



Department of Social Services

Consultation on draft list of NDIS Supports

Occupational Therapy Australia submission

August 2024

Introduction

Occupational Therapy Australia (OTA) welcomes the opportunity to provide a submission to on the draft list of NDIS Supports.

OTA is the professional association and peak representative body for occupational therapists (OTs) in Australia. OTA represents more than 29,000 registered OTs working across the government, non-government, private and community sectors in Australia. There is a significant number of OTs working in the NDIS provider market, providing therapeutic supports for NDIS participants to build skills and capacity to live with increased independence and with greater connection to their communities.

Given the important role of OTs in the NDIS, OTA is committed to supporting the long-term sustainability of the scheme and ensuring continued and equitable access to OT services across Australia for people with disability.

General feedback

Timeframe for consultation

OTA is concerned about the limited consultation period provided for this draft guidance. The disability sector has been given 15 business days to provide feedback on a list that outlines what is and is not an approved NDIS support and will impact all funding decisions for the immediate future if the NDIS Bill is passed. We are concerned that Government proposed the creation of this list in a legislative amendment published in May 2024 – however it has taken more than 2 months for it to be provided to stakeholders with only a very short window for comment.

We are concerned that the list as drafted contains significant omissions, errors in grammar and terminology for specific equipment and supports, suggesting that there was no meaningful input provided by disability specific specialists, including peak bodies.

We are also concerned that accessibility was not accommodated for in the consultation, until days before the closing period with easy read versions of the draft list of supports only provided 4 days before the closing period. Additionally, feedback was sought through a survey tool which did not allow for a respondent to indicate if they are a provider, and limited character cap – only allowing about 200 words despite stating that it allowed 250 words, which is inadequate to raise the significant issues that exist throughout the list.

This lack of co-design and rushed consultation exacerbates concerns held by the disability sector that Government is not committed to true co-design in the design of the future NDIS.

Recommendation 1: Government extends the consultation period on this list for at least another month, engages specifically with peak bodies including OTA, AHPA and the Assistive Technology sector, to ensure that the list uses correct terminology and encompasses the appropriate level of detail and scope to ensure that it enables access to contemporary and appropriate disability supports, and provides more detail on how the list will operate in the context of proposed classification of participant classes (see Recommendation 2).

Legislative context

Under the NDIS Bill, NDIS supports will operate as a temporary list of what can be funded under amended NDIS Act. Under Schedule 1, Part 1 Section 10(1) of the National Disability Insurance Scheme Act 2013, defined NDIS Supports will be for:

(A) participants or prospective participants generally; or

(b) a class of participants or prospective participants that includes the person.

OTA is concerned that stakeholders are being asked to comment on this list, in absence of broader guidance or direction from Government on what these classes will be, and which classes of participants may or may not be eligible for various kinds of supports. This is essential context to understand how this guidance will be operationalised and result in NDIS planning decisions and support outcomes.

We are concerned that this may lead to classification of participants based on primary disability, and restriction of specific NDIS supports based on this classification. For example, the classification of a participant with Autism or psychosocial disability may lead to inability to access NDIS Supports that are proscribed for people with physical disability, for example access assistive technology, home modifications or specialised driving supports, which a participant may need as a result of their disability.

Recommendation 2: That Government releases more detail to the community on the proposed categorisation of participant classes and how this will be implemented to enable concurrent review of the draft list of NDIS Supports to understand how they will be operationalised, to enable meaningful consultation and feedback.

Need for NDIA discretion in decision making

The Parliamentary Joint Committee on Human Rights reviewed the NDIS Bill and recommend that new NDIS rules should allow for the NDIA to exercise discretion to provide supports beyond specified NDIS supports provided the participant has a demonstrated need as a result of their disability.

We note that Government has proposed an amendment to the NDIS Bill (under Amendments tabled as 'PA112 REVISED') to enable the CEO to make a determination for alternative supports under certain very narrow circumstances (for example that the support is equal or lesser cost than approved NDIS supports) where a participant applies directly to the CEO. We do not think that this offers an accessible or appropriate method to seek alternative supports, as it requires an individual participant or their advocate to apply directly to the NDIA, which may be an access barrier and places the onus on the individual participant or their supporting therapist to seek an individual exemption. Government has also confirmed that this is not a reviewable decision and so eaves no means to appeal a decision where a support is not approved via this alternative pathway.

Recommendation 3: That the list of NDIS Supports includes additional guidance for decision makers that enables participants, planners and delegates to exercise case by case discretion on reasonable and necessary supports that can be funded beyond this list, to avoid narrow interpretations and decision making that is restrictive or results in decisions that block access to appropriate supports. This must operate in an easy to access, day-to-day process, in addition to the proposed legislative workaround that

requires direct application to the CEO, which is overly restrictive and may be inaccessible for many participants.

Specific feedback on proposed NDIS Supports

We have concerns that the proposed list is not comprehensive enough to provide confidence that appropriate supports will be approved, or may lead to unintended consequences. Significant omissions include:

- Lack of alignment generally with the NDIS Pricing Guidelines.
- Inconsistent reference to the specific clinicians/professions who may provide services. For example Exercise Physiology services are clearly provided for but occupational therapy, one of the major therapeutic interventions provided under the NDIS, is not specifically listed. Delegated tasks delivered by allied health assistants, in the provision of therapeutic supports, should also be included, in alignment with the NDIS Price Guide.
- Definition of therapy supports refers to 'evidence based' – it is not clear how this will be established by the NDIA and we hold concerns that NDIA staff/delegates will not have the skills or training to make appropriate assessment on whether existing academic literature is sufficient to support specific type of intervention. Often in Occupational Therapy academia, specific terminology is used, and NDIA staff may not be aware of specific terminology required to search for and identify evidence bases. OTA maintains that it should be within specific remit of a qualified and registered Occupational Therapist to provide services that are informed by an appropriate evidence base.
- References to permitted assistive technology are limited, and only refer to 'specialist assistive technology' which excludes a wide range of technologies and equipment that are regularly supplied now under the NDIS and should continue to be supported due to their clear assistive benefits in a disability specific context, that can often be at much lower cost than specialist products. There is no mention of the replacement, maintenance or repair of assistive technology. Exclusion of technologies and equipment that do not meet 'relevant Australia standards' is not feasible or appropriate, due to the varied regulatory settings that apply and current sector practices. DSS must engage directly and specifically with the Assistive Technology Sector to understand the current scope of disability equipment supply, and the regulatory settings that prevail to ensure consumer safety, to ensure that appropriate supports are not excluded.
- No provision for services that relate to Supported Independent Living and Individualised Living Options. It needs to be clear that these supports are accommodated to ensure that participants can pursue housing independence.
- The list is also silent on support specifically for fulfilment of cultural needs for First Nations people with disability. This raises concerns that this is not provided for and will not be funded in any form.

Recommendation 4: Specific inclusion of a category for occupational therapy assessments and the wide range of nuanced therapeutic supports and interventions that are provided under the occupational therapy scope of practice when providing disability supports and services. Development of this category should be developed in collaboration with OTA. This should include provision for assessments and interventions to assist a participant to understand and apply their functional skills to maintain and improve participation and independence in meaningful daily and regular, practical activities in areas such as language and communication, socio-emotional, personal care, mobility and movement, interpersonal interactions, decision-making, psychosocial

functioning, housekeeping, parenting or caring responsibilities, learning, volunteer or paid work and community living, and including individual and group based therapies. This should also explicitly include support for people to access assistive technologies, home and vehicle modifications, psychosocial recovery, early intervention for children and adults, and education and supports to participate in employment and education.

OTA also offers some specific comments on the proposed list of NDIS Supports with changes in track and comments in Attachment A.

Recommendation 5: The draft list of NDIS support is further amended to reflect the changes proposed, and comments raised, by OTA in Attachment A.

Contact

For further information or to discuss the contents of this submission, please contact OTA via policy@otaus.com.au.

Attachment A: Appended Copy of DSS Supplied Document

Supports that are 'NDIS supports'

The below contains 36 categories of NDIS supports, a description of the category, and any carve outs to the description that are not 'NDIS supports'.

Accommodation/ tenancy assistance

Description

Supports that guide, prompt, or assist a participant to undertake activities that ensure they obtain/retain appropriate accommodation.

This may include assisting a participant to apply for a rental tenancy or to undertake tenancy obligations in line with the participant's tenancy agreement.

Carve outs that are not 'NDIS supports'

Does not include:

- rental costs,
- bond costs,
- mortgage repayments etc

See the 'Day-to-day living costs' category.

Assistance Animals

Description

An animal specially trained by an accredited assistance animal provider to help a participant with tasks. These are things the animal wouldn't naturally do otherwise, like guiding a participant through crowded places. Includes ongoing maintenance costs such as vet fees, transport and special diets for the assistance animal.

Carve outs that are not 'NDIS supports'

N/A

Assistance In Coordinating or Managing Life Stages, Transitions and Supports

Description

Supports to establish assistance within the participant's home or community to develop skills. Includes support coordination, mentoring, peer support and individual skill development such as attending appointments, shopping, bill paying, taking part in social activities and maintaining contact with others. [Includes developing psychosocial recovery plans, supporting psychosocial recovery, health and wellbeing.](#)

Active involvement in planning and transition supports on the basis of a person having reached a point of stability in regard to functional capacity, prior to hospital discharge (or equivalent for other healthcare settings) wherever there is a need for ongoing maintenance support.

Carve outs that are not 'NDIS supports'

Commented [JC1]: Guide is silent on supports for those pursuing Supported Independent Living and Individualised Living Options- the list needs to be clear that these are explicitly accommodated under the guide

N/A

Assistance to Access and Maintain Employment or higher education

Description

Workplace assistance that enables a participant to successfully obtain and/or retain employment in the open or supported labour market, including individual employment support, employment preparation and support in a group and school leaver employment supports to assist students transitioning from school to employment. [Includes assessment and provision of therapeutic supports by an occupational therapist.](#)

Carve outs that are not 'NDIS supports'

Does not include:

- learning and support needs of students that primarily relate to their education and training attainment,
- work-specific support related to recruitment processes, work arrangements or the working environment,
- funding or provision of employment services and programs

Assistance With Daily Life Tasks in a Group or Shared Living Arrangement

Description

Assistance with and/or supervision of tasks of daily life in a shared living environment, which is either temporary or ongoing, with a focus on developing the skills of each individual to live as autonomously as possible, including short term accommodation and respite.

Carve outs that are not 'NDIS supports'

N/A

Assistance With Travel/Transport Arrangements

Description

Transport assistance, including training, activity-based transport, provider travel, and costs associated with the use of taxis/private transport, where the participant cannot travel independently or use public transport due to the impact of their impairment/s on their functional capacity.

This includes transporting participants to funded supports and other activities including school, educational facility, employment, or the community.

Carve outs that are not 'NDIS supports'

N/A

Assistive Equipment for Recreation

Description

Specialist products used in competitive and non-competitive sports and other recreational pursuits. [Includes equipment/product maintenance and repair.](#)

Commented [JC2]: For avoidance of doubt, recommend including occupational therapy as a provider of assessments and therapeutic interventions in these areas, in line with widespread current practice.

Carve outs that are not 'NDIS supports'

N/A

Assistive Products for Household Tasks

Description

[Specialist products](#) to enable cooking, cleaning, washing, home maintenance and other tasks, [including mainstream, commercially available household products and appliances that have an assistive benefit related to a participant's disability when prescribed by an occupational therapist. Includes equipment/product maintenance and repair.](#)

Carve outs that are not 'NDIS supports'

N/A

Assistive Products for Personal Care And Safety

Description

[Specialist products](#) for personal care or safety including beds and pressure mattresses, toilet and bathroom equipment, specialised clothing and continence needs. [Includes equipment/product maintenance and repair.](#)

Carve outs that are not 'NDIS supports'

N/A

Specialist Positive Behaviour Support

Description

Support provided by professionals with specialist skills in positive behaviour support including assessment, development and delivery of a comprehensive plan that aims to reduce and manage behaviours of concern, and training and ongoing monitoring of staff in plan implementation.

Carve outs that are not 'NDIS supports'

N/A

Communication And Information Equipment

Description

Products to assist with [augmentative and alternative](#) communication or to access written or spoken communication via electronic or other means. [Includes equipment/product maintenance and repair.](#)

Carve outs that are not 'NDIS supports'

N/A

Community Nursing Care

Description

Provision of specialist care for participants who have high care needs requiring a high level of skill, and for the training of support workers to respond to the participant's complex needs.

Commented [JC3]: Note that exclusion for security systems, gates, fencing etc in the "Not NDIS Supports" list may impact implementation of PBS plans.

Carve outs that are not 'NDIS supports'

N/A

Customised Prosthetics (includes Orthotics)

Description

Prescription and manufacture of customised prostheses or orthoses requiring specialist skills.

Carve outs that are not 'NDIS supports'

N/A

Daily Personal Activities

Description

Assistance with and/or supervision of personal tasks of daily life to enable a participant to live as autonomously as possible in a range of environments, including but not limited to, the participant's own home.

Carve outs that are not 'NDIS supports'

N/A

Development Of Daily Care And Life Skills

Description

Development of daily living and life skills focuses on training and development activities undertaken by a participant or their carer to increase their ability to live as autonomously as possible, including supports that will enhance the ability of the participant to travel and use public transport independently.

Carve outs that are not 'NDIS supports'

N/A

Disability-Related Health Supports

Description

Disability-related health supports where the supports are a regular part of the participant's daily life, and result from the participant's disability. This includes continence, dysphagia, respiratory, nutrition, diabetic management, epilepsy, podiatry and foot care, [lymphoedema management](#), and wound and pressure care supports.

Supports for people with complex communication needs or challenging behaviours while accessing health services, including hospitals and in-patient facilities.

Carve outs that are not 'NDIS supports'

N/A

Early Intervention Supports For Early Childhood

Description

Commented [JC4]: Recommend that this also explicitly includes provision for lymphoedema management strategies and supports.

It is not appropriate to consider lymphoedema under wound and pressure care strategies as it is a separate condition.

The list need explicit guidance to ensure that there are appropriate supports for Disability-Related Lymphoedema and Lymphoedema causing Disability.

Needs to encompass:
Regular access to accredited lymphoedema therapists for assessment, treatment and establishment of management plans

Adequate prescription of compression garments (State based compression garment funding is not universally accessible)

Access to donning/doffing aids and funding of Sequential Intermittent Pneumatic Compression (SIPC)

Provision of a mix of therapies, and a key worker for the family. Supports for all children 0-9 years with developmental delay or disability and their families to achieve better long-term outcomes, regardless of diagnosis. [Includes assessment and provision of therapeutic supports by an occupational therapist.](#)

Carve outs that are not 'NDIS supports'

N/A

Exercise Physiology & Personal Well-being Activities

Description

Physical wellbeing activities to promote and encourage physical well-being, including exercise.

Carve outs that are not 'NDIS supports'

N/A

Group And Centre Based Activities

Description

Assistance for participants to access and participate in community, social and recreational activities provided in a group setting, either in the community or in a centre.

Carve outs that are not 'NDIS supports'

N/A

Hearing Equipment

Description

Specialist hearing supports (excluding surgical services) where these supports directly relate to a person's permanent impairment.

Carve outs that are not 'NDIS supports'

[General hearing services or supports otherwise provided by Hearing Australia](#)

High Intensity Daily Personal Activities

Description

Assistance with and/or supervision of tasks of daily life to enable a participant with complex needs to live as autonomously as possible in a range of environments, including but not limited to, the participant's own home.

These supports are provided by a worker with additional qualifications and experience relevant to the participants' complex needs.

Carve outs that are not 'NDIS supports'

N/A

Home Modification Design and Construction

Description

Commented [JC5]: For avoidance of doubt, recommend including occupational therapy as a provider of assessments and therapeutic interventions in these areas, in line with widespread current practice.

Commented [JC6]: Blanket exclusion of general hearing supports may impact those required but not provided by school that enable young people to successfully engage in learning and curriculum

For example a child with a central auditory processing disorder, who may struggle to tolerate the in-ear FM system and requires a classroom hearing soundfield system. The public school system could not provide this and parent will need to access their NDIS funding for this equipment.

NDIS has previously supplied this after receiving appropriate documentation that showed the child's needs/requirements

[Assessment, d](#)Design and subsequent changes or modification to a participant’s home, including installation of equipment or changes to building structures, fixture or fittings to enable participants to live as independently as possible or to live safely at home. [Includes maintenance of equipment and fittings. Includes project management for complex home modifications.](#)

Carve outs that are not ‘NDIS supports’

Design and subsequent changes or modifications to state or territory owned public housing

Household tasks

Description

Essential household tasks that a participant is not able to undertake because of their disability, including meal preparation and delivery, house or yard maintenance, cleaning and laundry.

Carve outs that are not ‘NDIS supports’

N/A

Innovative Community Participation

Description

Activities not included under other community participation registration groups; for mainstream providers who want to enable participants to access mainstream activities.

Carve outs that are not ‘NDIS supports’

N/A

Interpreting and Translation

Description

Assistance to a participant to enable independent communication in essential personal, social or community activities where translation is not available from a mainstream service.

Carve outs that are not ‘NDIS supports’

N/A

Management of Funding for Supports

Description

Management of funding for supports by a registered plan management provider – both defined in the Act.

Section 9:

registered plan management provider means an NDIS provider who is registered to manage the funding for supports under plans as mentioned in paragraph 73E(2)(a).

Section 42:

(1) For the purposes of this Act, managing the funding for supports under a participant’s plan means doing one or more of the following:

(a) purchasing the supports identified in the plan (including paying any applicable indirect costs, such as taxes, associated with the supports);

(b) receiving any funding provided by the Agency;

(ba) managing any funding provided by the Agency;

(c) acquitting any funding provided by the Agency.

Carve outs that are not 'NDIS supports'

N/A

Participation in Community, Social and Civic Activities

Description

Assisting a participant to participate actively in community, social and civic activities; including supporting participants during these activities and developing participants' ability to partake in these activities.

Carve outs that are not 'NDIS supports'

N/A

Personal Mobility and Positioning Equipment

Description

Products to enable [24-hour positioning and](#) personal mobility, including equipment for [standing, lying, sitting,](#) walking, wheelchairs and transfer aids. [Includes assessment, trial, equipment selection, set-up and fitting, and implementation into the participant's life \(training and support\). Includes repairs and maintenance of equipment.](#)

Carve outs that are not 'NDIS supports'

N/A

Specialist Disability Accommodation (SDA)

Description

As defined in the *National Disability Insurance Scheme (Specialist Disability Accommodation) Rules 2020*:

specialist disability accommodation:

- a. means accommodation for a person who requires specialist housing solutions, including to assist with the delivery of supports that cater for the person's extreme functional impairment or very high support needs; but
- b. does not include supports delivered to the person while the person is living in the accommodation.

These rules also govern participant eligibility and requirements for SDA dwellings.

Carve outs that are not 'NDIS supports'

N/A

Specialised Driver Training

Description

[A Driver assessment and training to support driving independence, including specialist driving instruction to develop driving skills for non-adapted vehicles, and –using adapted equipment or vehicle modification.](#)

Carve outs that are not 'NDIS supports'

N/A

Specialised Hearing Services

Description

Specialised hearing services for children and adults with complex needs.

Carve outs that are not 'NDIS supports'

N/A

Specialised Supported Employment

Description

Assistance in specialised supported employment/Australian Disability Enterprise.

Carve outs that are not 'NDIS supports'

N/A

Specialised Support Coordination

Description

The provision of Support Coordination within a specialist framework necessitated by specific high-level risks in the participant's situation. Support focuses on addressing barriers and reducing complexity in the support environment, while assisting the participant to connect with supports and build capacity and resilience. It may also involve development of an intervention plan which will be put in place by disability support workers.

Carve outs that are not 'NDIS supports'

N/A

Therapeutic Supports [including occupational therapy supports](#)

Description

[Evidence-based](#) Therapy supports provided to assist a participant to [understand and](#) apply their functional skills to [maintain and](#) improve participation and independence in [meaningful daily and regular](#), practical activities in areas such as language and communication, [socio-emotional](#), personal care, mobility and movement, interpersonal interactions, [psychosocial functioning, housekeeping, parenting or caring responsibilities, learning, -volunteer or paid work](#) and community living. [This includes psychosocial recovery supports, activity-based group therapy for engagement, supporting](#)

Commented [JC7]: The current definition does not enable specialised assessment by a Occupational Therapy Driver Assessments (OTDA). Current NDIS practice involves assessment by a OTDA to identify and recommend necessary support needs for NDIS participants. This process allows for a tailored approach, relying on the clinical/professional judgment of OTs who understand a participant's individual functional requirements. The proposed restriction undermines this professional judgment and shifts decision-making away from qualified health professionals, which could lead to suboptimal outcomes for participants.

The draft definition also does not consider the needs for participants with non-physical disabilities who do not require vehicle modifications but still require specialised support to overcome barriers that impact their ability to drive safely and independently. This restriction will exclude a large proportion of the disability community and will disproportionately affect individuals with, but is not limited to, fatigue, pain, cognitive, psychosocial, learning delays, neurodivergence, autism spectrum disorder and intellectual disabilities, who may have complex needs.

Specialised driver training is often crucial for participants with cognitive impairments, mental health conditions, or developmental disabilities, enabling them to develop safe driving skills, build confidence, and demonstrate consistency in their driving abilities.

[function, supporting and enhancing executive function skills, social engagement, mood and regulation needs](#). This includes funding further assessment by health [and allied](#) professionals for support planning and review as required. [This includes therapeutic supports for participants with physical, psychosocial and neurological/cognitive disability. This includes assessment and therapeutic support delivered by an occupational therapist, and delegated tasks provided by an Allied health Assistant.](#)

Carve outs that are not 'NDIS supports'

N/A

Vehicle Modifications

Description

Vehicle modifications including the installation of, or changes to, equipment in a vehicle to enable a participant to travel safely as a passenger or to drive.

Carve outs that are not 'NDIS supports'

- Purchase of a vehicle of any kind, including motor vehicles, motorbikes, watercrafts, [all terrain vehicles](#) and other recreational vehicles,
- Mechanical repairs,
- Tools
- Vehicle registration

Vision Equipment

Description

Products for navigation, orientation, braille, magnifiers and note taking equipment.

Carve outs that are not 'NDIS supports'

Prescription glasses [\(not including prism glasses\)](#)

Supports that are not 'NDIS supports'

The below contains 15 categories of goods and services that are not an 'NDIS support', a description of the category, and any carve outs to the description that are considered an 'NDIS support'.

Day-to-day living costs

Description

Accommodation and household related:

- Rent, rental bonds, home deposits, mortgage deposits, strata fees, rental bonds and home deposits.
- [Standard home security](#) and maintenance costs, fencing, gates and building repairs, [other than those required to implement a Behaviour Support Management Plan.](#)

Commented [JC8]: Current definition does not encompass the full occupational therapy clinical scope of practice when supporting clients to understand and respond to the impact of disability and pursue independence.

It is important to also include specific provision for assessment, and provision of services to maintain skills and capacity maintenance, not just improvement, to assist with the impacts of degenerative conditions.

For the avoidance of doubt, OTA also recommends explicitly ensuring that the inclusion of non-physical disabilities, and the inclusion of the specific role of occupational therapy in delivering assessments and therapeutic interventions.

OTA so recommend removal of evidence based as a definition as this is not clearly defined and we don't feel that NDIA staff/decision makers or participants will be in the position to make an accurate assessment of what constitutes an appropriate evidence base, and is within the remit of the clinical scope of occupational therapists to determine for the interventions they recommend.

Commented [JC9]: May preclude access to all terrain wheelchairs - this should be explicitly acknowledged as a permitted support

Commented [JC10]: Exclusion list should not exclude prism glasses, which can assist people with Acquired Brain Injury and children with dyslexia.

Commented [JC11]: May restrict standard items recommended by positive behaviour support practitioners in conjunction with a Behaviour Support Management Plan to reduce the need for restrictive practice, including:
Security systems
Fencing
Gates

- General furniture removal and services, unwanted furniture pick up, except for services required to make a premises safe to receive NDIS supports, and habitable for a participant, where hoarding behaviours have been identified.
- Pools, pool heating and maintenance, spa baths, saunas, 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 (not including back up power sources for disability equipment and assistive technology).
- Standard household items (dishwasher, fridge, washing machine, non-modified kitchen utensils and crockery, fire alarms, floor rugs, beanbags, lounges, standard mattresses, and bedding), replacement of appliances, including hot water services, solar panels, etc, except where a an item/equipment has additional assistive benefits to support a person's disability needs.

Finance and payments related:

- Donations, tithes, gifts, and political contributions,
- Fines penalties, and court-ordered amounts
- Travel insurance, life insurance, home and contents insurance, car insurance and excess insurance for Novated vehicles (Salary Sacrifice).
- Superannuation for participants or related parties (exceptions apply for arm's length Employment arrangements)
- School / education fees including TAFE and university.
- Legal costs
- Child support fees, debt repayments, gift cards
- Business development costs, business skills development costs
- Debts, liabilities, and taxes, other than those necessarily incurred in the receipt of supports

Food, Beverage related:

- Groceries (except for modified foods required as a result of a person's your disability e.g. PEG feeding),
- Fast food services and takeaway food
- Alcohol

Lifestyle related:

- Cigarettes, vapes and smoking paraphernalia, legal cannabis
- Gambling

Commented [JC12]: May restrict removal needs for people with hoarding behaviours, where general rubbish removal is needed before support workers and therapy providers can enter the home. Mattress removal for people with pain based conditions can be important.

Commented [JC13]: Maintenance support (home and garden) may be essential for people with disability where their disability impacts ability to perform these tasks. This may include people who are paranoid. low in energy, trauma triggers, sensory processing differences, FND, dizziness/POTS, coordination, fine motor, agoraphobia. planning and sequencing difficulties, executive dysfunction, neurodivergent individuals who live alone

Commented [JC14]: This potentially excludes back up power supplies that are essential in maintaining disability specific equipment and may risk participant injury or death if it not provided.

Commented [JC15]: OTA has concerns that this blanket exclusion will restrict appropriate, innovative solutions prescribed by an OT, to assist with Activities of daily living, which promote independence can be purchased as a one off reduced cost when compared to ongoing supports provided by a support worker.

Examples that are commonly prescribed currently under the NDIS include:

Draw dishwasher for a participant in a wheelchair
 Blender to assist with meal preparation for a participant with dysphagia
 Larger screen mobile devices or software to support communication within mobile device.
 Mini fridge for storing cooling or calming items nearby to bed or chair (e.g. for sensory needs or people who may dissociate and cannot move)
 Oven with drawers increases accessibility
 Freezer allows frozen meals to be delivered and stored for participants who cannot prepare meals
 Separate washing machine for soiled sheets for those who need incontinence care
 Plinths for washing machines, laundry etc to increase accessibility
 Air conditioning heating, cooling for homes for people with thermoregulatory issues such as Multiple sclerosis, autism, psychosocial disability
 Robust furniture and furniture/appliance protections for homes where participants with challenging behaviours that withstand heavy use and damage
 Mattresses with robust covers and extra thick sheets for people who repeatedly shred mattresses due to challenging behaviours
 Thermoregulation type bedding
 Pillow systems to assist with sleep positioning e.g. wedge and U shape body pillows
 Backup power generators to maintain AT use e.g. CPAP machine, blenders for people with modified diet/dysphagia
 Kitchen equipment to assist with tremors that can result from psychiatric medications e.g. choppers, knife boards, electric peelers, electric choppers, safety switches on oven

- Internet services, land line phone, mobile phones, mobile phone accessories, and mobile phone plans and smart phones.
- Gaming PCs, consoles and games, subscriptions for streaming services
- Standard toys, balls, racquets, uniforms, membership costs and other costs associated with recreational sports
- Wedding, honeymoon, funeral, other events.
- Musical instruments, music production, social media production
- Tickets to music, theatre, cinema or sporting events, and general conference fees
- Sex work
- Sex toys
- Surrogacy, Menstrual products, IVF
- Trampolines
- General play equipment, indoor or outdoor.
- Membership of a recreational club

Clothing related:

- Jewellery, watches (including smart watches)
- Makeup, cosmetic treatments, wigs, and cosmetics
- Standard clothing and footwear

Travel related:

- Cruises, holiday packages, holiday accommodation, including overseas travel, Airfares, passports, visa, meals and activities.
- Tickets to theme parks, tourism and entertainment operators.
- Motor vehicles, motorbikes, watercraft, all-terrain vehicles and other recreational vehicles, mechanical repairs, tools, vehicle registration.
- Petrol

Pet Related:

- Animals (other than approved NDIS funded assistance animals),
- pet food for animals other than for approved NDIS assistance animals,
- veterinarian costs, pet boarding, pet grooming, taxidermy, pet cremations/funeral

Carve outs that may be considered 'NDIS supports' for certain participants

The following day to day living costs may be funded under the NDIS if they relate to reasonable and necessary supports:

Commented [JC16]: Note this exclusion is inconsistent with the equipment/aides that are currently accessible for older people under Commonwealth Support at Home Scheme to assist with sex and sexual functioning, and takes a discriminatory approach toward people with disability. This exclusion will restrict personal expression and functioning for people with disability in the important life domain of sexual expression/activity.

Commented [JC17]: Blanket exclusion of play equipment may impact OT prescription of low cost, widely available equipment that can be easily modified to assist with therapeutic interventions to assist with behaviour regulation and movement.

Commented [JC18]: Blanket exclusion will restrict access to smart watches as an assistive technology prescribed and used by people with cognitive/executive functioning impairment to assist with reminders and scheduling for activities of daily living eg medication reminders, activity reminders, bill and shopping reminders, and use of apps to assist with behaviour and mood regulation.

Commented [JC19]: May restrict clothing that is non specialist (ie less expensive) but still meets disability specific needs eg seamless or tag-free clothing for individuals with sensory sensitivities, or clothes with special fastenings for those with fine motor difficulties.

- Additional living costs that are incurred by a participant solely and directly as a result of their disability support needs
- Services delivered in a gym or recreational club related to the participant's disability support needs (excluding the cost of membership, entry, or basic equipment).
- Play equipment where it is specialist sensory equipment could be funded under Assisted Technology
- Additional insurance costs that arise from modified vehicles
- Additional costs to upgrade standard household items to household items that include accessibility features

Not value for money/not effective or beneficial

Description

Alternative and complementary therapies:

- Crystal therapy
- Tarot card reading, Clairvoyants
- Cuddle therapy
- Reflexology
- Aromatherapy
- Sound therapy
- Yoga Therapy
- Wilderness Therapy
- Alternative or complementary medicine

Wellness and coaching related:

- General massage
- Sports or athletic supplements
- Life/wellness/career coach/cultural coach
- Hypnotherapy
- Neurofeedback

• Gaming therapy

- Mastermind coaching
- Somatic therapy
- Kinesiology

Energy and Healing Practices related:

Commented [JC20]: Some of the inclusions in this list may restrict or be confused with legitimate interventions provided by occupational therapists via activity based group therapy where the specific activity is used as an intervention in the development of broader goals or skills and is used to develop social emotion or functional capacity and outcomes.

Examples of current approaches already occurring under the NDIS, provided by skilled clinicians includes the following interventions in group based therapy:

- Nature based OT
- Group social intensive school holiday programs based on the concept of loose parts play
- Treetops adventure OT program
- Parkour
- Expressive arts and interoception
- Yoga and interoception
- Camp for teens where they have to pack own gear, hike, cook, set schedules, sleep in tents.
- Creative writing
- Dungeons and dragons
- Lego
- Craft
- Art
- Cooking
- Animal-assisted therapy
- Gardening and horticulture groups
- Virtual reality and augmented reality therapy – for interoceptive awareness, self regulation
- Video games that have biofeedback tools that practice self regulation to power up the game.
- Games for social interactions and role play
- Drama
- Magic
- Robotics
- Jog/gym groups
- Gaming groups that support safe online social interaction/skills or transitioning to other skills

Commented [JC21]: This risks excluding activity based group therapy provided by an occupational therapist that includes yoga as an intervention to enable participants to develop goals and skills.

Commented [JC22]: This risks excluding activity based group therapy provided by an occupational therapist that include time in/with nature as an intervention to enable participants to develop goals and skills.

Commented [JC23]: This will exclude activity based group therapy provided by an occupational therapist that include games/gaming as an intervention to enable participants to develop communication, decision making social and other skills.

- Reiki (including intuitive reiki), Scalar Lounge, Frequency Healing and Energy balanced massage, Deep Energy Clearing, Spinal Flow Technique, Shamanic Healing

Beauty Services related:

- Hair therapy, hair and beauty services including nail salons

Carve outs that may be considered ‘NDIS supports’ for certain participants

- Therapeutic massage that is directly related to a participant’s disability support needs

Mainstream – Health

Description

- The diagnosis and clinical treatment of health conditions, including ongoing or chronic health conditions
- Diagnostic assessments and screening services.
- Time-limited, goal-oriented services and therapies:
 - where the predominant purpose is treatment directly related to the person’s health status, or
 - provided after a recent medical or surgical event, with the aim of improving the person’s functional status, including post-acute rehabilitation or post-acute care
- Any pharmaceutical
- Any equipment or assistive technology prescribed as a result of clinical care, treatment or management from a medical practitioner delivered in the context of clinical care.
- Acute, subacute, emergency and outpatient clinical services delivered through public or private hospitals.
- Prescription medicines, non-prescription medicines, biological medicines, vaccines, sunscreens, weight loss products, vitamins, sport and athletic supplements, homeopathic medicines, prescription glasses
- Nursing services (where related to treatment of a health event)
- Ambulance services or membership
- Health transport services
- Hospital in the home services
- Non-specialist sleep consultant services.
- Health retreats
- New-born follow-up provided in the health system, including child and maternal health services
- Palliative care

Carve outs that may be considered ‘NDIS supports’ for certain participants

Commented [JC24]: Blanket exclusion of hair and beauty services will restrict provision of services that may be required for clients with limited mobility or capacity who cannot undertake personal grooming activities, but offers cost effective solutions, and enable participants to maintain personal dignity. For example a weekly salon appointment for hair washing may be more cost effective than cost of a support worker.

Commented [JC25]: Noted above - may restrict funding for prism glasses which may be appropriate for those with ABI/dyslexia

Commented [JC26]: Blanket exclusion impacts provision of sleep services supplied by specialised occupational therapists who deliver services to persons with development, neuro-motor, and neurological impairments, and deliver support to identify environmental and behavioural barriers that impact sleeping, and can prescribe approaches to assist with sleep rhythms, environmental modifications (including sensory modifications), behaviours and communication

- Disability-related health supports where the supports are a regular part of the participant’s daily life, and result from the participant’s disability. This includes continence, dysphagia, respiratory, nutrition, diabetic management, epilepsy, podiatry and foot care, [lymphoedema management](#) and wound and pressure care supports.
- Jointly with other parties, provision of specialist allied health, rehabilitation and other therapy, jointly with health services, to facilitate enhanced functioning and community re-integration of people with recently acquired severe conditions such as newly acquired spinal cord and severe acquired brain injury.
- Thickeners and nutritional supplements related to disability-related nutrition supports.

Mainstream – Mental Health

Description

- Any pharmaceutical
- [Treatment for drug and alcohol dependency, eating disorders, gambling and other addictions.](#)
- Acute, subacute emergency and outpatient clinical services delivered through public and private hospital mental health services.
- [Supports related to mental health that are clinical in nature, including acute, ambulatory and continuing care, rehabilitation](#)
- Any residential care where the primary purpose is for inpatient treatment or clinical rehabilitation, or where the services model primarily employs clinical staff

[Carve outs that may be considered ‘NDIS supports’ for certain participants](#)

- Ongoing psychosocial recovery supports [including activity-based group therapy for engagement, supporting function, supporting and enhancing executive function skills, social engagement, mood and regulation needs.](#)

Mainstream – Child Protection and Family Support

Description

- Out of school hours care
- Vacation care, excluding respite.
- Travel and accommodation for parents with children in OOHC
- Guardianship services
- [Family therapy](#)
- Parenting programs
- Babysitting or nannying services, au pairs
- Dating or relationship services including VR/match makers/Apps
- [Marriage and relationship counselling](#)

Commented [JC27]: Blanket exclusion for eating disorders may impact provision of supports for ARFID (Avoidant/restrictive food intake disorder which is co-occurring with Autism Spectrum disorder)

Commented [JC28]: We are concerned that this blanket exclusion may impact therapies that are predominantly to address mental health but have a component that also reduces the impact of functional impairment related with psychosocial disability for example CBT delivered in the treatment of psychosis.

Commented [JC29]: We are concerned that positioning ongoing psychosocial supports within the section of guidance for NDIS supports that are not supported, or only supported in certain circumstances, creates uncertainty and issues with access for important necessary supports that may be required for participants with psychosocial disability, including how they will be identified as appropriate for 'certain' participants- including the assessment of need - given that impacts of psychosocial disability can fluctuate

Commented [JC30]: Blanket exclusion of family therapy may exclude appropriate therapeutic and peer supports that support families with disability (including parents carers and siblings) to manage changing or complex family dynamics

Commented [JC31]: Exclusion of this risks confusing this with relationship support therapies that focuses on building an intimate partner’s awareness of the impact of the participant’s disability and development of strategies that will support the relationship dynamic and household

- Statutory child protection services required by families who have entered, or are at risk of entering, the statutory child protection system
- General parenting programs, counselling or other supports for families, which are provided to families at risk of child protection intervention and to the broader community, including making them accessible and appropriate for families with disability
- Funding or providing out-of-home care or support to carers of children in out-of-home care where these supports are not additional to the needs of children of similar age in similar out-of-home care arrangements

Carve outs that may be considered ‘NDIS supports’ for certain participants

- Parenting programs specific to a disability need (could be considered under capacity building supports)

Mainstream – Early Childhood Development

Description

- Childcare fees, including any fees associated with specialist or segregated childcare service models.
- Teaching aids or supports related to educational attainment
- Building modifications for early childhood educational and care settings.
- Meeting the early childhood education and care needs of a child

Carve outs that may be considered ‘NDIS supports’ for certain participants

N/A

Mainstream – School Education

Description

- Out of school hours care
- School fees including any fees associated with specialist or segregated schooling models.
- School uniforms, shoes, lunchboxes, drink bottles or other school equipment unless a specially adapted item is required to address a participant’s functional impairment.
- Personalised learning or supports for students that primarily relate to their educational attainment
- Aids and equipment for educational purposes (e.g. modified computer hardware, education software, braille textbooks)
- Aids and equipment which are fixed or non transportable in schools that enable a student access to education (e.g. hoists)
- Reasonable adjustment to campuses, including capital works (e.g. ramps, lifts, hearing loops)
- Services from a person employed at the participant’s school or the relevant department of education for education purposes

Commented [JC32]: Blanket exclusion of general aids and equipment may impact child and youth learning in cases where they are not supplied by a school, but are required to enable young people to successfully engage in learning and curriculum

Commented [JC33]: Blanket exclusion of these items may restrict students participation in learning and curriculum where it is impacted by disability, where they are not supplied by a school

Commented [JC34]: Blanket exclusion of these items may restrict students participation in learning and curriculum where it is impacted by disability, where they are not supplied by a school

- Textbooks and teaching aids (including alternative formats)
- Tutors, scribes
- Educational supports associated with home schooling
- School refusal programs
- School camp fees
- Transport between school activities

Carve outs that may be considered ‘NDIS supports’ for certain participants

- In-kind Personal Care in School and Specialist School Transport

Mainstream – Higher Education and Vocational Education and Training

Description

- School fees
- Any supports for students that primarily relate to their education and training attainment
- Building modifications to TAFEs and university campuses
- Services from a person employed at the participant’s higher education facility
- Learning assistance and aids
- Teaching assistance and aids
- Textbooks and teaching aids (including alternative formats)
- Transport between education or training activities
- General education to employment transition supports

Carve outs that may be considered ‘NDIS supports’ for certain participants

N/A

Mainstream – Employment

Description

- Disability Employment Services
- Work-specific aids and equipment required to perform a job (including modified hardware and software)
- Reasonable adjustments to access a workplace
- Work-specific support related to:
 - recruitment processes,
 - work arrangements or the working environment, including workplace modifications, work-specific aids and equipment,
 - transport within work activities and

- work-specific support required in order to comply with laws dealing with discrimination on the basis of disability
- Employment services and programs, including both disability-targeted and open employment services, to provide advice and support to:
 - 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)

Carve outs that may be considered ‘NDIS supports’ for certain participants

N/A

Mainstream – Housing and Community Infrastructure

Description

- The provision of accommodation for people in need of housing assistance, including routine tenancy support
- Ensuring that appropriate and accessible housing is provided for people with disability, other than participants eligible for specialist disability accommodation (SDA)
- Ensuring that new publicly-funded housing stock, where the site allows, incorporates Liveable Housing Design features
- Homelessness-specific services including homelessness outreach and emergency accommodation.
- The improvement of community infrastructure, i.e. accessibility of the built and natural environment, where this is managed through other planning and regulatory systems and through building modifications and reasonable adjustment where required
- Postal services
- Housing subsidies (e.g. rental bonds, mortgage relief and assistance with buying a home)
- Crisis housing (excluding discharge from hospital, aged care)
- Mortgage payments.
- Rental payments
- Mobile homes, caravans, campervans, tents
- Purchase of land, or house and land packages
- Land taxes and levies
- Council rates and taxes

Carve outs that may be considered ‘NDIS supports’ for certain participants

- [Short and medium term accommodation](#) if you have a long-term home you will move into after MTA but you can't move into your long term home yet because your disability supports aren't ready and you can't stay in your current accommodation while you wait for your long term home.
- Delivery fees for NDIS supports (e.g. delivery of assistive technology)

Commented [JC35]: Short term accommodation is not provided for either as an inclusion, exclusion or carve out, and must be explicitly permitted, as it may be required temporarily, especially in the context of the current housing crisis.

Mainstream – Transport

Description

- Accessible public transport
- Public transport fares
- Concessions to facilitate use of public transport
- Airline lounge memberships
- Transport costs for pets and companion animals.
- Transport infrastructure, including road and footpath infrastructure
- Community transport services
- Modifications to public transport and taxis

Carve outs that may be considered 'NDIS supports' for certain participants

N/A

Mainstream – Justice

Description

- Supports in secure mental health facilities which are primarily treatment focused (clinical in nature)
- Supervision and monitoring of offenders
- The day-to-day care and support needs of a person in custody, including supervision, personal care and general supports
- Pre-sentence psychological and psychiatric reports
- Secure accommodation facilities where the purpose of this accommodation is to safeguard the community or prevent reoffending, including secure mental health facilities.

Carve outs that may be considered 'NDIS supports' for certain participants

[Support and services including supervision and monitoring for people entering and exiting the justice system, who require support with behaviour arising as a result of their disability.](#)

N/A

Mainstream – Aged Care

Description

- Aged care services

Carve outs that may be considered ‘NDIS supports’ for certain participants

- Supports for an NDIS participant under the age of 65 who chooses to live in residential aged care and purchase support from an aged care provider

Unlawful goods and services

Description

- A support the provision of which would be contrary to:
 - a law of the Commonwealth
 - a law of the State or Territory in which the support would be provided.
- Assistive technology, vehicle modifications or home modifications that do not meet state and territory laws, the National Construction Code or relevant Australian standards
- Supports involving restrictive practices that are not authorised in the participant’s state or territory of residence
- Illicit drugs or other consumable products that are against the law
- Firearms and weapons
- Seclusion rooms

Commented [JC36]: This inclusion is not supported by the Assistive Technology Sector, and must be removed. It limits choice and control, and will severely restrict access to a wide range of widely available equipment and technologies, where standards are not applicable, have already been met by International Standards, or have been approved for supply via the alternative Therapeutic Goods Administration pathways. Inclusion of this restriction will also severely limit access to innovative or new products, including a range of emerging technologies. DSS must engage with the Assistive Technology Sector to understand the current scope of disability equipment supply, and the regulatory setting that exist to ensure consumer safety.

Carve outs that may be considered ‘NDIS supports’ for certain participants

N/A

Income replacement

Description

- Income support payments
- Rent subsidy
- Loan repayments or buy now pay later payments.
- Income protection insurance
- Fringe Benefits for staff or contractors
- Cryptocurrency, shares, investment products

Carve outs that may be considered ‘NDIS supports’ for certain participants

N/A

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