

NDIS Support Discussion
engage.dss.gov.au
ndisconsultations@dss.gov.au

SDA Registration extension application

Dear DSS Engage

Thank you for the opportunity to comment on the NDIS Section S10 Support resources¹.
In this submission, I wish to address just one item in the list of² *"services, items, and equipment that can't be funded by the NDIS. "*

"(h) electricity generators, solar panels, home batteries for power storage,..."

I endorse the NDIA decision to not fund diesel, petrol, or LNG powered generators.

But the decision to exclude solar panels and home batteries while (presumably) allowing UPS to provide backup power solutions for *some* NDIS participant in SDA needs to be reconsidered. Along with a review of underlying facts, evidence, misinformation, prejudices, unprofessional conduct, and consideration of the influence of vested business interests.

NDIS is supposed to be about participant choice and control, underpinned by need to meet "value for money" and "reasonable and necessary " legislative requirements. This review is an opportunity to apply that criteria to home backups solutions.

Appendices 1 and 2 respectively contain a list of recommendations, and supporting analysis , relating to NDIS decision not to fund solar PV panels and solar home batteries. Happy to provide any further information or directly answer questions if requested

Yours faithfully,

(signed)

27 July 2025

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Member: Systems Engineering Society of Australia [SESA](#)

Board Member: Australian Rehabilitation and Assistive Technology Association [ARATA](#)

Board Member: Rights & Inclusion Australia [R&IA](#)

Appendix 1 – Recommendations

- Recommendation 1. - Duty of Care.** NDIS to explicitly address conflicting requirements and acknowledge that NDIA has a duty of care for a cohort of NDIS participants to make provision for backup power supply - without prescriptive restrictions favouring particular business interests.3
- Recommendation 2.- Backup Power Contingency Planning .** NDIA to open a public consultation regarding both use a backup power supplies , and engagement with a range of community and government organisations to clarify responsibilities and planning for the future. Foundational supports anyone?.....3
- Recommendation 3. - Costs.** NDIS to explicitly address conflicting requirements and rules between SDA and AT and acknowledge that NDIA has a duty of care to make provision for backup power supply - without prescriptive restrictions favouring particular business interests.5
- Recommendation 4. - Innovative Solutions .** NDIA to assess the full range of innovative solutions available for backup power and consult organisations such as the Clean Energy Council , Smart Energy Council, and user groups such as ARATA before deciding what is “in” and “out”......7
- Recommendation 5. - Misinformation.** NDIA to obtain independent advice from appropriately qualified professionals such as Clean Energy Council accredited solar installers, or members of the Engineers Australia Electrical or Biomedical Engineering Colleges ”9
- Recommendation 6. - ME and AT requirements** NDIA to acknowledge need for a range of backup power solutions, and commit to updating AT and housing recommendations considering modern renewable energy and DER/CER developments, and the inevitable worsening natural disasters due to climate change.10
- Recommendation 7. - Person Centred Design** need to ensure appropriate skills and qualifications in line with minimum mandated certification requirements with clear responsibility and authority for AT assessment including backup power supply requirements.11
- Recommendation 8. - NDIA/Participant Cost Sharing.** In line with est practice NDIA should consider contributing a proportional payment to account for backup power needs, while the Participant pays for the rest of the cost of solar PV and solar battery. 11
- Recommendation 9. - WALDO requirements** NDIA to acknowledge need for longer duration backup power in disability homes considering modern renewable energy and DER/CER developments, and the inevitable worsening natural disasters due to climate change.12
- Recommendation 10. - Regulatory Requirements** Any discussion of backup power to disability homes needs to include a reference to applicable legal requirements and standards.12
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Authors credentials

I started my career as an electrical engineer at the (then) Electricity Trust of South Australia in 1988, shifting in 1991 to the defence sector to a career specialising in reliability and maintainability engineering and logistics support for complex electrical and electronic systems. Projects included the Collins class submarines, Barra sonobuoys, Over the Horizon Radar FMS upgrade, and ADF helicopter electronic warfare upgrades with a variety of engineering roles and responsibilities.

My engineering career was interrupted by a skydiving accident in October 1998, becoming a C3/C4 quadriplegic. Those engineering skills were used design and build my own (now SDA registered) thermally efficient and fully accessible home with extensive computer-based assistive technology - documented in a 2017 Master's thesis.

I became 'un-retired' in 2021 to address technical problems in the 2019 SDA Design Standard and assist other NDIS participants dealing with SDA issues.

As well as a Degree in Electrical Engineering, I hold a Postgraduate Certificates in Reliability Engineering and Software Engineering, and a Masters in Systems Engineering. Allan is a member of the boards of Australian Rehabilitation & Assistive Technology Association (ARATA) and Rights & Inclusions Australia (R&IA) .

Why is backup power necessary - duty of care

Notwithstanding SDA requirements, NDIA clearly has a duty of care for a cohort of severely disabled NDIS participants. Responsibility needs to be clearly defined. Given the legislation now rules out NDIA funding backup power supplies (via generator or batteries), this needs to be sorted.

A newspaper report covered the death of a man *"believed to have been suffering from muscular dystrophy" in December 2015 at Wayville*³:

"the man's breathing machine shut off between 2.09am and 4.48am after balloons and streamers tangled in power lines caused an 11,000 volt line to short, blacking out about 500 homes near the Showgrounds."

There is conflicting reports about the deaths of muscular dystrophy sufferers Conor Murphy and Kyle Scolari in Perth in 2014. The immediate cause was a power outage due to *"tornado downed power lines"*.

One report stated that *"the machine doesn't have a backup supply"* and the failure of *"life preserving electronic breathing equipment"* could not be addressed because⁴ *"Their beeper turned off and unfortunately, they couldn't rouse the carer"*.

According to another account⁵ *"It has been reported that a backup generator at the men's home failed"*. If this is the case, then one possible cause is that the changeover switch failed to operate when the mains power failed.

All three fatalities may have been preventable. Could they happen in an NDIS SDA home?

Currently the case if Section 10 remains unchanged and funding for maintenance and operation of existing SDA generators withdrawn by NDIS.

Recommendation 1. - Duty of Care. NDIS to explicitly address conflicting requirements and acknowledge that NDIA has a duty of care for a cohort of NDIS participants to make provision for backup power supply - without prescriptive restrictions favouring particular business interests.

Technical advice provided by NDIA

Advice provided by the NDIS is next to useless⁶ :

It's also a good idea to make sure any medical equipment back-up batteries are always fully charged and you have a list of emergency numbers. Like your GP, local hospital or someone nearby to assist you if the power goes out.

For more information about emergency medical essential power in your area, please go to your state or territory government website:

followed by⁷:

For more information about emergency medical essential power in your area, please go to your state or territory government website:

- [Life support equipment – be prepared and make a plan](#) 
- [Customers using life support equipment](#) .

Checking with state government authorities and power authorities confirms that neither link contains useful information. This is buck-passing at its worst.

At the very least , NDIA should be working with disaster organisations looking at preparation requirements ⁸. NDIS has abdicated any role in providing technical leadership, covered up existing misinformation, and contributed little more than wishful thinking that the States and territories will accept responsibility.

Recommendation 2.- Backup Power Contingency Planning . NDIA to open a public consultation regarding both use a backup power supplies , and engagement with a range of community and government organisations to clarify responsibilities and planning for the future. Foundational supports anyone?

Costs

NDIS legislation requires “*value for money*” and “*reasonable and necessary*” to be considered when assessing funding requests.

Fossil fuel power generators are they are noisy, bulky, inflexible, polluting, unreliable, expensive, and labour-intensive means of providing backup power to a home.

Irrespective of initial purchase price, the medium and long-term maintenance and operating costs of diesel and petrol powered generators is a nightmare. Minimum preventative maintenance requirements to ensure guaranteed start when required after months or years of inactive standby represents an unreasonable cost. Add in the cost of fuel and standby generators become problematical in residential situations.

International best practice for commercial buildings is to include a variety of generation sources^{9,10}

A range of innovative solutions including portable power packs, solar batteries, and community batteries all have significant cost advantages over generation^{11,12}.

Figure 1 illustrates the hidden costs that haven’t been considered let alone documented when assessing the relative merits of backup power supplies in disability housing.

(Although specifically excluded by S10, NDIA is happy to endorse and pay for \$20,000 UPS and diesel powered generators as solutions the mandatory HPS SDA requirement.)

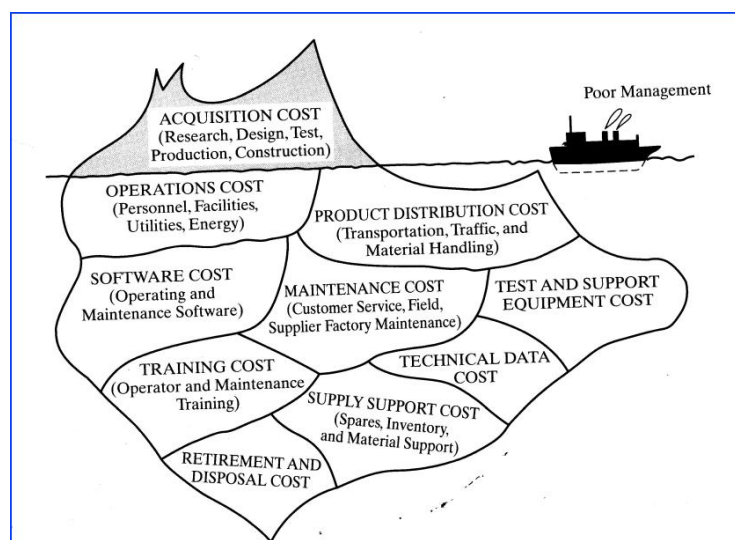


Figure 1 - Visibility of life-cycle cost elements¹³

Recommendation 3. - Costs. NDIS to explicitly address conflicting requirements and rules between SDA and AT and acknowledge that NDIA has a duty of care to make provision for backup power supply - without prescriptive restrictions favouring particular business interests.

Innovative solutions

The 2018 SDA Pricing and Payments Framework Review¹⁴ expectation was that, in the medium term, the SDA market would be characterised by: *“new types of market entrants aside from early movers and traditional accommodation providers”* and *“greater choice and emergence of different or innovative housing models for scheme participants”*

A later report acknowledges that¹⁵ :

“The philosophy underpinning the NDIS and SDA is one of choice and control for people with disability themselves. This research clearly indicates that in relation to SDA, access to both of these is critically compromised”.

Unfortunately, SDA Design Standard backup power requirement has been “cut and paste” from the Summer Foundation SDA Demonstration Apartments. The world has moved on since then¹⁶.

Since 1 July 2025, the Commonwealth and some State and Territory governments are offering rebates to encourage use of solar batteries.

“[Solar Batteries] can offer both financial and nonfinancial benefits. For example:

- saving money by reducing the amount of energy that needs to be purchased at times when energy is not being generated onsite*
- less dependence on grid energy and more control over energy use*
- providing back-up power when grid blackouts occur (if set up to do so)*
- better environmental outcomes for the overall energy system (for example, by reducing the amount of energy purchased from the grid that may come from non-renewable sources).”¹⁷*

More than 30% of Australian households now have rooftop solar PV¹⁸.

Using solar panels and “solar” batteries for power backup as well as to save money on energy bills, is well-established in mainstream housing - and capable of more than just keeping the lights on.

For example, in 2019 the federal Social Services Minister Paul Fletcher endorsed a project where^{19,20}:

“Disability housing service, Inhousing, in partnership with Natural Solar, will install a solar panel system and battery to store energy, into homes in a Specialist Disability Accommodation (SDA) development in South Australia.”

And there is no requirement to use solar batteries with solar PV panels as illustrated in Figure 2. Figure 3 illustrates a more common scenario.

It's certainly not DIY and it's essential is seek the advice of a Clean Energy Council accredited expert²¹.

Operation Summary		
Powerwall is able to prioritise charging and discharging based on its advanced software and intelligent forecasting. It can save energy capacity to charge from a higher priority source later in the day. Similarly, it will maintain energy to discharge to a higher priority destination later in the day. The following table shows Powerwall's energy dispatch priority based on operating mode.		
Powerwall Operating Mode	Charging Priority	Discharging Priority
<u>Backup-Only</u> 100% of your Powerwall is reserved for backup at all times	1. Grid energy	* Only during grid outage
<u>Advanced- Time-Based Control</u> Use stored low-cost energy to power your home when electricity is expensive and maximise your savings	1. Grid energy (Off-peak) 2. Grid energy (Shoulder)	1. Any usage (Peak) 2. Any usage (Shoulder)

From the Powerwall user guide

Figure 2 - Tesla Powerwall operating summary including Backup only²²

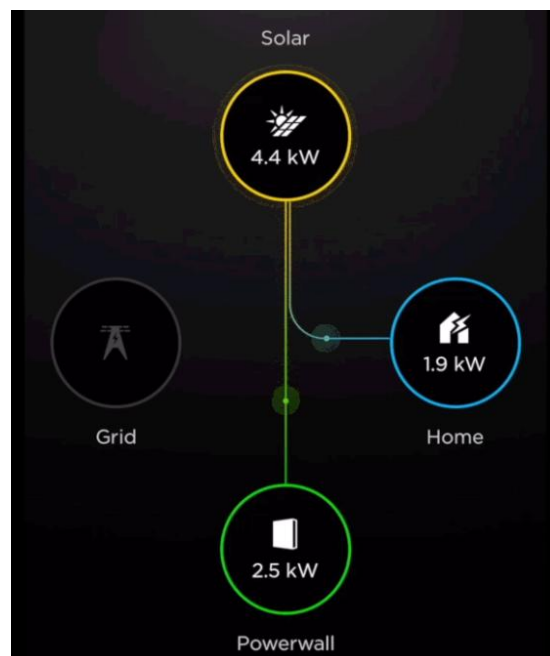


Figure 3 - Solar PV Supplying House, and Charging PowerWall, during Grid Outage²³

Another alternative is the use of an inverter/charger to provide backup power. One possible arrangement is shown in Figure 4.

“As the name suggests, it is a combined inverter and charger in one elegant package. Inverter/chargers are a powerful pure sine wave inverter, a sophisticated battery charger that features adaptive charge technology, and a high-speed AC transfer switch in a single compact enclosure.”²⁴

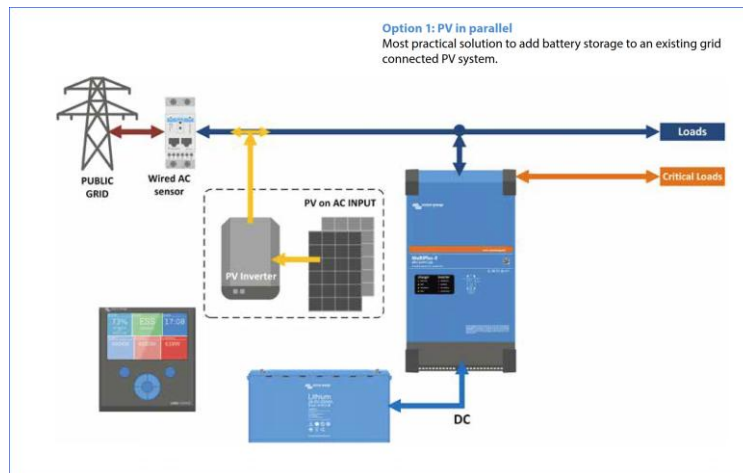


Figure 4 - Inverter/Charger Battery Backup for Critical Loads

A standalone inverter/charger configuration for emergency power backup has the following advantages:

1. established brands have proven performance over a long period of time and in a variety of markets,
2. inverter/chargers are tough; designed to be used in severe maritime, mobile , both grid and off grid applications, and extreme weather conditions²⁵, and
3. wide range of suppliers, equipment, and technical support available.

Established brands available in Australia include Victron, OutBack & Schneider.

It's unclear whether this solution would be allowed under the current Section 10 definition of storage battery.

And I have even touched on possibilities with EV's, VPPs and V2X²⁶.

Recommendation 4. - Innovative Solutions . NDIA to assess the full range of innovative solutions available for backup power and consult organisations such as the Clean Energy Council , Smart Energy Council, and user groups such as ARATA before deciding what is “in” and “out”.

Misinformation

The exclusion of solar batteries while (presumably) still allowing UPS appears to be based on ideology and looking after favoured business connections rather than evidence.

It appears that the NDIA has outsourced decisions on renewable energy to unqualified consultants acting outside their area of competence. Illustrated in the following 2 figures.

Clarification Item 26: Clause 22 Emergency Power Solutions

Clause 22.1 requires Emergency power solutions to cater for a minimum 2-hour outage in no less than 2 double GPOs in participant bedrooms and any provided automated doors that are used for entry or egress. This is generally achieved by UPS (Uninterrupted Power Supply).

This can also be achieved by generators as long as there is no delay in switching on when there is a power failure, and they are dedicated for use by the participants.

Solar Storage batteries are not suitable and must not be used as emergency power.

In any case, it is highly recommended that the provision of Emergency Power solutions be checked by a suitable professional on an annual basis.

Figure 5 - clause 22. emergency Power solutions "clarification" ²⁷

At this stage, the NDIA's position is that the technology for solar power and storage is not yet at a level that gives high enough confidence to accept it for participants requiring an uninterrupted power supply. All UPS considerations will be discussed further in the review of the NDIS SDA Design Standard.

Figure 6 - Bruce Bromley statement of NDIS "position" ²⁸

An FOI request to uncover the reasons for this nonsense resulted in the following contradictory statement :

"the NDIA has not made a "policy decision" in relation to the non-acceptance of solar power and storage for NDIS participants requiring an uninterrupted power supply (UPS)"

I've had previous correspondence with the NDIA regarding these problems and was assured in 2021 that they would be²⁹ *"published on the SDA pages of the NDIS website soon and our intentions to incorporate these into a new, reviewed version of the SDA Design Standard"*.

I've raised these issues with the NDIA³⁰ , repeatedly since but have yet to receive a response.

Attachment 2 the referral to the ACCC regarding false advertising associated with the use of the term *"NDIS approved medical grade UPS "* and summarises the situation.

Recommendation 5. - Misinformation. NDIA to obtain independent advice from appropriately qualified professionals such as Clean Energy Council accredited solar installers, or members of the Engineers Australia Electrical or Biomedical Engineering Colleges "

Assessing ME and AT requirements

Any list -ins or outs - needs to have a mechanism for exceptions. It needs to be evidence-based . it needs to be done by appropriately skilled and qualified individuals. Clear-cut lines of responsibility. And it needs to have an appeals mechanism that the NDIA can't just ignore.

Simple "in and out " lists NDIA failed to recognise that the AT industry as a whole has a long standard practice of borrowing cheaper, widely available, and more reliable and more widely available equipment from home automation and smart home technology to substitute for specialised assistive technology. This overlap is best illustrated and commonly occurs in SDA "adapted" for a particular Participant

For example a quadriplegic with no hand function would be assisted to live independently in his own home with the ability to use "off-the-shelf" Wi-Fi controlled air-conditioners, ceiling fans, and roller blinds - except for the NDIA refusing to fund voice controlled iPad run the system, and remote controlled ceiling fans specifically mentioned on the "out" S10 list.

Problems with Backup Power supply is part of a wider issue addressing lack of responsibility for maintaining or "adapting" SDA for particular NDIS participants. For example current NDIS Pricing Arrangements and Price limits PACE support category "19 Assistive Technology Maintenance Repair and Rental" as part of the legacy SDA Support Category. Does this include items such as electric windows and doors, movement detectors, and upgrades to the KNX home automation system and other items not included in the SDA Design Standard?

Classic example listed on the generators "would we fund it page"³¹ It's unclear from the example use case whether 7 year old Jane more appropriately funded by *"replacement battery also provide sufficient power supply to allow time for Jane to get help if there was a problem power outage"* - which is allowed by S10. Or a *"NDIS approved, medical grade UPS"* which is not allowed by S10 .

Examples of ME being considered are included in the following 2 figures and have a combined load of around 96 VA. Included to demonstrate that ME load is typically small, and are "electrically toughened" to comply with AS IEC 60601.1.

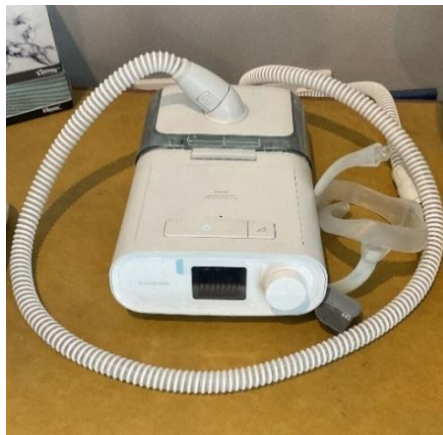


Figure 7 - Philips DreamStation CPAP³²



Figure 8 - Air Pump for Alternating Air Pressure Relief Mattress³³

Importantly, there are very cheap and easily implemented provisions suggested in the ARATA update to Appendix M of AS/NZS 3000:2018 Wiring Rules³⁴

The SDA Design Standard requires a minimum 2 hour backup power for “2 double GPOs in participant bedrooms and any provided automated doors.” - A timeframe which clearly inadequate.

Recommendation 6. - ME and AT requirements NDIA to acknowledge need for a range of backup power solutions, and commit to updating AT and housing recommendations considering modern renewable energy and DER/CER developments, and the inevitable worsening natural disasters due to climate change.

Recommendation 7. - Person Centred Design need to ensure appropriate skills and qualifications in line with minimum mandated certification requirements with clear responsibility and authority for AT assessment including backup power supply requirements.

Recommendation 8. - NDIA/Participant Cost Sharing. In line with best practice NDIA should consider contributing a proportional payment to account for backup power needs, while the Participant pays for the rest of the cost of solar PV and solar battery.

WALDO - Wide and Long Duration (Power) Outage

More than [300,000 properties were without power over the weekend](#) as Tropical Cyclone Alfred crossed the coast. Monday morning 10 March 2025, almost 220,000 “[remain without power across South East Queensland and northern New South Wales](#)”. Four days later on Tuesday, 11 March 2025, more than [120,000 properties were still without power](#).

Six days later, Thursday, 13 March 2025, there were still more than [33,000 properties without power](#).

Extreme weather events now need to be planned for . For example:

1. On Saturday the 14th of November 2022, around 163,000 customers here in Adelaide were without power due to a violent storm. At 4 PM on the following day, more than 65,000 customers were still without power. Some suburbs were still not reconnected to mains power the following Tuesday³⁵.
2. Floods and bushfires over the last few years in Lismore and Murrumbidgee respectively over the last few years, illustrate the increasing impact of climate change³⁶.
3. On Wednesday, 2 July 2025, a powerful coastal low-pressure system referred to as a “bomb cyclone” resulted in more than 40,000 customers being without power in New South Wales³⁷

In each of these natural disasters, backup power becomes critical in disability homes .

And yet the NDIA refuses to encourage or allow SDA high physical support (HPS) SDA that use solar batteries and PV panels to provide (mandatory) backup power - despite being the most reliable backup power solution available in long duration emergency? Why?

Recommendation 9. - WALDO requirements NDIA to acknowledge need for longer duration backup power in disability homes considering modern renewable energy and DER/CER developments, and the inevitable worsening natural disasters due to climate change.

Regulatory requirements

Any discussion of backup power supplies needs to be cognisant of the legal requirement here in Australia of **AS IEC 6060.1.11: 2017: "Medical electrical equipment, Part 1.11: General requirements for basic safety and essential performance - Collateral Standard: Requirements for medical electrical equipment and medical electrical systems used in the home healthcare environment.**

The Standard is applicable to the backup power supply discussion here because the "HOME HEALTHCARE ENVIRONMENT" is defined as:

*"dwelling place in which a PATIENT lives or other places where PATIENTS are present, **excluding** professional healthcare facility environments where OPERATORS with medical training are continually available when PATIENTS are present" (My highlighting).*

This might clear up unqualified self appointed experts spreading misinformation regarding "NDIS approved medical grade UPS"

Recommendation 10. - Regulatory Requirements Any discussion of backup power to disability homes needs to include a reference to applicable legal requirements and standards.

¹ <https://engage.dss.gov.au/ndis-supports-rule/ndis-supports-rules-resources/> retrieved 26 July 2025

² NDIS document "Supports that are not "NDIS supports" undated, unsigned from <https://ourguidelines.ndis.gov.au/would-we-fund-it/what-does-ndis-fund> retrieved 26 July 2025

³ <https://indaily.com.au/news/2015/12/16/inquiry-call-as-sa-man-on-life-support-dies-during-power-outage/>

⁴ <https://www.perthnow.com.au/news/wa/beaconsfield-housemates-and-muscular-dystrophy-sufferers-conor-murphy-and-kyle-scolari-die-after-storm-cuts-power-to-vital-medical-equipment-ng-757bf5048401ae0d63115258f4f1e571>

⁵ <https://www.abc.net.au/news/2014-07-15/brother-pays-tribute-to-man-who-died-in-perth-storm-after-power/5597012>

⁶ <https://ourguidelines.ndis.gov.au/would-we-fund-it/assistive-technologies/generators> retrieved 26 July 2025

⁷ ibid

⁸ Villeneuve, M., Abson, L., Yen, I., & Moss, M. (2020). **Person-Centred Emergency Preparedness (P-CEP) Workbook**. Centre for Disability Research and Policy, The University of Sydney, NSW 2006

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- ⁹ Mango M, Casey JA, Hernández D. **Resilient power: A home-based electricity generation and storage solution for the medically vulnerable during climate-induced power outages.** *Futures* 2021; 128: 102645
- ¹⁰ Hwang, Sunjoo & Tongsopt, Sopitsuda & Kittner, Noah. (2023). **Transitioning from diesel backup generators to PV-plus-storage microgrids in California public buildings.** *Sustainable Production and Consumption*. 38.
- ¹¹ V. Sharma, M.H. Haque, S.M. Aziz, "Energy cost minimization for net zero energy homes through optimal sizing of battery storage system," *Renewable Energy*, 141 (2019), pp. 278–286
- ¹² V. Sharma, S.M. Aziz, M.H. Haque, T. Kauschke, "Energy economy of households with photovoltaic system and battery storage under time of use tariff with demand charge," *IEEE Access*, 10 (2022), pp. 2169–3536
- ¹³ Blanchard & Fabrycky "Systems Engineering and Analysis", 5th Edition 2011, Pearson
- ¹⁴ "Specialist Disability Accommodation Pricing and Payments Framework Review", Final Report, 3 December 2018, KPMG
- ¹⁵ Beer, A., Flanagan, K., Verdouw, J., Lowies, B., Hemphill, L. and Zappia, G. (2019) **Understanding Specialist Disability Accommodation funding**, AHURI Final Report 310 page 43
- ¹⁶ The Australian Rehabilitation and Assistive Technology Association (ARATA), **Submission to Standards Australia regarding proposal P-004717 to revise AS/NZS 3000:2018, Electrical Installations.** Available: [https://www.arata.org.au/public/33/files/Publications/ARATA%20Response%20Standards%20Australia%20AS3000%20Proposal%20SUBMITTED%20\(1\).pdf](https://www.arata.org.au/public/33/files/Publications/ARATA%20Response%20Standards%20Australia%20AS3000%20Proposal%20SUBMITTED%20(1).pdf)
- ¹⁷ <https://www.yourhome.gov.au/energy/batteries>
- ¹⁸ <https://arena.gov.au/renewable-energy/solar/>
- ¹⁹ Ken Fullerton, **How solar + storage can be a game-changer for people with disabilities** republished February 19, 2020 and available <https://onestepoffthegrid.com.au/how-solar-and-storage-could-be-a-game-changer-for-people-with-disabilities/>
- ²⁰ <https://probonoaustralia.com.au/news/2019/05/solar-batteries-to-light-up-disability-housing/>
- ²¹ <https://www.solarquotes.com.au/101-guides/buying-batteries/>
- ²² <https://www.solarquotes.com.au/blog/solar-batteries-without-panels/>
- ²³ <https://www.solarquotes.com.au/101-guides/buying-batteries/>
- ²⁴ <https://solarboxaustralia.au/collections/inverter-chargers>
- ²⁵ my CPAP machine has a rated operating temperature 5° to 35°C. The Multiplus II inverter/charger has an operating temperature range of -40° C to 65° C (fan assisted cooling)
- ²⁶ Y. Wu, S.M. Aziz, M.H. Haque, **Vehicle-to-home operation and multi-location charging of electric vehicles for energy cost optimisation of households with photovoltaic system and battery energy storage**, *Renewable Energy*, 221, February 2024, pp. 119729.
- ²⁷ Access Inst Accredited SDA assessor AT Update 4 - December 2021. Clarifications re the SDA Design Standard Interpretations December 2021.
- ²⁸ NDIS Specialist Disability Accommodation (SDA) Assessor Continuous Professional Development February 2023 Questions and Answers. Published by Bruce Bromley using NDIA letterhead.
- ²⁹ NDIA letter MC 23-002750 dated 19 October 2023 Chris Faulkner Branch Manager Home and Living NDIS
- ³⁰ Attachment TBA my email dated 15 April 2024 two SDA Housing Subject: *Clause 22.1. Again.*
- ³¹ <https://ourguidelines.ndis.gov.au/would-we-fund-it/assistive-technologies/generators>
- ³² Authors photograph
- ³³ Authors photograph
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[http://www.arata.org.au/public/33/files/Publications/ARATA%20Response%20Standards%20Australia%20AS3000%20Proposal%20SUBMITTED%20\(1\).pdf](http://www.arata.org.au/public/33/files/Publications/ARATA%20Response%20Standards%20Australia%20AS3000%20Proposal%20SUBMITTED%20(1).pdf)

³⁵ <https://www.adelaidenow.com.au/news/south-australia/thunderstorm-refuses-to-break-no-rain-relief-in-sight/news-story/0da5a2123ccb4b1ff818b35f6a4a17fb>

³⁶ <https://iced.s.anu.edu.au/research/research-stories/defending-australia-disasters>

³⁷ <https://wattclarity.com.au/articles/2025/07/more-than-40000-customers-without-power-in-nsw-after-wild-weather-overnight-on-wednesday-2nd-july-2025/>

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17 January 2025

Attention: ACCC Commissioner
Australian Competition & Consumer Commissioner
GPO box 3131
Canberra ACT 2601

Dear Commissioner,

the purpose of this submission is to request ACCC to conduct an enquiry and take appropriate action over misleading claims. These are:

1. misleading claims of “NDIS approved” UPS,
2. misleading description of “medical grade” UPS, and
3. misinformation about solar batteries being unsuitable for use in NDIS High Physical Support Specialist Disability Accommodation (SDA).

The main culprits in repeatedly making misleading claims are:

1. company called “UPS Solutions” which repeatedly refers to “NDIS approved” UPS and “medical grade” UPS. ([link](#)), and
2. Bruce Bromley’s company “SDA Consulting” [website information](#), recommends UPS Solutions equipment, and provides similar misleading advice.

The following two examples of misleading statements are from [UPS Solutions](#).

Which UPS options are certified for NDIS SDA use in Australia?

First of all, a UPS for SDA use *must* be Medical Grade. This is because Medical Grade UPS equipment has a primary role in maintaining life safety equipment.

Any UPS systems that are designed for residential use (although not stipulated in the SDA Design Standard) are *not* suitable for SDA use.

And

An NDIS UPS is quite simply a UPS system that meets the appropriate NDIS / SDA certification standards. In other words, the UPS system is recognised as being well-designed and competent enough to provide ample backup power in the event of an emergency for a prolonged period of time – absent the risk of failure.

For example, a 'plug and play' UPS system that is suitable for standard residential use *will not* be NDIS SDA certified as it would be unsuitable to provide sufficient power and runtime to the medical equipment necessary to support and care for SDA participants.

Discussion

“NDIS approved”

At no stage does the NDIS ever review and approve UPSs fitted to Specialist Disability Accommodation. That's the responsibility of “SDA Assessors”.

The SDA review and approval process is defined [here](#):

“The SDA design standard requires an accredited third party SDA assessor to be engaged by the SDA developer or owner at the design stage and final as-built stage of a dwelling development.

A SDA assessor is the only person who can issue a certificate of SDA category compliance, to confirm that the design and or final-as-built dwelling has met all the requirements of the SDA Design”

In November 2018, NDIA outsourced design and control of key elements to building industry interests associated with the Livable Housing Australia board via contract M000000541. Tasks included the following:

“Quality assure and approve a Registered Training Organisation (RTO) course for accreditation of certifiers to undertake the required assessments and certify that a dwelling complies with a particular SDA standard, including articulating which professions may certify for a particular SDA standard”

The result is the NDIA unique "[SDA assessors](#)" training course, that is not ASQA accredited or recognised by DEWR, with the private company “Access Institute” the designated monopoly provider.

“Develop, maintain and publish the online register of certified professionals able to undertake the certification of SDA building and designed standards”

The register is owned and controlled by the Master Builders Association via the Livable Housing Australia website [here](#).

I've put this detail in to emphasise that at *no stage* does the NDIS review and approve UPS in NDIS funded Specialist Disability Accommodation, that "SDA assessors" are providing certification on the basis of training provided by Access Institute, and that NDIA approved the approach on the basis of assurances provided by Livable Housing Australia.

"Medical Grade" UPS

There is no such thing - it's a marketing tactic to scare consumers into buying a higher-priced product.

Unfortunately Therapeutic Goods Administration (TGA) is not interested in stepping in; as there are no actual medical claims being made they don't have jurisdiction to police misleading claims.

To make things worse, the NDIA allows unqualified self-appointed experts to provide advice on backup power for the severely disabled. This example is from a company that provides housing loans and specialises in NDIS SDA property¹.

Remember: Solar batteries are not classed as medical grade, so are not suitable.

Key UPS considerations for SDA

Key UPS considerations for SDA include:

- **Picking the right sized system.**

Choose a system that allows for at least 1.5kW load at any time for every SDA participant in the household. However, the load should be tested to cater for individual equipment needs. More kW capacity is likely to be required for SDA participants with higher equipment needs.

- **The runtime.**

The desired UPS runtime (which is a minimum of two hours to be compliant with SDA regulations) affects the type of battery required. The more power that is required, the more batteries that will be required.

It's important to seek professional electrical advice from a specialist UPS provider.

Recent NDIS legislation explicitly identifies UPSs and backup batteries as items not eligible to be funded by the NDIA. As I have previously noted, when it comes to SDA , inconvenient legislation is ignored.

"solar batteries are unsuitable"

The problem with the statement²: "*solar batteries are unsuitable and must not be used as emergency power*" is that it's nonsense. Not true. Misinformation.

The following is from Bruce Bromley's website [here](#).

¹ <https://ndisloanexperts.com.au/sda-2-hour-emergency-backup/> retrieved 16 January 2025

² Accredited SDA Assessor - Update 4 - December 2021, Clarifications re the SDA Design Standard Interpretations December 2021. On page 24 . Published by Access Institute and not available on the NDIS website.

Can Residential Solar Storage Batteries be Used for Medical Devices?



The simple answer to this is no, especially if the batteries are also used for general house power. Whilst not stipulated in the SDA Design Standard, a **UPS for SDA should be medical grade** because its role is to maintain life safety equipment.

A shared house battery that is solar charged and also provides general power for the house in a lot of cases cannot be controlled to maintain the required two hours of storage (1.5kW) for participants. Even if this is possible it will still not be a medical-grade system.

If the battery is for the sole use of a redundant power supply then there is no need for solar to be provided as once the batteries are charged they will not be drained unless there is a power failure.

As an experienced electrical engineer, I knew that wasn't any evidence to support the argument³ - hence the FOI request at the end of 2023 to the NDIA.

As expected, NDIA were unable to produce any supporting documentation. The surprise was that the NDIA legal team disowned statements by (Ms) Joe Manton, Farah Madden and Bruce Bromley claiming⁴:

"the NDIA has not made a "policy decision" in relation to the non-acceptance of solar power and storage for NDIS participants requiring an uninterrupted power supply (UPS). "

There are some technical details around the use of solar batteries for power backup, but an arguably better "arm's length" alternative is to obtain an independent review by an accredited Clean Energy Council installer to corroborate my advice.

The Federal Office of the Information Commissioner agreed with my assessment that the NDIS response was inadequate⁵, and directed the NDIA to conduct another search. This is still an open action.

What's most concerning is that the NDIA, unable to find supporting evidence when challenged by an experienced electrical engineer; refused to accept that advice or obtain an independent opinion, continues to endorse and rely on an access consultant acting outside area of competence regarding renewable energy, and allows the misinformation to be maintained on Bruce Bromley's website.

To be clear here, there is nothing wrong with using "solar batteries" (correctly designed, installed, and commissioned) in backup power situations in SDA housing⁶.

³ Attachment 1, ALH Engineering Services letter to the NDIS Minister, "NDIA transparency, accountability And SDA Clause 22.1" dated 25 February 2024

⁴ Attachment 2, NDIS letter to Allan Hunter "Freedom of Information request — Notification of Decision", NDIS reference FOI 23/24-0269 dated 03 April 2024, authored by Helen, Assistant Director, Freedom of Information, Complaints Management & FOI Branch, General Counsel Division

⁵ Attachment 3, " ALH Engineering Services letter to FOI Commissioner, "FOI 23/24-0269 Review Request, dated 01 June 2024 " filename: "FOI request review revision 1.4-0 1 June 2024.pdf"

⁶ ibid

And another thing

There is a range of corporate capture, cartel -like behaviour and anti-competitive issues associated with the NDIS SDA new build funding program the ACCC may be interested in examining. Here are three.

Certification Monopoly

There are tens of thousands of building professionals including registered planners, architects, and private certifiers that have the appropriate skills qualifications and experience, in accordance with existing state and territory legislation, to certify SDA. As well as thousands of occupational therapists Australia wide. This would provide a measure of competition and keep costs under control.

But in order to participate as “SDA assessors” we have an unnecessarily restrictive list of eligible qualifications , who then have to pay thousands of dollars to complete an Access Institute training course. And then an annual registration fee to Livable Housing Australia.

The result is just 117⁷ accredited SDA assessors who⁸ “charge thousands” with no need to be NDIS registered, work with price NDIS Price caps, or comply with the NDIS code of conduct.

Abuse of market power

The SDA new build program is the only NDIS area where the primary goal is a developer profit in the range 8-10%. The pricing framework has to be seen to be believed in terms of designing a rort for the building industry, and the 2023 SDA Pricing review conducted by consultants and “SDA experts” was adopted “as is” by a technically poorly informed NDIA client.

Not surprisingly, industry bodies such as the SDA Alliance are furiously lobbying to prevent independent audit program, any public review, or adoption of specific cost control measures such as the NDIA Review recommendation below.

Action 9.4: The National Disability Insurance Agency should remove the Improved Liveability category for new Specialist Disability Accommodation (SDA) developments, and review the remaining SDA categories and associated Design Standards to evaluate their effectiveness.

The Improved Liveability category should be replaced by alternate Specialist Disability Accommodation (SDA) design categories which meet the assessed needs of participants. The review should be conducted in consultation with participants, the SDA sector and disability community. It should examine whether the High Physical Support, Fully Accessible and Robust categories are fit-for-purpose and enable delivery of best practice and cost-effective living supports for the diversity of SDA participants. It should also consider how the building classification system of the National Construction Code and the SDA Design Standards could be better aligned.

Implementation detail

⁷ <https://sdaassessors.org.au/> retrieved 16 January 2025

⁸ anecdotal evidence 2023 NDIS SDA Pricing Review roundtable participant quotation

To reduce competition and keep prices high, building industry interests associated with the Livable Housing Australia board such as MBA, HIA and Property Council to lobby state governments to reduce (or, for New South Wales and WA eliminate) competition from the cheaper and easier to implement [ABCB Voluntary Standard for Liveable Housing Design: Beyond Minimum](#) with appropriate personalised modifications provided by allied health professionals.

Which, incidentally, is a direct replacement for Improved Livability SDA in most situations.

Is it legal ?

One of the characteristics of the illegal Robodebt scheme was the way noncompliance's with existing legislation was intentionally covered up. With that in mind, it's noting that the NDIS has two sets of rules governing housing construction and modification.

NDIS **housing modifications** are managed under existing state and territory legislation. This includes all the technical requirements, consumer protections, registration of building professionals, involvement of Allied Health Professionals when working with the severely disabled, and other details progressively refined since the 1901 Federation agreement that housing should be a state responsibility.

NDIS registration (if required) for architects, building designers, and rehabilitation engineers (for example) would be under NDIS Registration Group 111 (Home Modification).

Those rules also applied to the SDA program - until the [2018 changes](#). The NDIA decided to award a \$250,000 contract, without going to tender, to Livable Housing Australia to redesign and run key elements of a new SDA process. Even though, according to its [website](#), Livable Housing Australia has no staff, no board, no annual reports, and no experience working with the severely disabled.

The contract was signed by Alex Waldren (national policy manager for the Master Builders Association), and Nicholas Proud (extensive Housing Industry Association background) respectively chair and secretary of Liveable Housing Australia.

The SDA Design specification was developed behind closed doors with a "invitation only" list of building industry advocates, community housing representatives, and financial vested interests. The public, disability community representatives, peak bodies of allied health professional, and prospective residents were not on the guest list.

The effect of the **revised SDA new build program** was to bypass a raft of state and territory legislation and put in place a system where HIA, MBA, and ACAA controlled key aspects of the SDA design and approval process. The result was a design to suit commercial interests and maximise profits while minimising regulation and taxpayer oversight. Most importantly, remove any requirement for involvement by allied health professionals with the appropriate skills, qualifications, and experience in working with the severely disabled.

But the single biggest flaw is the lack of an independent SDA regulator to provide oversight, hold SDA assessors to account, and be answerable to the Minister and the public.

Conclusions

I've identified three areas of NDIA consistently endorsing misleading information from Isaac Prakash (UPS Solutions) and Bruce Bromley. Appreciate if the ACCC step in and fix the most blatant misinformation please.

I've also raised a couple of wider SDA issues ACCC may find "interesting". I cannot believe these problems are happening in a taxpayer funded multibillion-dollar infrastructure program. No basic project management tasks such as an external audit program, independent review, and publicly accountable Independent regulator; all while allowing cartel behaviour and competition to be eliminated?

I trust ACCC will find some value in this submission and act accordingly.

Happy to address any questions or provide further information or documentation if requested.

(signed)

Allan Hunter BEng(Elec) MEng(Sys) MIEAust

17 January 2025

ALH Engineering Services

ph. 0414 734 648/ (08) 7222 4649

Member: Electrical Energy Society of Australia [EESA](#)

Member: Systems Engineering Society of Australia [SESA](#)

Board Member: Australian Rehabilitation and Assistive Technology Association [ARATA](#)

Board Member: Rights & Inclusion Australia [R&IA](#)

Attachments:

1. ALH Engineering Services letter to the NDIS Minister, "NDIA transparency, accountability And SDA Clause 22.1" dated 25 February 2024
2. NDIS letter to Allan Hunter "Freedom of Information request — Notification of Decision", NDIS reference FOI 23/24-0269 dated 03 April 2024, authored by Helen, Assistant Director, Freedom of Information, Complaints Management & FOI Branch, General Counsel Division
3. ALH Engineering Services letter to FOI Commissioner, "FOI 23/24-0269 Review Request, dated 01 June 2024 " filename: "FOI request review revision 1.4-0 1 June 2024.pdf"

25 February 2024

NDIA Transparency, Accountability, and SDA Clause 22.1

Dear Minister,

the purpose of this letter is to request your assistance, again, to prompt the NDIA to act in the public interest and:

- make available on the NDIS website the Access Institute "clarifications" to the SDA Design Standard,
- investigate excessive costs and unnecessary equipment being installed associated with the specification and implementation of clause 22.1 emergency power solutions in high physical support SDA, and
- reverse the NDIA directive that *"Solar Storage batteries are not suitable must not be used as emergency power"*

There are some wider issues which the Minister may consider including:

- reconsidering the skills, qualification, and experience of individuals involved in SDA roles including: reviewing and approving the SDA Design Standard, and subsequent review and certification activities;
- whether NDIA has met minimum public service standards regarding impartiality and level playing field, and identifying and addressing conflict-of-interest;
- given his role as an "independent" advisor to the NDIA, the appropriateness of Bruce Bromley publishing on his website "advice" tailored to look after the interests of a particular UPS supplier, and
- claims by private company "UPS Solutions" that they supply¹ "NDIA SDA certified" UPS.

¹ <https://upssolutions.com.au/blogs/ups-solutions-blog/what-ups-is-certified-for-ndis-sda-use-in-australia>

Accountability

In response to the ministers request in October 2023, the NDIA stated the SDA “clarifications” will be² “published on the SDA pages of the NDIS website soon”.

Hasn’t happened yet³.

I’ve been receiving this kind of assurance from the NDIA since May 2021⁴: “We anticipate that, balancing a range of priorities in SDA and consultation resources, the required analysis and consultation is likely to be completed in the first quarter of the next financial year (July – September 2021)”

Hasn’t happened yet.

As a registered SDA provider, I would expect the NDIA to publish the current SDA Design Standard on the NDIS website.

That has not been the case since 2020. The SDA Design Standard and “clarifications” is IP owned by the NDIA, and should be publicly available on the NDIA website to all stakeholders.

Not used for commercial advantage by private company to attract website visits and enhance an unwarranted reputation as SDA experts.

At least part of the problem is the lack of widespread consultation and clear understanding of implementation difficulties⁵.

“The SDA Alliance reported that clarifications to the SDA Design Standard have “inadvertently held up SDA development projects (sometimes for many months) resulting in significant holding costs and rework” and this was impacting investor confidence in the SDA market.”

Can minister please take steps to ensure the NDIA actually produce a timeline and implementation plan to show the NDIA is actually serious about publishing the SDA Design Standard “clarifications” - and then do what they say they’re going to do.

² MC 23-002750 Chris Faulkner Branch Manager Home and Living Branch NDIA dated 19 October 2023

³ <https://www.ndis.gov.au/providers/housing-and-living-supports-and-services/specialist-disability-accommodation/sda-design-standard> retrieved 18 February 2024. "This page current as of 12 November 2021"

⁴ MC 21-00899 Lara de Nikolits, Branch Manager Home and Living Branch NDIA dated 31 May 2021

⁵ NDIS SDA Pricing Review 2022-23 report on consultations Author: SDA Pricing Review, Home & Living Branch

Transparency

Clause 22.1 Emergency power solutions states *“emergency power solution shall be provided to cater for a minimum two hour outage...”*. I have pointed out technical problems with this clause, along with other issues, since May 2021^{6,7,8,9,10}.

Further investigation suggests an alternative explanation for the NDIA refusing to address the problem. Not looking too closely at Clause 22.1 and just maintaining the status quo suits, suits the commercial interests of both Bruce Bromley, and a company called “UPS Solutions”.

According to their website¹¹ *UPS Solutions* claim to prove *provide a wide variety of UPS systems - many of which are indeed NDIS SDA certified*¹² (my emphasis), and refers to *“choosing a UPS system that meets the appropriate standards: Medical Grade¹³ UPS Systems...”*

Instead of providing independent or a wide ranging discussion of the issues, Bruce Bromley’s website largely copies UPS Solutions information - including the unsubstantiated guidance to *“allow for the load of 1.5 kW per participant which is based on experience”*.

Bruce Bromley follows up by endorsing UPS Solutions¹⁴ *“from our experience, we have successfully installed UPS solutions XRT6 UPS systems which can be found on the following link: [UPS SOLUTIONS XRT6 ONLINE SERIES](#)”*

⁶ "SDA Comments & Criticisms" Author: Allan Hunter Dated: 2 May 2021

⁷ "SDA - Lives at risk" (filename: SDA Clause 22.1 Review Rev1.6. PDF) dated 7 November 2022

⁸ Backup Power Supplies - an Engineer’s Perspective. 07 September 2023 (Filename: Backup Power Supply Notes Rev 1.2 Sep 2023.pdf)

⁹ Email to NDIS minister subject "NDIA confusion regarding SDA Uninterruptible Power Supplies" dated 21 July 2023

¹⁰ email to NDIS minister , subject "Fwd: NDIA confusion regarding SDA Interruptible Power Supplies dated 27 September 2023 . Attached document explains the difference between a "clarification" and a change in requirements with examples

¹¹ <https://upssolutions.com.au/blogs/ups-solutions-blog/what-ups-is-certified-for-ndis-sda-use-in-australia> retrieved 18 February 2024

¹² "SDA certified". Really? More misinformation which is substantiated by UPS information on Bruce Bromley's *SDA Consulting* website.

¹³ Interesting definition of what exactly defines a "medical grade UPS" in the context of SDA Design Standard. Refer to AS IEC 6060.1.11: 2017: *“Medical electrical equipment, Part 1.11: General requirements for basic safety and essential performance - Collateral Standard: Requirements for medical electrical equipment and medical electrical systems used in the home healthcare environment”*

¹⁴ <https://sdaconsulting.com.au/sda-2-hour-backup-requirements-explained/> retrieved 18 February 2024

As an electrical engineer, I take issue with several items on the website including : the irrelevant and misleading discussion regarding¹⁵ *“How to Pick the right UPS”*; the overly prescriptive, and expensive¹⁶ *“Pre-Wiring for High Physical Support within a Fully Accessible ; Dwelling”*, the failure to address AS/NZS 3000:2018 and AS IEC 60601.1.11: 2017 requirements, and failure to acknowledge other residential items (including computer-based assistive technology) that require power backup.

Clause 22.1 - A Rort

The result of the lack of oversight by the NDIA is skyrocketing costs, an unregulated environment where installations don't actually need to be reviewed and approved by an independent authority against a defined and verifiable requirement, a potential long-term maintenance nightmare, and doubts as to the suitability of meeting legal requirements.

Bruce Bromley recommends to¹⁷ *“allow for the load of 1.5 kW per participant which is based on experience”*.

With no supporting evidence, I'm inclined to believe it's a self-serving justification to exploit the taxpayer funded SDA funding scheme with an expensive and unsuitable UPS¹⁸ provided by a favoured supplier:

“This requirement has been calculated in the pricing for HPS dwellings to cover the cost of a mandatory backup power supply”

The recent pricing review has confirmed that electrical installations in High Physical Support¹⁹ has rocketed to more than \$100,000 plus 45% overheads, compared to a “normal” house cost of less than \$20,000.

In other words, a rort.

¹⁵ <https://sdaconsulting.com.au/sda-2-hour-backup-requirements-explained/> retrieved 18 February 2024

¹⁶ <https://sdaconsulting.com.au/sda-2-hour-backup-requirements-explained/> retrieved only February 2024

¹⁷ <https://sdaconsulting.com.au/sda-2-hour-backup-requirements-explained/> retrieved 18 February 2024

¹⁸ MC 23-002750 Chris Faulkner Branch Manager Home and Living Branch NDIA dated 19 October 2023

¹⁹ NDIS COST ESTIMATE REPORT, NDIA Specialist Disability Accommodation Cost Reports 01, prepared for Ernst & Young by MBM dated 18 May 2023, Appendix A - Elemental Summary -Houses and Group Homes , Electrical Services: 2 resident house: Base (\$18,592) compared to High Physical Support (\$101,551) Plus Preliminaries 14% , builders margin 4% professional fees 11% , contingency 15% clarification

This example I am most for familiar with having designed and built an SDA registered home registered home for a C3/C4 quadriplegic fitted with KNX, ethernet, and Wi-Fi connected computer-based AT and home automation

Is It Legal ?

The most surprising aspect of Clause 22.1 is the ease with which access consultants can ignore both SDA legal requirements “*reasonable and necessary*” & “*value for money*”, and NDIS policy²⁰ “*Energy services, including emergency supply are the responsibility of states, territories and electricity suppliers*”.

There is also the awkward issue regarding NDIA duty of care and compliance with their own policy. It’s unfair that the NDIA can maintain a two-tiered approval system where eligibility (or otherwise) for a UPS for essential medical equipment is determined by the type of SDA you happen to be approved for.

If SDA resident is not deemed by the CEO to be eligible for High Physical Support, then the participant is also not eligible for a UPS. It’s easy to find situations where this just doesn’t make sense .

On the one hand SDA residents in High Physical Support gets a UPS regardless of need. But for other SDA categories, the NDIA refuses to accept recommendation by Occupational Therapists and other allied health professionals in those situations where they consider UPS is essential.

Some NDIS participants in SDA simply cannot go without a pressure relief mattress air pump operating - regardless of the duration.

Backup power for home entry/exit can be vital. The situation has occurred where an NDIS SDA resident have been trapped in the garage during a storm. That was the only accessible entry to the persons home - and had no backup power supply.

Solar battery suitability for emergency power

Of immediate concern is the Farah Madden and Joe Manton SDA Design Standard requirement “clarification” that²¹:

“Solar Storage batteries are not suitable and must not be used as emergency power”

²⁰ MC 33-002750 , Chris Faulkner , Branch Manager Home and Living Branch NDIA dated 19 October 2023

²¹ Accredited SDA Assessor - Update 4 - December 2021, Clarifications re the SDA Design Standard Interpretations December 2021. On page 24 . Currently published by Access Institute. To be publicly released by the NDIA "soon".

No explanation or justification is supplied. Advice from Bruce Bromley²² :

“At this stage, the NDIA’s position is that the technology for solar power and storage is not yet at a level that gives high enough confidence to accept it for participants requiring an uninterrupted power supply.”

To then add²³ *“All UPS considerations will be discussed further in the review of the NDIS SDA Design Standard”* to silence any further discussion is particularly disingenuous given the pseudo-technical provided by the company *UPS Solutions* and published on Bruce Bromley’s website²⁴.

No evidence is provided to support the advice that solar batteries are unsuitable (Figure 1). Conveniently, not allowing solar batteries removes the Tesla Powerwall as competition for *UPS Solutions*.

Figure 2 casts doubt on the source and credibility of the “clarification”.



Figure 1 - Bruce Bromley blog regarding solar batteries²⁵

UPS Solutions drafted this blog on behalf of **SDA Consulting** and are a government accredited specialist provider of UPS systems and UPS field services across Australia. They have extensive experience with over 18 years of servicing the Australian market.

To discuss your project and request a quote for a new UPS, we can be contacted on 1300 555 992 or send an email to sales@upss.com.au.

Figure 2 - Bruce Bromley blog regarding solar batteries attribution ²⁶

²² NDIS Specialist Disability Accommodation (SDA) Assessor Continuous Professional Development February 2023 Questions and Answers. Published by Bruce Bromley apparently. Will this also be publicly available on the NDIA website?

²³ ibid

²⁴ <https://sdaconsulting.com.au/sda-2-hour-backup-requirements-explained/> retrieved 14 February 2024

²⁵ <https://sdaconsulting.com.au/sda-2-hour-backup-requirements-explained/> retrieved 18 February 2024

It's not hard to find examples of approved installations where solar batteries are acceptable backup solution. In 2019 the federal Social Services Minister Paul Fletcher endorsed a project where²⁷:

“Disability housing service, Inhousing, in partnership with Natural Solar, will install a solar panel system and battery to store energy, into homes in a Specialist Disability Accommodation (SDA) development in South Australia.”

In this case²⁸ :

“Natural Solar has also developed custom functionality for these tenants with each battery retaining a minimum of 20% charge at all times. In the event of a blackout or power outage, backup power will be activated, whereby the resident can prioritise household appliances to continue to run in order to avoid disruption.”

Any Clean Energy Council accredited solar installer²⁹ can explain how to cost effectively use solar battery storage on a grid connected PV system and maintain a specified minimum energy storage level to critical loads. UPS not required.

The use of solar batteries as emergency power solutions in SDA accommodation is already an accepted practice, should be encouraged, is technically quite straightforward in the right hands, and just need somebody who knows what they're doing in charge.

Conflict-Of-Interest

It's obvious to me, as an electrical engineer, that the SDA Design Standard requirements for clause 22.1 Emergency Power Solutions is not fit for purpose. It's not even close to minimum acceptable standards expected in a moderately complex engineering project³⁰.

Bruce Bromley's statement that³¹ *“the NDIA's position is that the technology for solar power and storage is not yet a level that gives high enough confidence to accept that for participants requiring an uninterrupted power supply”* in particular needs to be called out.

²⁶ <https://sdaconsulting.com.au/sda-2-hour-backup-requirements-explained/> retrieved 18 February 2024

²⁷ <https://probonoaustralia.com.au/news/2019/05/solar-batteries-to-light-up-disability-housing/>

²⁸ <https://inhousing.org.au/news-resources/news/our-salisbury-solar-battery-project-natural-solar>

²⁹ <https://www.cleanenergycouncil.org.au/industry/installers>

³⁰ *Systems Engineering Handbook - a Guide for System Life-Cycle Processes and Activities*. Most recent edition is 5th Edition, and now published jointly by International Council on Systems Engineering/Wiley (<https://www.incose.org/publications/se-handbook-v5>)

³¹ <https://sdaconsulting.com.au/sda-2-hour-backup-requirements-explained/> retrieved 18 February 2024

Judging by his website³², it's a self-serving justification, and fails to mention his significant personal and financial interest in maintaining the status quo. The existing SDA Design Standard clause 22.1 wording adds results in significant referral traffic of confused stakeholders looking for an explanation regarding clause 22.1, courtesy of the personal business advertisement on page 2 of the SDA Design standard.

Where is the dividing line between the allegedly impartial and independent advice being provided by Bruce Bromley to the NDIA to inform NDIA correspondence such as the most recent ministerials, and using that information and privileged position to personally benefit his own businesses?

Here's the thing: all 3 access consultants have a major conflict-of-interest between their public roles providing what is supposed to be independent and impartial advice to the NDIA³³, and the real, or perceived, conflict-of-interest with their personal business interests. Which to be fair, is not illegal. Unethical perhaps, but not actually illegal.

In the absence of an independent NDIS regulator, it is not helpful that the NDIA has abdicated any role in designing standards, regulating, or reviewing and updating the SDA program.

The following statement³⁴ is an indictment of the lack of technical ability and leadership being displayed.



Figure 3 - NDIS Statement Of SDA Technical Ability

The NDIA was well aware of, and approved, the clause 22.1 "clarification", ignored the obvious conflict-of-interest, failed to address the lack of substantiating documentation, and continues the preferential treatment afforded to Bruce Bromley.

³² <https://sdaconsulting.com.au/sda-2-hour-backup-requirements-explained/> retrieved 18 February 2024

³³ For example, addressing repeated concerns over more than 2 years regarding Emergency Power Solutions by an Electrical Engineer

³⁴ <https://www.ndis.gov.au/providers/housing-and-living-supports-and-services/specialist-disability-accommodation/sda-design-standard>

NDIA can address these problems by obtaining an independent opinion regarding the appropriateness of clause 22.1 to avoid accusations of favouritism and possibly corrupt behaviour.

Yours faithfully,

(signed)

Allan Hunter BEng(Elec) MEng(Sys) MIEAust

25 February 2024