



Submission to the Department of Social Services

Review of the NDIS Support Rules

27 July 2025

Contents

Deafness Forum Australia	3
Contributions and Acknowledgements	3
Terminology	3
Acknowledgement of Country	4
Contact.....	4
Recommendation:.....	5
Introduction.....	6
The practical impacts of Deafness and hearing loss.....	7
The use of mainstream smart devices in the context of Deafness and hearing loss.....	9
Smart devices as stand-alone communication supports	10
Mainstream smart devices for personal safety.....	11
The pairing of smart devices with specialised assistive technology supports	12
The use of smart devices to facilitate access to Auslan interpreting and remote allied health services.	14
Impacts of the s.10 changes	15
Problems with the replacement support rules as a mechanism to access mainstream smart devices.....	16
The problem of requiring a 'swap-out' of an approved support to access a replacement support	17
Where to from here?.....	18

Deafness Forum Australia

Deafness Forum Australia is recognised by the Australian Government as the national representative peak body for the 3.6 million Australians who live with hearing loss, have ear or balance disorders, people who also communicate using Australian Sign Language, and their families and supporters.

Deafness Forum's mission is to make hearing health and wellbeing a national priority in Australia and address the societal barriers that inhibit the equitable inclusion of people with hearing loss as citizens and community members.

We draw our authority from what our members and other stakeholders tell us, Australia's Disability Strategy, National Preventive Health Strategy, Roadmap for Hearing Health and Wellbeing, National Agreement on Closing the Gap, United Nations Sustainable Development Goals, and United Nations Convention on the Rights of Persons with Disabilities.

Deafness Forum collaborates with a broad range of specialist organisations, including early intervention agencies, representative organisations for cohorts within the deafness and hearing loss communities, and people with direct experience of deafness or hearing loss and their families. We have strong connections with primary research institutions and are involved in various systemic advocacy and health initiatives.

Deafness Forum represents Australia as a Foundation Member of the World Hearing Forum (part of WHO), as a member of the International Federation of Hard of Hearing People, and as an associate member of the World Federation of the Deaf.

Contributions and Acknowledgements

Deafness Forum Australia is grateful to the following individuals and organisations for their contributions towards the development of this submission.

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Ms Louise Irvine
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Ms Jillian Thompson
Ms Andrea Cooper
Ms Ayah Wehbe
Mr Ravi Krishnamuthy
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Terminology

We acknowledge that each person's experience of disability is unique, and that different people will have a way of talking about disability or themselves that they like best.

Some people prefer to use identity-first language, while some prefer to use person-first language. We are also aware that there are different and equally valid ways that people describe their hearing loss and the importance of acknowledging an individual's right to choose how they describe their personal experience of disability.

In this submission, we usually use the term 'person with hearing loss' but may use other terms including 'hard of hearing' or 'hearing impaired' depending on an individual's preferences.

When referring to people with lived experience of deafness, we capitalise 'Deaf' as an identity-first language to acknowledge the Deaf community as a unique and culturally diverse

population group within Australia with many distinctive characteristics including language, cultural norms, and shared experiences.



Acknowledgement of Country

In the spirit of reconciliation, we acknowledge the Traditional Custodians of Country throughout Australia and their connections to land, sea, and community.

We pay our respect to their Elders, past and present, and extend that respect to all Aboriginal and Torres Strait Islander peoples today.

We recognise the unacceptably high rates of ear and hearing conditions that continue to impact First Nations communities, particularly their children, at rates far greater than the general population.

We honour the leadership and resilience of Aboriginal and Torres Strait Islander communities in addressing these challenges and their unwavering commitment to improving the hearing health of future generations.

Deafness Forum Australia commits to listening, learning, and working in genuine partnership to support community-led solutions that are culturally safe and driven by the wisdom of First Nations peoples.

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Recommendation:

That mainstream communication-related smart devices, including smartphones, tablets, and smartwatches, are added to the s.10 approved supports list; or, that a specific carve-out is created to permit these devices to be classified as approved s.10 supports for participants with communication-related disabilities.

Introduction

Deafness Forum Australia, as the national consumer representative body for the 3.6 million Australians who live with hearing loss, ear or balance disorders, people communicating using Australian Sign Language (Auslan), and their families and supporters, appreciates the opportunity to provide feedback on the National Disability Insurance Scheme Support Rules (Section 10).

In 2024, when the draft support lists were initially released for public comment, Deafness Forum Australia, alongside several other organisations representing the interests of National Disability Insurance Scheme participants with sensory disabilities (vision loss, blindness, hearing loss, deafness and deaf blindness) expressed grave concerns about the Government's plans to exclude mainstream smart technologies and limit Auslan interpreting services to essential communications only.

At that time, we wrote to the National Disability Insurance Agency's Deputy Director, Service Design and Improvement, stating that it was the consensus across all our organizations that the draft lists failed to sufficiently address the fundamental communication requirements of people with sensory disabilities, explaining that supports such as mobile phones, smart watches, iPads and access to Auslan interpreting are essential to meet the basic communication and safety needs, of people with sensory disabilities, both at home and in the community.

We emphasised that the needs of the sensory disability community as a collective are distinct and need to be recognised, and that supports and services such as those detailed above are critical to meeting the basic communication needs of most people across our collective cohorts and should therefore be considered as standard supports for all NDIS participants with sensory needs.

We also detailed three main ways in which mainstream smart devices are routinely used by those with sensory loss:

1. As standalone communication supports, allowing those with sensory loss to access information in real time and communicate with those around them
2. Paired with specialised assistive technology supports to optimise and improve the overall usability of these devices
3. As a portable means of accessing Auslan interpreting services and remote allied health services.

We also made it clear that it would be an unjustifiable hardship to require those with sensory disabilities to substantiate a need for these items or supports explicitly via the substitution rules, and 'trade off' access to smart devices against approved supports, when smart devices are often essential to facilitate access to approved supports, and the communication support needs of a person with hearing loss or deafness are variable, context dependent, and seldom up to the control of the individual.

I tend to use my iPad a lot for captioning in [work] meetings and have it sitting there, so if I need to use my laptop for something else, I can do that and still have the iPad showing. I find my phone too small to see the captions properly, and you have to have it close to see because they're small. So I can't sign and be working on a document or looking up a file, and see the captions at the same time. So, I need separate devices.

- Louise, cochlear and hearing aid user.

We collectively advocated for four key changes to the draft support lists:

- For smartphones to be added to the approved supports list, or for a specific carve-out to be provided in the exclusions list for our collective cohorts to access smartphones as assistive technology devices
- For tablets and smartwatches to be expressly included on the approved support list, or that a carve-out is expressly provided in the exclusions list for our collective cohorts to access tablets and smartwatches as assistive technology devices
- For prescription lenses to be included on the approved supports list for people with sensory-related disabilities.

While we were able to argue successfully for the limits on Auslan interpreting to be removed, ensuring people who are Deaf or have hearing loss had the same general access to their basic support needs as any other participant, we were unable to persuade the Government to reclassify mainstream smart devices as approved supports for our demographic.

Since that time, Deafness Forum Australia has been closely monitoring the practical impacts of these changes on participants who are Deaf or have hearing loss, while emphasising the need for government to consult with the Deaf and hearing loss community, allied health providers working with those experiencing hearing loss, the Auslan and live captioning service industry, and hearing related assistive technology providers to fully understand the impacts, and unintended consequences, of this decision.

Our research indicates that people who are Deaf or have hearing loss are already experiencing greater disability-related barriers across various areas of everyday life as a direct consequence of these changes, and we anticipate that this will become an increasing problem as people's existing smart technology requires replacing, or as more advanced hearing aid technologies become available that only pair with smart devices of a certain generation.

The federal government must address the inequities that presently exist for participants with sensory disability through the existing s.10 lists and the replacement support rules as a matter of priority. The current exclusion of smart devices under s.10 and the replacement support process disproportionately disadvantage participants with communication-related disability support needs, while failing to consider the real-world application of these resources to reduce barriers and empower individuals with disability to live independently and participate fully in society.

Across this submission, we will once again detail why these devices are essential to people who are Deaf or have hearing loss, via practical examples, direct quotes and case studies. We will also discuss the problem of relying on replacement support applications as an indicator of real need.

The practical impacts of Deafness and hearing loss

It has been estimated that one in six Australians experiences some level of hearing loss, ranging from mild hearing loss to profound Deafness.ⁱ

Hearing loss not only affects a person's ability to hear but also how they connect with the world around them across all areas of life.ⁱⁱ It's important to note that the disabling effects of hearing loss can vary depending on the severity, duration, and individual circumstances; however, all

people who are deaf or have hearing loss are impacted by environmental factors such as inaccessible physical environments and transportation, lack of social support and assistive devices, and negative attitudes and barriers to accessing health care, employment and education, which increase limitations across functional capacity to a greater extent than people without hearing loss.

The main disability-related challenges people with deafness and hearing loss experience across their day-to-day lives can be summarised as follows:

1. Communication difficulties

Hearing loss can make it challenging to understand spoken language, leading to communication difficulties. It can result in misunderstandings, misinterpretations, and miscommunications in various settings, including conversations with family, friends, colleagues, and healthcare professionals. This can lead to social isolation, reduced quality of relationships, learning difficulties, barriers to employment, and difficulty in participating fully in social activities.ⁱⁱⁱ

2. Cognitive impacts

Hearing loss has been linked to cognitive decline, including difficulties with memory, concentration, and problem-solving. It can affect cognitive function, leading to reduced mental stimulation, cognitive load, and cognitive fatigue, which may impact overall cognitive performance and lead to a decreased quality of life.^{iv}

3. The emotional and psychological impact

Hearing loss can have emotional and psychological effects, including depression, anxiety, stress, and reduced self-esteem. It can be emotionally distressing to have trouble understanding and participating in conversations, leading to feelings of frustration, isolation, and low self-confidence. Hearing loss can also result in a loss of enjoyment of activities that were once pleasurable, leading to emotional distress and reduced quality of life.

4. Impact on safety

Hearing loss can impact safety in various situations. For example, individuals with hearing loss may not hear warning signals, alarms, or sounds of approaching vehicles, which can put them at risk of accidents or injuries. It can also affect their ability to communicate in emergencies or hear important instructions, potentially compromising their safety.

5. Impact on employment

Hearing loss can have an impact on employment opportunities and job performance. It may affect a person's confidence and ability to successfully apply for roles or affect their ability to communicate effectively in the workplace, leading to misunderstandings or reduced productivity. It can also affect job satisfaction, workplace relationships, and career advancement opportunities, potentially resulting in financial and professional consequences.

6. Reduced quality of life

Overall, the disabling effects of hearing loss can lead to a reduced quality of life. It can affect an individual's ability to fully participate in social, professional, and recreational activities, resulting in social isolation, decreased well-being, and a diminished sense of overall life satisfaction.

The use of mainstream smart devices in the context of Deafness and hearing loss

Having access to the right supports can make a huge difference in reducing barriers and empowering individuals with deafness and hearing loss to live independently and participate fully in society.

The World Health Organisation's World Report on Hearing (2021) states that irrespective of the severity of hearing loss or the audiological profile, the extent to which hearing loss impacts people's lives depends on whether it is addressed with effective clinical or rehabilitative interventions and the extent to which the environment is responsive to the needs of people with hearing loss.^v

Mainstream smart devices such as smartphones, tablets and smartwatches are routinely used by people who are Deaf or have hearing loss to address disability-related barriers to communication in the environment. In this context, smart devices are not used in the way that people without disability would use them, meaning they are, in effect, a very different device.

Communication technologies have advanced rapidly and are continuing to do so, such that the distinction between what is and is not an assistive technology device is often extremely hard to determine.

When considering the provision of supports for people who are Deaf or have hearing loss, it is not possible, or fair, to simply apply a universal exclusion of certain devices on the basis that they are not recognised across mainstream society as 'disability related support devices'.

A nuanced approach, based on a contemporary understanding of modern communication technologies, which focuses on a smart device's use in the context of a specific individual, as opposed to its mainstream function or usage, is both critical and in alignment with Australia's obligation to provide communications accessibility for people with disability as a signatory to the Convention on the Rights of Persons with Disabilities (the CRPD).

Article 21 of the CRPD provides that States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, as defined in Article 2. Article 2, in defining communication, doesn't make a distinction between disability-specific or mainstream communication methods:

"Communication" includes languages, display of text, Braille, tactile communication, large print, accessible multimedia, as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology.

Apple's AirPods Pro 2 earphones have recently been approved for therapeutic use by Australia's medical devices regulator the Therapeutic Goods Administration (TGA) and have been described as a cheaper, readily available clinical-grade hearing aid technology to assist people who experience mild to moderate hearing loss

Smart devices as stand-alone communication supports

Many people who are Deaf or have hearing loss will use a hybrid range of supports to address the communication barriers they experience in everyday life, consisting of both specialised and mainstream communication devices. At the same time, hearing aids and cochlear implants are not an effective option for all people with hearing loss, while others may not want to use these types of supports for a variety of different reasons, for instance, community and personal attitudes to hearing loss, age, anticipated benefits, or level of impairment.^{vi}

All modern smartphones, tablets, and smartwatches have in-built accessibility features as standard, such as voice to text, closed captions, automatic subtitles and audio transcriptions. Additionally, mainstream smart devices such as tablets, smartphones and smartwatches can be used as convenient and cost-effective ways for people who are Deaf or have hearing loss to both communicate and receive information through non-verbal means, via text, email, social media platforms, apps, vibration functionalities and more.

The capacity for video calls is also important for those who lip-read or communicate through Auslan, giving them an accessible option to communicate remotely, including access to the National Relay Service (NRS).

The NRS is a free, Australia-wide phone service administered by the Department of Infrastructure, Transport, Regional Development, Communication, Sport and the Arts, designed to assist people who are Deaf, hearing impaired or have speech communication difficulties that allows these individuals to communicate with hearing people through a relay officer who facilitates the conversation by relaying what is said through a variety of accessible formats.^{vii}

When you can't hear, you can't speak to someone to ask a question, get advice, or ask for help. You also can't hear verbal alerts, notifications, or announcements, so these smart device functionalities become critical for safety, social connection, community participation, and independence.

The National Relay Service (NRS), a federal Government initiative to support people who are Deaf, hearing impaired or have communication difficulties to communicate with hearing people, provides NRS captions, SMS relay, SMS relay text and listen, and video relay. All these functionalities require access to smart devices.

Facebook, Messenger, WhatsApp, and the various Google functions like Google Maps [via my smartphone] are all helping me to stay connected within the community. The smartphone enables me to retain my independence and go out and mix in the community with confidence, knowing that if I've got a situation where I'm not sure about something, I can look up the information rather than try to speak to somebody who may not understand my Deaf accent, and I might not understand them.

-Colin, hearing aid user.

We use a smartphone [for my son] so he can communicate and have an opportunity to walk home with his brother by himself, so he has independence like his big brother does [who does not have hearing loss]. He can use the smartphone to text if there's something wrong or if he's

stuck somewhere with a stranger; he can write it down rather than having to verbally communicate because he's not the easiest kid to understand.

- Emily, parent of a child with hearing loss.

My son has a tablet and uses it to access the Zoom app at school for live transcribe. So, in loud situations, if he's not understanding, he can turn it on and read what is going on.

- Emily, parent of a child with hearing loss.

If you have a smartwatch, you can use it to get a vibration security alert that someone is at the door, and for a child with hearing loss, that fosters independence. My son doesn't have to wait for me to say someone is at the door, he can tell me, "Hey, mum, someone is at the door".

- Rose, parent of a child with hearing loss.

I can't hear the phone ring even with Bluetooth on my cochlear implant, or feel the vibrations when it's in my pocket, but with my smartwatch, with every message or phone call, I feel the vibrations on my wrist, as well as the smartwatch serving as an alarm clock [via vibration alerts]

- Bryce, cochlear implant user.

It's too difficult to do things on the phone, to make a flight booking. It's easier for me to see what are options are [online] than trying to listen and hear what the options are being relayed by the operator.

- Chris, cochlear implant user

Different types of mainstream smart devices can also be paired together to address the disability related communication needs of people with hearing loss or deafness. An example is the pairing of a smartwatch with a home security system.

The home security system will provide an alert to the smart watch via an App, which the person with hearing loss receives as a vibration alert. It is also possible to connect other smart devices like washing machines, stoves, fridges, and dryers to smartphones and smartwatches, where again, vibrating alerts are used to allow people who are Deaf or have hearing loss to operate these basic appliances.

Mainstream smart devices for personal safety

One of the most important standalone functionalities of mainstream smart devices, particularly smartwatches and smartphones, is the safety features in an emergency. There is universal agreement that the capacity of smartwatches and smartphones to allow people to non-verbally alert emergency services and emergency contacts and provide details of their location via GPS, is essential for safety and independence, particularly for those living alone.

I was fortunate to get an iWatch SE from NDIS back in 2012. I use it every day and couldn't live without it. The best feature is the fall vibration alert and auto call to family/ emergency services.

- Jillian, person with hearing loss.

The following examples, based on anecdotal information, demonstrate how mainstream smart devices might be used as practical, stand-alone supports to address disability-related barriers to communication for those in the Deaf and hearing loss communities.

Example 1:

Sally is Deaf and wants to arrange a medical appointment with her GP. She can't contact her medical centre verbally over the phone, so she uses the HotDoc app on her smartphone to book an appointment. She also uses her smartphone to book an online Auslan interpreter for the appointment, using the provider company's booking app.

Sally needs transport to get to the doctor's surgery. She's able to book an Uber using the Uber app on her smartphone and track the driver's progress in real time. She can also communicate with the driver by text to let them know exactly where to pick her up. Sally sends her mum a quick text to let her know her plans and arrange to meet up for coffee after the appointment.

Having access to a smartphone means that Sally can independently access transport, manage her health care needs and connect with her family.

Example 2:

Victor has hearing loss and often struggles to understand spoken language, especially verbal loud-speaker notifications on trains and at stations. Victor's train has stopped unexpectedly, and he can't understand the verbal announcements being made over the carriage loud-speakers. Victor uses his smartphone's Tripview App to get live updates on what is happening and learns that there has been a mechanical breakdown.

Victor learns that buses will replace his train for part of the journey. He isn't sure which bus to catch, so he asks a driver, using the voice-to-text function on his smartphone to make sure he understands the instructions the driver has given him. Having access to his smartphone gives Victor the confidence to get out and about in the community independently.

Example 3:

Karen has hearing loss and uses a combination of her hearing aid and lip reading to understand spoken communication. Karen can't communicate on the phone verbally, so she uses FaceTime on her tablet as an accessible way to communicate with her family and friends.

Karen also uses her tablet to communicate with friends who also have hearing loss via a WhatsApp group chat, and the group regularly uses the WhatsApp chat to plan catchups. Having access to her iPad increases Karen's opportunities for social connection with her family and friends.

The pairing of smart devices with specialised assistive technology supports

One of the frustrations Deafness Forum Australia has had since the introduction of the s.10 changes and the replacement support rules has been the fact that we have consistently told the National Disability Insurance Agency, and other key stakeholders, that mainstream smart devices are necessary to achieve and maintain the full functionality of modern hearing aid and cochlear technology.

Smart devices are now considered mainstream across society, to the point where modern assistive technology is routinely built in anticipation that it will pair with mainstream smart devices.

In the context of hearing loss, this applies to both hearing aids and cochlear implants. When decisions are made around the type of hearing aid or cochlear implant a person receives, one consideration is what existing mainstream smart devices they routinely use, to ensure that the new technology can pair effectively with these devices.

Hearing aid and cochlear users then use their smart devices to remotely operate various functions of their assistive technology devices, or to enhance or optimise their effectiveness. Audiologists and other hearing health specialists also use mainstream smart devices to remotely adjust cochlear and hearing aid settings during routine hearing health assessments and technology maintenance.

All our hearing aids have apps as part of the management. If you do not have a phone that is up to the Bluetooth standard, you are unable to remotely control your hearing aid.

- Andrea, hearing aid user.

My smartphone allows me to turn on features on my cochlear via Bluetooth. It pairs automatically. The phone allows me to connect to the T loop [this is part of the cochlear]. It allows me to adjust the cochlear volume. All the cochlear settings are on the phone - I want to connect to my cochlear microphone. Click. No, I want to turn the T loop on, click that. Without my iPhone or iPad, I couldn't survive. I couldn't survive without them because they really break down the barriers for me.

-Chris, cochlear implant user.

There are features through the app that you can connect to your assistive device that you can't do just by pressing the buttons on the cochlear implant. I don't think you can access the focus function on the cochlear implant itself when someone is standing in front of you, which turns off the background noise so you can focus on the person who is speaking in front of you. That makes a huge difference in some environments.

My smartphone can join my cochlear implant and my hearing aid together so the Bluetooth will stream to both of them at the same time. That has made a huge difference, rather than before, when I could only stream to one device at a time and had to pick one or the other. But I couldn't stream to both. But now you can do that. That's amazing.

-Louise, cochlear implant and hearing aid user.

My son has a bone conductive hearing aid, so with the telecoil app [on the smartphone], he can use it at the train station so he can get on the right train, hear announcements that the train is cancelled, things like that.

-Emily, parent of a child with hearing loss.

The mainstream Apple AirPods have a sound amplifier. Because [my son's] hearing only works with bone conduction, we can't have traditional hearing aids; he has bone conductor ones.

The bone conductor hearing aids can connect with the sound amplifier app [connected to the AirPods], which you can then pair to different devices.

My son can be on Minecraft with the AirPods on and play Minecraft, listening properly without having bulky headphones on. It's fantastic, and it works. It works really well. So, he feels a bit more normal. He can play the game and join in with his friends online and all that stuff.

- Emily, parent of a child with hearing loss.

Smartphones, in particular, connect via Bluetooth to a person's hearing aid or cochlear implant to transmit sounds from the phone directly through these devices, making these sounds much clearer. While this is not an option for all people with hearing loss, it does provide some people with the opportunity to communicate via phone.

Bluetooth in the last five, ten years, we've had Bluetooth in our phones. That has changed our [the hearing loss community's] lifestyle so much. Not only can we hear the phone more clearly, it is louder, clearer.

- Chris, cochlear implant user.

Without Bluetooth [through my smartphone], I probably would not have been working for the last 10 years, and I would probably be in the mental health system now. Instead of relying on the phone with one bad ear, I can use the two bad ears, and [Bluetooth] helps me bridge that gap. And if you're still having problems, you can turn on the features in the Samsung phone to caption the call.

-Colin, hearing aid user.

These examples are not exhaustive but, hopefully, serve to demonstrate the extent to which modern assistive technology has been designed to be used in conjunction with mainstream smart devices. We encourage policymakers to consult with hearing aid and mainstream communications technology manufacturers for further evidence to understand the extent to which these technologies have been built specifically to be integrated.

The use of smart devices to facilitate access to Auslan interpreting and remote allied health services.

Another important use for smart devices, particularly tablets and laptops, but to a lesser extent smartphones and desktop computers, is in facilitating access to remote Auslan interpreting, live captioning, and online allied health services, like occupational therapy and speech pathology, and this can be extremely important in regional and remote areas, and thin markets.

It's been estimated that approximately 20,000 people in Australia use Auslan as their primary means of communication, compared with 747 certified Auslan interpreters Australia-wide.^{viii ix} What this means for most Auslan users is that it is unlikely that they will have access to a local interpreter who can provide face-to-face interpreting services even in major cities and highly populated urban areas.

Having access to a smart device that is portable, with a decently sized screen, such as a tablet, is vital in supporting people to access vital Auslan interpreting through remote interpreting. This allows them to access Auslan services where and when these services are needed.

Access to remote allied health services is also important for many people who are Deaf or have hearing loss and their families, particularly in regional and remote areas, where thin

markets exist. Many services, such as occupational therapy and speech pathology, can be conducted remotely, which can bridge service gaps in local areas, while also providing an efficient means for people to access the supports they need.

Parents of children who are Deaf or have hearing loss, in particular, value the option of using online platforms to access services for their children, on account of both the time and cost savings.

Example 4:

Sally is Deaf and has an appointment with her GP. She has booked an online Auslan interpreting session for her appointment and brings her tablet to facilitate this. She communicates in Auslan to the interpreter, who translates for her GP and vice versa. Having access to online interpreting, via her tablet, allows Sally to independently manage her health needs. It also means Sally can access mainstream health services without any difficulty.

Example 5:

Josh has hearing loss and lives in a remote area. There are limited options for the occupational therapy and speech pathology supports he needs in his local area, but Josh's mum has been able to find an occupational therapist who can support Josh online.

Josh has his weekly OT sessions with his therapist remotely using his tablet. This is vital for Josh to get the support he needs to build his verbal communication and listening skills. Access to online sessions is also important for his mum, Jill, as it means she doesn't have to take time off work to travel for hours to take him to face-to-face sessions.

Impacts of the s.10 changes

As we've previously outlined, we have significant concerns about the unintended negative consequences of this policy change. Despite the s.10 and replacement support rules only having been in place for a short time, we have already observed these concerns being realised in several instances. These cases represent 'the canary in the coal mine', and we anticipate that unless immediate action is taken to address the flaws in the current setup, we will likely see broader, debilitating impacts for Deaf and hard-of-hearing participants of the Scheme.

Smart devices only need to be purchased periodically, and many of our members use these devices for multiple years, basically until they are no longer operational. Many people who have previously been able to access mainstream smart devices under their plans (which would have been substantiated through evidence from their allied health professionals) will not need these devices replaced for some time.

Participants we consulted with who are in that situation are extremely worried about what will happen when they get to this point, with a significant proportion stating that they would not be in a position to afford these items without NDIS funding,

The reason [for low replacement support applications] is that it's only now reaching the stage where people are starting to need their devices replaced because they have had them for five, six years.

-Colin, hearing aid user.

As we said in 2024, the needs of the sensory disability community as a collective are distinct from other disabilities in that they centre almost exclusively around communication-related functional impairment. Access to mainstream smart devices is critical to address the

fundamental, disability related communication requirements of people with sensory disabilities, including Deafness and hearing loss.

We also challenge the ableist assumption which sits behind the exclusion of smart devices, which is that these devices are 'luxury items' and not assistive technology supports.

While a hearing person may have the option to purchase a phone with limited functionalities or be able to function perfectly fine without a smartwatch or a tablet, this same situation would cause significant hardship for a person who is Deaf or has hearing loss, decreasing their overall functional capacity. At the same time, these items represent a sizable cost for those on limited incomes.

We are disappointed that insufficient investment was made towards understanding the real-life consequences of these changes before they were implemented, and that the concerns of organisations representing the interests of those with sensory disabilities were not acknowledged across the drafting of the lists. We are also concerned that the Government will place undue emphasis on the number of replacement support requests as an indicator of need, which we know would substantially understate the scope of the problem.

This review presents an opportunity for the government to reinstate these items as approved supports for participants with communication-related functional impairment and remove the requirement for Deaf and hard-of-hearing participants and their families to undergo a separate, complicated process to justify these devices.

Problems with the replacement support rules as a mechanism to access mainstream smart devices

The most recent information we have on the uptake of replacement supports is from 10 January 2025, which shows that there have only been 611 replacement support requests since the rules were released in October 2024.^x Most of these requests related to tablets, communication apps, smart devices, and household items, and 11% of requests were from participants with hearing loss, higher than their cohort representation (3%), often for technology to support communication.^{xi}

While the uptake of replacement supports has not been high, it's clear that smart devices are the main item people are seeking, and deaf and hard-of-hearing participants as a cohort are disproportionately represented in the applications, even at this early stage.

We have already identified that participants may not be at a point where they need to apply via the replacement support process for replacement mainstream smart devices, but we also know that the replacement support process and how this has been interpreted by planners, participants and support coordinators has also acted as a disincentive for people to apply for these supports even when they need them.

The replacement support rules are not widely known across our cohort, to the point where a proportion of people we interviewed didn't even know that this process was available to them.

A proportion of those who were aware of the replacement support option and might have utilised this process reported that they had been actively discouraged from doing so by planners or support coordinators, even if they had expert evidence to support the usage of these devices on file and had previously been approved for these items.

While we don't know the specific content of these communications, we are concerned that NDIS staff may have contributed to a proportion of participants believing that there was little

to no point in applying for smart devices, on the basis that any chance of success would be minimal. While we have not been able to conduct any research on this, we also wonder whether the introduction of the support lists has translated into allied health professionals no longer requesting these items for participants, even when access to these supports would enhance clinical or rehabilitative outcomes or avoid the need for more costly, disability specific supports, on the assumption that mainstream supports will no longer be funded – again, we encourage policy-makers to seek information on how allied health professionals incorporate mainstream smart devices across clinical practice, and their understanding of what the NDIS will or won't fund as a consequence of these changes.

A further impediment is the complexity of the replacement support application process.

The criteria for getting a non-NDIS support approved under the new legislation is next-level, NDIS-style complicated.

Chris Coombes, Team DSC^{xii}

Applicants or their representatives need to complete a separate form or provide information online or over the phone, and provide information about the replacement support, including what it costs, what approved supports it would replace, and how the replacement support might work the same or better than the supports that would be swapped out.

While these may seem like basic questions, they don't reflect the experience of living with Deafness or hearing loss, meaning many of our cohort would struggle to provide this information, particularly when the smart device is necessary to realise an approved support.

The requirement to justify a replacement support in terms of its cost-that it will cost the same or less than an approved support-is also problematic, especially in the case of items that can be used across many different applications. Basing approvals on a financial basis also undermines other benefits which accord with the overall ambitions of the Scheme– for instance, whether a replacement support would support the applicant, their parent or carer to access employment, or educational opportunities.

The following example sets out some of the challenges of applying for replacement supports we expect for applicants who are Deaf or have hearing loss:

Example 6:

Terry wants to use the replacement support rules to apply for an iPad. He plans to use the iPad for several different reasons – to support online access to online Auslan interpreting, to communicate with his family and friends via FaceTime, to book transport online using the Uber App, and to use Apps like Trip view when traveling to increase his independence.

Terry has funding for Auslan interpreting, assistive technology (his hearing aids) and some funding for occupational therapy, all of which are necessary to address his communication related functional impairments. He is struggling to know what he can 'trade out' to access the iPad, let alone explain how this replacement support would be the same cost or cheaper than existing supports.

The problem of requiring a 'swap-out' of an approved support to access a replacement support

The setup of the 'swap out feature' of replacement supports is also a problem because participants with hearing loss will often have equal need for multiple communication supports.

The replacement support rules assume that people have choice and control in how they use their supports, which doesn't translate to the lived experience of participants who are Deaf or hard-of-hearing, who have no certainty that any one communication support will be available to them in any given context.

To communicate with a hearing world, people who are Deaf or have hearing loss have to be adaptable, often employing multiple context-dependent techniques across a day. Being expected to swap out a replacement support for an approved support in this context is an anxiety-producing proposition, which might provide a benefit in one context but would inevitably cause hardship in another. It's a trade-off that many participants with hearing loss would struggle to take, not because they don't need that particular support, but because they don't want to lose a support that is equally important to them.

In 2024, we stated that we had serious concerns about the replacement support rules as a mechanism for participants to access smart devices and raised concerns that this process would provide unjustifiable hardship for Deaf and hard-of-hearing participants who rely heavily on these devices to realise their basic disability related support needs. We now have evidence that these concerns were valid for a proportion of our cohort.

While the replacement support lists rules may be appropriate as a mechanism to establish the real need for mainstream devices for some disability cohorts, this process is not fit-for-purpose in the context of those with communication-related disabilities.

A carve-out needs to be provided in the rules to allow people who are Deaf or hard-of-hearing to access certain types of mainstream smart devices – smartphones, smartwatches, tablets, and laptops as approved supports.

Where to from here?

Since the introduction of section 10 changes and replacement support rules, complaint rates for participants with the primary diagnosis of hearing loss have increased by 200%, up from 360 complaints in 2023 to 821 complaints in 2025.^{xiii}

At the same time, the average weighted satisfaction results across the 4 stages of the planning process for those with a primary diagnosis of hearing loss have dropped by 17%, from 77%, which was above the overall participant average, down to 60%, below the participant average of 64%.^{xiv}

The stage of the planning process demonstrating the lowest satisfaction ratings for people with a primary diagnosis of hearing loss is plan approvals, where it is most likely that the impacts of the s.10 changes would be felt, where only 42% rated their experience as either good or very good, versus 56% across the overall participant population.^{xv}

It's clear that participants who are Deaf or have hearing loss are substantially less satisfied than they were before the introduction of these changes. The fact that satisfaction rates for those with a primary disability of hearing loss have dropped from above the overall participant average to below average over this timeframe supports our view that participants who are Deaf or have hearing loss have been disproportionately disadvantaged as a cohort by these changes. This assessment is corroborated by anecdotal evidence from participants who are Deaf or have hearing loss and their families.

It is vitally important that the final version of the lists provides an accurate reflection of the disability related support needs of all NDIS participants. In the context of communication supports, this requires a nuanced understanding that validates a mainstream smart device's

application in the context of a specific individual, as opposed to its mainstream function or usage.

The current set-up of the section 10 lists and the replacement support rules places an additional onus on participants who are Deaf or have hearing loss to access the reasonable and necessary supports they need to realise their rights under Art 21 of the CRPD.

Section 10(3) of the NDIS Act states that the National Disability Insurance Scheme rules may declare a **support if at least one of the following applies**:

(a) The declaration of the support implements Australia's obligations under:

- (i) the Convention on the Rights of Persons with Disabilities done at New York on 13 December 2006; or*
- (ii) any other agreement with one or more other countries.*

(b) The declaration of the support enables the provision of sickness benefits.

'Mainstream' communication devices – smartphones, tablets, laptops and smartwatches – provide a vital function for those who are Deaf or have hearing loss, allowing them to seek, receive, and impart information and ideas on an equal basis with others as prescribed under Article 21 of the CRPD.

Our position on this issue has not changed since 2024. The Government must either add smartphones, tablets, smartwatches, and laptops to the approved supports list for all participants or create a specific carve-out for these devices to be approved supports for participants with communication-related disabilities.

In closing, we offer our appreciation for this opportunity to provide comment on the s.10 list and the replacement support rules and would welcome all future opportunities to support the Department across this important work.

ⁱⁱ Ear Science Institute Australia, Lions Hearing Clinic Ear Science, *Impact of Hearing Loss* (2024) < [Impact of Hearing Loss - Ear Science Institute Australia](#) > accessed 27 July 2025.

ⁱⁱⁱ Deafness Forum Australia, *The disabling effects of hearing loss* (2025) < [The disabling effects of hearing loss - Deafness Forum Australia](#) > accessed 27 July 2025.

^{iv} Ibid.

^v World Health Organisation, *World Report on Hearing* (2021) < [World-Report-on-Hearing.pdf](#) > accessed 27 July 2025.

^{vi} van Leeuwen, Lisette M.; Goderie, Thadé P. M.; van Wier, Marieke F.; Lissenberg-Witte, Birgit I.; Lemke, Ulrike; Kramer, Sophia E., *Uptake of Hearing Aids and Hearing Assistive Technology in a Working Population :l Longitudinal Analysis of the Netherlands Longitudinal Study on Hearing*, Ear and Hearing Official Journal of the American Audiological Society (42)(4) July-August 2021, pp. 793-802.

^{vii} Australian Government, Department of Infrastructure, Transport, Regional Development, Communications, Sport and the Arts, *About the National Relay Service (NRS)* < [About the National Relay Service \(NRS\) | Access Hub](#) > accessed 27 July 2025.

^{viii} Government of South Australia, Online Accessibility Toolkit, *Sign Language – Auslan*, 16 January 2025 < [Sign language - Auslan | Online Accessibility Toolkit](#) > accessed 27 July 2025.

^{ix} Littler, Ruby, *Australia grapples with Auslan interpreter shortage amid calls for government to do more to incentivise profession*, 27 October 2024, ABC News Online < [Australia grapples with Auslan interpreter](#)

[shortage amid calls for government to do more to incentivise profession - ABC News](#)> accessed 27 July 2025.

^x National Disability Insurance Agency, Policy, Evidence and Practice Leadership Division, *The introduction of defined NDIS supports, funding amounts, funding periods and funding components – Early observations on implementation*, version 1.0, June 2025 <[NDIS Reform Evaluation Summary Reports | NDIS](#)> accessed 27 July 2025.

^{xi} Ibid.

^{xii} Coombes, Chris, *NDIS Act Explained: Replacement supports*, updated 10 Dec 2024, Team DSC <[NDIS Act Explained: Replacement supports - Team DSC](#)> accessed 27 July 2025.

^{xiii} National Disability Insurance Agency, Participant Dashboards, Hearing Impairment, *Hearing Impairment Summary June 2023* <<https://dataresearch.ndis.gov.au/media/3822/download?attachment>> ; *Hearing Data to 31 March 2025* <<https://dataresearch.ndis.gov.au/media/4327/download?attachment>>, *Hearing Data to 31 December 2024* <<https://dataresearch.ndis.gov.au/media/4285/download?attachment>> accessed 27 July 2025.

^{xiv} Op cit. ; *Hearing Data to 31 March 2025*

<<https://dataresearch.ndis.gov.au/media/4327/download?attachment>> accessed 27 July 2025

^{xv} Op cit. ; *Hearing Data to 31 March 2025*

<<https://dataresearch.ndis.gov.au/media/4327/download?attachment>> accessed 27 July 2025.