childhood development sector. In many communities, no specialist childcare services are available, so a carve-out to ensure that childcare can be accessed by families denied mainstream childcare due to disability needs is essential.	
Mainstream – School Education	

<p>Personalised learning or supports for students that primarily relate to their educational attainment</p>	<p>The exclusion of personalised learning or supports aimed at educational attainment fails to consider the needs of adults. Many rely on these supports to develop literacy skills, pursue tertiary education, and improve their chances of achieving employment.</p>
<p>‘tutors’</p>	<p>Many adults with disabilities require support from a tutor to build literacy skills to participate in and achieve tertiary education, improving their job prospects. This is crucial for individuals with intellectual disability or who are autistic as Certificate III is commonly considered to be entry-level for most careers. The availability of Certificate I and II introductory courses are increasingly being dropped by TAFE and Registered Training Organisations for most subjects, especially in regional areas. Many people with disability require significant tutoring support to build skills to undertake and complete tertiary education and achieve their goal of a career in open employment.</p>
<p>Mainstream – Higher Education and Vocational Education and Training</p>	
<p>Any supports for students that primarily relate to their education and training attainment</p>	<p>People with disabilities must be able to access courses in their local communities, whether through a private Registered Training Organisation (RTO), TAFE, or University. However, many tertiary training courses have shifted to private RTOs, with fewer options available through local TAFE campuses, leaving online training from distant TAFE campuses is inaccessible for many. Online courses likewise do not provide in-person support to students who require it. Private RTOs often lack the financial capacity to provide modified equipment or in-class assistance, making it extremely difficult for individuals with disabilities to access courses unless they can arrange their own supports through the NDIS or privately.</p>
<p>Transport between education or training activities</p>	<p>Students are frequently expected to travel independently to various training locations. This requirement can be a barrier for those with specialised transportation needs, effectively excluding them from participating in their courses. Without appropriate support for travel, individuals with disabilities who rely on accessible transport or assistance may be unable to attend training sessions, limiting their access to educational opportunities and impeding their ability to complete their programs. To ensure equitable access, provisions for specialised transport needs must be considered and accommodated.</p>
<p>Mainstream – Employment</p>	
<p>Work-specific support related to:</p> <ul style="list-style-type: none"> ▪ recruitment processes, ▪ work arrangements or the working environment, including workplace modifications, 	<p>Both exclusions suggest that the NDIS will no longer provide employment supports as it currently does, which will result in significantly poorer employment outcomes for people with disabilities. If these exclusions are implemented as described, individuals will lose access to essential supports that help them navigate recruitment processes and secure assessment of and recommendations for workplace modifications and equipment.</p>

<p>work-specific aids and equipment,</p> <ul style="list-style-type: none"> ▪ transport within work activities and ▪ work-specific support required in order to comply with laws dealing with discrimination on the basis of disability <p>Employment services and programs, including both disability-targeted and open employment services, to provide advice and support to:</p> <ul style="list-style-type: none"> ▪ people with disability to prepare for, find and maintain jobs ▪ employers to encourage and assist them to hire and be inclusive of people with disability in the workplace (i.e. support, training and resources, funding assistance to help employers make reasonable adjustments, and incentives for hiring people with disability, e.g. wage subsidies) 	
Mainstream – Housing and Community Infrastructure	
<p>‘routine tenancy support’</p>	<p>To prevent homelessness, people with disabilities who have difficulty understanding their tenant rights and responsibilities may require tenancy support.</p>
<p>Crisis housing (excluding discharge from hospital, aged care)</p>	<p>Disability-accessible crisis housing is almost non-existent. Action is required to prevent people with disabilities from becoming homeless during a housing crisis or being left with no option but to stay in hospitals. Young people must <u>not</u> be placed in nursing homes as a solution.</p>
<p>Rental payments</p>	<p>Excluding rental payments restricts participants from accessing innovative, cost-effective in-home supports by subsidising or</p>

	covering the rent for a housemate or similar solutions. These options are considerably more inclusive and cost-effective than group homes (SIL).
Council rates and taxes	Individuals who rely on disposable disability-related equipment, such as feeding supplies and continence aids, often require an additional waste disposal service from their council, resulting in higher rates. This additional cost should be claimable.
Mainstream – Transport	
Transport costs for pets and companion animals	It is unclear whether the cost of transporting assistance animals is claimable from NDIS funding, which must be.
Community transport services	Certain community transport services are designed specifically for people with disabilities, but the phrasing suggests they will be excluded. This would restrict access to local transport options for those unable to use public transportation.
Mainstream - Justice	
Supervision and monitoring of offenders	The exclusion of supervision and monitoring services for offenders could result in people with disabilities remaining in institutions and custodial settings longer than necessary, as they may lack the support needed for a safe and successful reintegration into the community. Additionally, released offenders may be placed in accommodation support with other people with disability without adequate supervision and monitoring, potentially putting co-residents at risk of harm.
Income Replacement	
Rent subsidy	Excluding rent subsidies prevents participants from utilising cost-effective and inclusive arrangements like Individual Living Options (ILO) and similar programs, which offer significant value for money and better support outcomes compared to more traditional and expensive options.

SWAN's Recommendations

- 1) **Withdraw the Draft Lists.** SWAN calls for the Government to retract the proposed draft lists of NDIS supports. These lists impose undue restrictions and are counterproductive, threatening the core principles of individualisation and flexibility, choice and control that are the foundation of the NDIS. The restrictions in these lists will lead to significantly increased cost of supports to participants. With capped budgets, participants are at risk of not having their support needs met.
- 2) **Define 'NDIS Supports in the transitional rules according to the Reasonable and Necessary principles:**
 - Must be related to a participant's disability
 - Must not include day-to-day living costs not related to your disability support needs, such as groceries
 - Should represent value for money
 - Must be likely to be effective and work for the participant, and
 - Should take into account support given to you by other government services, your family, carers, networks, and the community.

This revision will ensure that supports are effectively tailored to individual needs and aligned with the NDIS's goals of fostering independence and choice. Adopting these guidelines will allow for the necessary flexibility and personalisation to meet the diverse needs of each NDIS participant.
- 3) **Implement adequate consultation and meaningful codesign in all future changes to the NDIS.** The Government must ensure a minimum of 12 weeks with fully accessible communication provided throughout the consultation period for all future changes to NDIS legislation and processes. This minimum period is required to gather thorough input from all relevant stakeholders, including people with disabilities and their families.

Conclusion

South West Autism Network implore the Government to withdraw the proposed draft NDIS support lists, as they undermine the effectiveness of the current Reasonable and Necessary principles. These principles already provide a comprehensive framework for delivering personalised support, which is crucial for enabling participants to live fulfilling lives. By defining 'NDIS Supports' using the existing Reasonable and Necessary principles and withdrawing the draft lists, the Government will reinforce the NDIS's commitment to its core values and objectives, ensuring that support remains adaptable and responsive to the unique needs of each participant.



Contact

CEO: **Nick Avery**

Email: info@swanautism.org.au

Web: www.swanautism.org.au