15th August 2024

Dear Department of Social services,

**Re: Draft list of NDIS Supports**

I am Professor of Public Service Research at the Public Service Research Group, University of New South Wales Canberra.  I have expertise in policy design and implementation with a particular interest in disability policy and services.  I have undertaken several research studies examining the implementation of the NDIS in terms of market stewardship, the role of registration, plan utilisation rates, disability employment, COVID responses and the NDIS, experiences of disabled children and young people within the scheme and the challenges and complexities for formerly incarcerated people in accessing the scheme.  I have published 41 peer reviewed journal articles on these topics and broader disability policies and services and many more reports, newspaper columns and articles in publications such as The Conversation and Mandarin.  I was also a member of the working party that established the National Disability Research Partnership.

I am writing to provide feedback on the discussion paper relating to NDIS supports. I have several concerns regarding both the list and the process to develop and consult on this. Should this list be used, it will have a number of negative consequences for NDIS participants.

Firstly, in terms of the process there has been insufficient time or genuine consultation with the disability community on what constitutes significant changes for the scheme. A 14-day consultation period is insufficient for such substantial changes. Moreover, accessible versions of the discussion paper took longer to develop, which means that the actual consultation period is even shorter for those requiring Easy Read.

This discussion paper was released before we have seen the government’s response to the NDIS Review, while a controversial Bill is being considered by the Senate and in the wake of the publication of the government response to the DRC. All of these things take significant effort, time and emotional resilience to engage with. To rush such a significant change alongside this will no doubt cause distress and burnout for some within the disability community.

In respect to the NDIS Bill, one of the government’s responses to calls for greater commitments to co design within this Bill has been that this is enabling legislation and any new processes and systems will be co designed with the disability community. In essence, this response suggests the Bill does not require co-design because any material changes to the scheme will be. The rushed development of this list of NDIS supports seems to be contrary to this promise. Where significant changes are being made to the NDIS rules there should be significant and meaningful consultation with the disability community and this has not occurred within this instance.

I appreciate that amendments to the Bill have removed the APTOS Tables as an interim measure - this is a good thing. While this list is only part of a transitional rule we do not have clarity about when a new rule will replace this and a rushed approach will not necessarily provide greater clarity. Moreover, should this list be implemented there is a risk that NDIS participants might be reliant on State and Territory Foundational Supports before they are put into place. This will mean that some individuals will go without necessary supports.

International evidence suggests that the more narrowly that supports are prescribed and the less control afforded to people with disability to identify supports, the more costly and less appropriate supports become.  [In Control](https://in-control.org.uk/), a UK charity supporting individuals with disability and individualised budgets, has many examples of how creative supports can be more individualised and more efficient.  The definition of supports must be sufficiently broad to allow individuals flexibility alongside individual choice and control and not increase costs.

People with disability are incredibly innovative out of necessity and are often able to come up with solutions to support needs that may look unconventional but that afford greater independence and greater efficiencies in service costs.

When reading the proposed list of supports and discussing these with friends and colleagues with lived experience of disability we were able to come up with a number of use cases for why a person with disability might wish to purchase a support that is deemed out of scope. Whenever we create lists of what is in and out in terms of support needs it invariably, and perhaps inadvertently, puts individuals on the wrong sides of those lists when they were purchasing supports for genuine needs that are highly appropriate to their disability. This is why it is important not to rush such a list and to consult widely to understand the implications of ruling supports in and out of the scheme. Flexibility and choice are core principles of the NDIS and these changes seem to run counter to this.

There is potential that in seeking to provide lists of what is and is not permitted might reduce opportunities for innovation, reduce independence of individuals and increase costs of supports.  In the absence of being able to purchase certain items, individuals may have to rely on support workers to undertake tasks, which has implications for independence and is likely more costly over the long term.  I have previously written about this issue for [the Conversation](https://theconversation.com/choice-and-control-are-whitegoods-disability-supports-heres-what-proposed-ndis-reforms-say-227502).

Importantly, a number of the exclusions in this list seem to relate to mainstream sources, which will push people with disability into specialist disability supports. Not only will this have the impact that these supports will be more expensive, but this also means that people with disability are further segregated from the mainstream community. This runs entirely contrary to the ethos of early investment and a life course approach that the scheme promised.

I would have liked to have provided significant feedback on the limitations of a number of inclusions and exclusions on this list. But with a busy job and homelife this was not possible within the timeline afforded. I would encourage you to work more closely with the disability community on a genuinely co-designed process to improve this list so that it is flexible and person-centred. Please do not rush a process that will have such a significant impact on the lives of NDIS participants.

I welcome the opportunity to provide any further assistance or input going forward.

Yours sincerely,



Professor Helen Dickinson

Professor Public Service Research

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