



Response to the Consultation on the NDIS Supports Rule (s10)

**Prepared by Cerebral Palsy Alliance for the
Australian Department of Social Services
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Contact

Liza Maclean

Head of Technology Implementation



liza.maclean@cerebralpalsy.org.au



02 9975 8726



cerebralpalsy.org.au

[Cerebral Palsy Alliance](#) (CPA) welcomes the opportunity to provide a submission to the Department of Social Services on the NDIS Supports Rule (Section 10).

CPA is a ground-breaking, global centre of expertise for cerebral palsy (CP) services and support, research, technology and innovation, and advocacy.

As the first organisation in the world established in 1945 to support people with CP, for over 80 years CPA has been delivering innovative and evidence-based services to people with complex disabilities. CPA currently provides services and supports to 5000 clients at every stage of life across NSW and ACT, including early childhood intervention; therapy, health and wellbeing; equipment and assistive technology; supported independent living; respite; day programs; community programs; and supported employment services.

CPA launched [Remarkable](#) in 2016, with the mission to accelerate startups innovating in Disability Tech to break down barriers to equal participation for all people with disability and amplify human potential. CPA has invested \$10 million AUD in Disability Tech innovation since 2016 helping to grow the pipeline of investible and commercial technologies available to people with disabilities in Australia and supporting scale and expansion of these technologies to global markets.

In addition to our completed survey responses, CPA would like to provide further information to highlight areas in the Supports Rule where there is confusion, inconsistency, or gaps and concerns in what has been included in the Support lists, specifically in relation to assistive technology (AT), and the unintended impacts that these issues are causing.

1. General feedback

1.1 Unclear and inconsistent definitions and terminology

The Transitional NDIS Supports Rule and Operational Guidelines (Support Lists) lack clear definitions and use varying terminology not aligned with national and international standards. This is causing significant confusion for participants, providers and intermediaries leading to inconsistent application of the Supports Rule and often incorrect assumptions and non-approval of essential assistive technology that can benefit participants.

Definitions need to be more clearly articulated, consistent terminology used, and examples provided throughout the Supports Rule and Support Lists to provide clearer guidance on the NDIS Supports that can (and cannot) be funded, including:

Standard item

A definition is provided for a 'standard item' in Part 4 of the Supports Rule as: *'standard item for a participant or prospective participant means an item that is not modified or adapted to address the functional impairments of the participant or prospective participant'*.

However other definitions used throughout the Supports Rule and Support Lists include:

- Standard commercially available household item
- Standard household item
- Household item

- Standard equipment
- Standard (non-modified and not adaptive) equipment.

In the standard item definition – ‘*not modified or adapted*’ is used to describe items that are standard. Multiple terms that are not defined are then used to describe Supports that are considered not ‘standard items’ including:

- adapted
- adaptive
- modified
- specifically made
- customised.

The standard item definition is also not provided in the Supports Lists in Plain English and limited examples are given.

Assistive technology

No definition is provided of assistive technology (AT) or assistive products in the Supports Rule or Supports Lists and varying terminology is used throughout these to describe items including:

- Aids and equipment
- Equipment (used in relation to both assistive products and standard items)
- Assistive equipment
- Adapted equipment
- Assistive products
- Products.

Accessibility or communication purposes / needs

No definition is provided for what a Support or app to address ‘*accessibility or communication purposes*’ is that can be requested as a replacement support. This has caused confusion about what types of apps can be requested, and limited the access to many low-cost and low-risk apps that can provide benefits for people with disabilities in a range of functional areas including (but not limited to): enhancing cognitive function; managing time, memory and planning; completion of prescribed exercise and home programs; managing and coordinating supports and communication; and support for learning e.g. cause and effect, choice making.

Clear definitions and consistent terminology are required to support understanding by participants, families and providers, as well as consistency in interpretation of the Rules to support decision making by the NDIA workforce of planners, delegates, and disability intermediaries.

1.2 Replacement process issues

The current replacement process is not fit for purpose – it is slow, inequitable, resource intensive and not proportionate to the cost and risk of products being requested.

The examples listed for replacement for Item 1 Supports - standard commercially available household items - are limited and resulting in rigid interpretation of the Rules by the NDIA workforce, restricting participant access to beneficial technologies that are required because of disability specific needs. This includes products that can increase whole task independence, reduce the need for support work or disability specific technology, or are required for safety such as:

- smart home technologies that could enable a participant to control their environment and live independently
- blenders for participants requiring modified diets
- food processors that can support a participant with meal preparation
- products to help with time management and planning for participants with cognitive impairments such as diaries, wall planners and clocks
- robotic or lightweight vacuum cleaners to support participants to maintain a clean home in between support worker or cleaning service visits or to reduce needs for support work.

The Item 2 Supports inclusions as replacement supports lack understanding of the benefits of digital technologies to support participants with disability related needs and is restricting access to essential low-cost and low-risk products and impacting participant outcomes. Tablet devices, smart phones and watches, and apps are essential assistive technologies for many people with disabilities, especially for communication which is a fundamental human right.

The decision not to approve a replacement support is not a reviewable decision and if a replacement application is not approved, a participant cannot apply for that same replacement support again for 12 months. Given the current lack of clarity between the Act and Transitional Supports Rule and inconsistent decision making from the NDIA workforce, the lack of a right of review is resulting in unfair, delayed and inequitable access to essential assistive technology for participants, especially for communication, and must be addressed urgently.

1.3 Significant gaps in assistive technology categories and included assistive products

There are limited categories for assistive products and equipment included in the Supports that are 'NDIS supports' List. Categories included are:

- Assistive equipment for recreation
- Assistive products for household tasks
- Assistive products for personal care and safety
- Communication and information equipment
- Prostheses and orthoses
- Hearing equipment
- Personal mobility equipment
- Vehicle modifications
- Vision equipment

There are significant gaps in products in these listed categories that have been outlined in Appendix 1 as suggestions for '*Products or services that should be available to NDIS participants that are not on the list of available NDIS supports*'. This highlights the limitations of lists of eligible products being set in legislation, risking essential assistive products being declined for funding because they are "*not on the list*" as many participants and providers are being advised, and lacking flexibility and restricting access to new and emerging technologies.

There is also no inclusion of assistive products under several Support categories. There are a range of beneficial assistive products that should be included and should not require a replacement support process. These have also been outlined in Appendix 1.

1.4 Impact on participant outcomes

The current confusion and inconsistency in interpretation of the Supports Rule and Supports List because of lack of clear definitions, and gaps in the Support Lists, as well as the new cumbersome replacement support process are resulting in delays in participants getting access to essential assistive technology which is significantly impacting participant outcomes including:

- Infringement on the basic human right to communicate due to delays in accessing essential AT for communication such as Augmentative and Alternative Communication (AAC) apps and software, and tablets to support access to these.
- Risks to injury of both participants and their informal and formal carers.
- Deterioration in function, behaviour, and health conditions, and increased risks of breakdown of informal supports and hospitalisation.
- Reduced independence and ability to participate in the community and engage in education and employment.
- Risks to psychosocial wellbeing of participants who are fearful of making the wrong decisions and exhausted from continually having to justify their needs and waste plan funds to request additional information from AT advisors to access essential AT.

1.5 Increased costs to the Scheme

As highlighted above, cumbersome processes and delays to decision making on AT requests, and the continual requirement for AT advisors and assessors to provide detailed justification for many low-cost and low-risk assistive products is resulting in additional costs to the Scheme.

Many items considered 'standard' that provide benefits to participants, and are required for disability specific needs, are excluded and resulting in providers recommending higher cost disability specific items – this includes dedicated AAC devices that are a higher cost than a tablet and app that often will meet participant needs.

AT advisors and assessors are having to spend additional time (and participant plan funds) to support participants to understand and navigate the replacement support process and write support letters for items that were previously able to be funded as low-cost AT.

Delays with participants receiving essential AT that could increase independence and participation are resulting in reduced capacity building and increased costs for support workers.

1.6 Emerging technology opportunities and risk to stifling innovation

The approach to having a defined list of included assistive products set in legislation, and the replacement support process for low-cost and low-risk products such as smart devices and apps that meet disability specific needs, risks missing opportunities for participant access to emerging technologies that could be highly beneficial, as well as stifling innovation.

Remarkable supports startups developing technology for people with disabilities. These startups have invested considerable time and money in developing these technologies and getting them to market, including co-design with people with disabilities.

Feedback from startups since the introduction of the Supports Rule and Supports lists highlights concerns in how this restrictive approach is impacting participant access to technologies. This includes:

- One startup who has developed a low-cost online platform with an annual subscription to support participants and families to coordinate their own care and support, has reported participants having increased difficulty in this being funded, and having to spend more time negotiating with the NDIA workforce to explain that this technology is not a standard app and is not available in commercial app stores. This has resulted in the business sometimes providing their product for free to participants, rather than wasting the time it takes for negotiations for something that costs as little as \$200 per year and has been successfully supporting thousands of participants and families to date.
- Another startup has built an innovative business supporting participants to access customised smart home solutions. They have invested time in training local occupational therapists and smart home installers, and the current limited Supports Rule and replacement processes have resulted in a significant drop in NDIS-funded solutions and slowed down their ability to support NDIS participants to access essential technologies for safety and independence due to additional administrative burden.
- Another startup founder has highlighted the lack of understanding by DSS and the NDIA of the difference between standard apps that are available in commercial app stores and grouping these as exclusions along with apps that have taken a significant amount of research and development to ensure they are designed inclusively, are accessible and meet disability specific needs. This includes beneficial apps that can support communication, cognition, planning, self-management of supports and access to self-guided prescribed home programs and exercise programs to name a few.

The Support Lists need to have flexibility to allow inclusion of technologies not yet developed, or DSS and the NDIA risks stifling innovation and providing a disincentive to entrepreneurs investing time and money in developing new technologies that can provide benefits to people with disability, if they do not see the market conditions supporting innovation and a clear pathway to commercialisation of technologies and customer growth due to NDIS funding restrictions.

1.7 Digital exclusion

Digital inclusion remains low for people with disability in Australia. The costs of internet access devices and assistive technologies are a significant barrier for many people with a disability to achieve digital inclusion. People with disabilities have additional needs for mainstream digital technologies to enable their access to education, employment, healthcare such as telehealth, and to support social participation and connection.

The Supports Rule and replacement support process restricts access to digital technologies such as tablets, smartphones, smart watches and apps. These technologies are often low-cost and low-risk, and required for disability specific needs.

This limited approach to considering mainstream technologies as an assistive technology for people with a disability risks digital exclusion of people already marginalised and will result in poorer outcomes for participants, increased needs for support workers, and increased costs to the Scheme and the broader government in the longer term.

2. Recommendations

2.1 Provide consistent definitions and terminology

The following definitions and terminology should consistently be used through the Supports Rule and Supports lists, including providing Plain and Easy English versions to support understanding and interpretation of the Rules, including examples.

Standard item – the standard item definition should be modified to highlight that for some people with a disability, a standard item may be considered an assistive product. As per the Australian Standard AS/NZS ISO 9999:2023: *‘assistive products, especially produced **or generally available**, for persons to optimize functioning and reduce disability’* highlights that generally available items **are considered assistive products** when they *‘optimize functioning and reduce disability’*. For example, a mainstream tablet device to enable use of an AAC app enables a participant to communicate independently, or a smart home system enables a participant to operate appliances in their environment and reduces support needs, which means the item is no longer standard.

Assistive technology – the Supports Rule and Supports List should use definitions of assistive technology aligned with The World Health Organization (WHO) who defines Assistive Technology (AT) as *‘an umbrella term for assistive products and their related systems and services’*.

This aligns with the terminology of assistive technology used throughout the NDIS website and in multiple NDIS Operational Guidelines and Fact sheets that is familiar to participants and used consistently in the disability sector in Australia.

Assistive products – the WHO Global Report on Assistive Technology describes assistive products as products that *‘help maintain or improve an individual’s functioning related to cognition, communication, hearing, mobility, self-care and vision, thus enabling their health, well-being, inclusion and participation They may be physical products such as wheelchairs, spectacles, hearing aids, prostheses, orthoses, walking devices or continence pads; or they*

may be digital and come in the form of software and apps that support communication, time management, monitoring, etc. They may also be adaptations to the physical environment, for example portable ramps or grab-rails’.

Use of this definition provides clarity on products that can be funded and acknowledges that digital technologies such as software and apps **are assistive products** for people with disability.

2.2 Amendment to Supports Rule and Support Lists

2.2.1 Do not outline a set list of included products in the Supports Rule, as this limits flexibility to changing AT and mainstream technology markets and access to emerging technologies. If a set list of included Supports is required, allow this to be managed by the NDIA in the Supports Lists with the ability to update and amend the list as assistive, emerging and mainstream technology markets change.

2.2.2 Include Assistive technology (AT) as a primary support category in the Supports Rule, and not separate categories for each area of support. This primary Support category should outline broad principles about how AT can be funded, including:

- Good practice principles for AT provision – guided by the work completed by the Australian Rehabilitation and Assistive Technology Association in the micro credential: *An Introduction Good Practice Steps of Assistive Technology Provision*.
- Guidance around the activity and participation areas and general AT descriptions (not specific listed items) that can be funded under these within the broad Support category of AT e.g. AT for communication, mobility, recreation, personal care, cognitive support etc.
- Additional services that can be funded to assess and prescribe, deliver, adjust and train a participant in successful use of an assistive product – and provide sufficient capacity building budget allocation to ensure successful implementation of AT and optimising on the AT investment by NDIA.
- Information on supports for hire/loan of assistive products (including digital products such as Tablets and apps) to meet short term needs and to trial products to determine the most appropriate product to meet the participant’s needs – and ensure processes for accessing budgets for hire/loan are efficient and timely and sufficient budget allocated.
- Information on supports for repairs and maintenance of assistive products including spare parts and consumables - and ensure processes for accessing budgets for hire/loan are efficient and timely and sufficient budget allocated.

2.2.3 Review the Support Lists to ensure essential assistive technologies are included. As outlined in CPA’s completed survey, examples in this submission, and in Appendix 1 there are significant gaps in the range of essential assistive products included in the Supports Rule and Supports List.

If an exhaustive list of assistive products is required in the Support Lists, then DSS and NDIA should be guided by the new comprehensive Assistive Technology and Home Modifications list developed for the Support at Home Program, aligned with the assistive product categories in

international standards (ISO 9999:2022), as well as the National Equipment Database to ensure that no essential technologies are unintentionally excluded.

2.3 Flexibility in decision making and plan budgets

The NDIA workforce should apply a principle-based approach to assessing requests for assistive technology, and if the assistive product requested is not specifically listed on the 'out' list and meets disability specific needs it should be considered for funding, not the current rigid response that many participants and provider are experiencing of '*it's not on the list so it can't be funded*'. The principles of choice and control and reasonable and necessary seem to have disappeared with this rigid approach to interpretation of the Rules.

Plan budgets for AT and the related support services for assessment and implementation should be flexible and not restricted to funding periods to ensure participants can access assistive technology when required.

2.4 Streamline replacement support process

As previously outlined, the replacement support process needs to be streamlined to ensure equitable access to essential AT that is required because of disability specific needs. The process should be proportionate to the risk and cost of the AT required. Allied health clinicians should be able to request replacement supports like other AT in consultation with participants, without the requirement to apply for consent to act on behalf of the participant on their plan.

CPA recommends that many of the items on the replacement support list should not be considered a standard item for some people with disabilities and should be able to be requested as low-cost AT including a range of apps and app subscriptions and renewals.

2.5 Templates to support participants and providers to make requests for AT

The NDIA should provide clear templates for mid-cost support letters and simplify the AT request form to support participants and providers with understanding the information required by the NDIA to make decisions about AT requests and ensure that the process and time required for requesting the AT is proportional to the cost and risk of the AT requested.

2.6 Training for NDIA staff and workforce

The NDIA should provide comprehensive training for NDIA staff, and the workforce of planners, delegates, and disability intermediaries to ensure they understand the Supports Rule and Supports Lists and can apply consistent decision making and reduce the time, energy and plans funds wasted by participants and providers in continually justifying requests for reasonable and necessary AT.

3. Conclusion

Assistive technology, including mainstream technologies, are essential for people with disability to enable independence and participation and reduce needs for support work. The Supports Rule and Lists and replacement process require significant amendments to ensure that participants can access required AT efficiently and achieve optimal outcomes, as well as reduce

long term costs to the Scheme and broader government. In addition, the current restrictive approach, particularly limiting access to digital technologies, risks stifling innovation, and reducing investment by researchers and entrepreneurs in the research, development and commercialisation of beneficial emerging assistive technologies.

CPA including Remarkable would welcome the opportunity to meet with DSS to further discuss our submission and recommendations.

Appendix 1.

Products or services that should be available to NDIS participants that are not on the list of available NDIS supports

See the Support at Home Assistive Technology and Home Modification List and/or the National Equipment Database for examples of missing assistive products.

Support Category	Assistive Products	Benefit to participants and the Scheme
Assistance in coordinating or managing life stages, transitions, and supports	Products for: • Enhancing cognitive function • Managing time, memory, and planning	Build participant independence and capacity to transition between life stages and reduce needs for paid supports
Assistance to access and maintain employment or higher education	Products for: • Communication and information management • Reading and writing • Computer access including switches, adapted mouse/pointing devices, adapted keyboards and keyguards	There are a range of assistive products that may need to be provided before a participant obtains a job (and therefore not funded through other schemes like JobAccess), or are needed to be used at home as well as at work or higher education facilities to access and maintain employment or higher education e.g. job preparation skills, work from home arrangements, or to complete study and assignments
Assistance with travel or transport arrangements OR Development of daily care and life skills (includes travel and use public transport)	• Apps and assistive products for wayfinding	Support participant independence in travel and reduce needs for paid supports
Assistive equipment for recreation Only includes equipment modification not assistive products – this should be clarified	• Modified bicycles and tricycles • Assistive products for reading, writing and drawing/painting • Assistive products to participate in music including accessible digital music making software and devices	Enable participation in recreation and leisure activities, and community engagement with peers

Support Category	Assistive Products	Benefit to participants and the Scheme
	- Adapted gaming controls and joysticks - Assistive products such as floatation devices to engage in swimming safely - Assistive products for sport participation such as sport wheelchairs and accessories and running frames	
Assistive products for household tasks	- Assistive products for gripping, reach, manipulation, fixation - Assistive products to enable care of animals	Enable independence in household tasks and reduce needs for support workers
Assistive products for personal care and safety	- Modified or adapted shoes - Assistive products for eating and drinking - Assistive products for dressing - Assistive products for grooming - Assistive products for toileting - Assistive products for gripping, reach, manipulation - Personal alarms (including monitoring service fees) - Falls watches (including monitoring service fees) - Localising and tracking devices for wandering - Video doorbells safely identifying and letting in visitors - Assistive products for seizure detection - Assistive products for alerting carers such as pagers and chimes, chair, bed and door sensors - Medication management products – pill dispensers, reminder systems	Enable independence in personal care tasks, ensure participant safety and wellbeing, and reduce needs for support workers

Support Category	Assistive Products	Benefit to participants and the Scheme
Communication and information equipment	- Tablets and apps for AAC (not a replacement support) - Adapted / simplified phones – mobile and landline - Assistive products for computer access including switches, adapted mouse/pointing devices, adapted keyboards and keyguards - Mounting and positioning products for switches and communication products	Enable independent communication and enshrining fundamental human rights to communicate Enable participation in activities for learning and development at home, study skills and job preparation skills
Customised prosthetics (includes Orthotics) Remove the word customised from Support List – this is not in the Rule	- Modified or adapted footwear - Off the shelf orthoses Including assessment and prescription by a physiotherapist	Off the shelf options may be suitable and more cost effective for some participant needs Modified or adapted shoes are often required to accommodate prostheses or orthoses
Development of daily care and life skills	Money management and budgeting apps and programs	Support a participant to increase their ability to undertake tasks independently such as budget planning and money handling Reduce risk of financial abuse
Disability related health supports	Supports and assistive products for managing contractures including: - Off the shelf splints - Customised splints - Mouldable braces and splints - Serial casts - Standing frames - Modified or adapted footwear to support wearing of splints and braces	People with physical disabilities such as cerebral palsy experience increased tone and are at risk of contractures which can impact mobility, upper limb function and participation in activities, as well as cause significant pain Adding contractures to the list of disability related needs and enabling funding for assistive products and associated supports is essential to participant function and

Support Category	Assistive Products	Benefit to participants and the Scheme
		wellbeing and reducing risks of postural deformities
Early intervention supports for early childhood	• Apps and software for learning cause and effect and choice making • Apps and software for literacy and numeracy • Tablet devices for app and software access (not a replacement support) • Switches and other assistive products for computer access • Switch-adapted toys • Standard toys	Support learning and development such as cause and effect and choice making, enable development of literacy and numeracy skills for children who require alternate access methods and additional support Switch-adapted toys enable children to participate in play, develop fine motor and cognitive skills Standard toys with specific features that can elicit specific goal-related actions and support goal-directed upper limb home programs are a fundamental therapeutic tool for most children with physical disabilities. Evidence-based upper limb therapy approaches cannot be implemented without the use of carefully chosen, standard toys that are well-matched to a child's age and goals. The reason why infants and young children with physical disabilities require therapy in these early years is due to their limited independent and spontaneous play opportunities in the most sensitive period of brain development. Supported by knowledge from key theories of childhood development, including dynamic systems theory, embodied cognition and ecological theory, limited opportunities in this sensitive period have a lifelong negative impact on a child's physical, perceptual, cognitive and sensory development. Standard

Support Category	Assistive Products	Benefit to participants and the Scheme
		toys for most children with physical disabilities are essential for enhancing motivation, engagement, repetitive practice and experience-dependent neuroplasticity, and enable the development of motor and cognitive skills and can reduce long-term disability
Exercise physiology and personal well-being activities	• Exercise apps • Wearables and gamified devices for exercise • Modified gym equipment for home use	Support a participant to independently participate in prescribed home exercise programs and improve adherence, physical fitness and wellbeing and maintain functional abilities
Home modification design and construction Only mentions installed equipment or changing fixtures or fittings, which excludes many low-cost environmental control and smart home technologies that may not require installation or changing to fixtures or fittings	• Environmental controls including commercially available smart home technologies and smart speakers • Uninterrupted Power Supply (UPS) devices	Enable independence in control of the home environment, ensure safety and reduce needs for support workers UPS devices provide essential power supply for medical items such as CPAP machines and pressure care mattresses in the event of a power outage. These are different to a generator that all households with inconsistent power access may need and are required for disability specific needs and safety
Personal mobility equipment The current support category is limited to mobility and transfers, and misses key assistive products for comfort, positioning, pressure care, and function	• Accessories for mobility products including walking equipment, wheelchairs and wheelchair seating and positioning • Assistive products for managing comfort and pressure such as cushions and mattresses • Beds and bed equipment	Improve participant comfort, positioning and safety Increase mobility Reduce risk of pressure areas and postural deformities Increase function and community participation and

Support Category	Assistive Products	Benefit to participants and the Scheme
	• Body stabilisation products – positioning pillows, cushions, and positioning systems for seating and sleeping • Standing frames • Assistive products for seating such as floor sitters and positioning systems • Accessories for sitting furniture • Adapted strollers • Portable ramps • Mounting equipment for positioning devices on wheelchairs or beds • Accessories for transfer devices such as slings • Early powered mobility devices	reduce needs for support workers
Vehicle modifications	• Products and equipment to carry unoccupied powered mobility devices on or attached to vehicles such as trailers	Enable community access for participants who require powered mobility devices but do not have a modified vehicle to transport the device
Vision equipment	• Screen reading software • Text to speech software • Adapted or special glasses for disability related vision impairment • Tactile and visual orientation materials	Independent access to writing and reading for leisure, learning and participation and to ensure safety