

Our ref: D25/1999574

23 July 2025

RE: Consultation on the NDIS Supports rules (Support lists)

Sent via email: ndisconsultations@dss.gov.au

Dear Department of Social Services,

Thank you for the opportunity to provide feedback on the inquiry into the Consultation on the NDIS Supports Rule (Support Lists). The Disability Council NSW (the 'Council') is a statutory body that provides independent advice to the Minister for Disability Inclusion on matters that affect people with disability in NSW, as well as their families and carers.

The Council is pleased to support DCJ in consulting with the disability community on this matter. As the statutory advisory body to the NSW Government on disability issues, we bring the voices and lived experiences of people with disability across New South Wales to inform systemic reforms. This submission outlines our concerns with the current support rules and support lists and proposes recommendations for improvement.

Key Issues

1. Restrictive Nature of Support Lists

The Section 10 support lists are overly prescriptive and have limited participants' access to essential supports. While clarity is necessary, the rigid approach has:

- Prevented access to low-cost, innovative solutions (e.g., smart home devices, weighted blankets) that meet individual needs.
- Subjectively excluded everyday household items that address disability-related requirements.
- Overreached in defining "everyday living costs," excluding many supports vital for independence and inclusion.
- Ignored diverse participant circumstances, particularly for those with complex or uncommon needs.

This approach risks further restricting and removing genuine choice and control for participants by reducing their ability to purchase supports that enable them to live and participate in the community.

2. Increased Costs and Administrative Burden

The current framework does not deliver value for money. Instead, it imposes unnecessary costs by:

- Often needing to purchase ‘disability specific’ supports or utilise ‘paid support hours’ for assistance that could be managed by robotic vacuum cleaners and other readily available assistive technology, which significantly increases the cost of supports and the utilisation of a participant’s NDIS plan.
- Requiring extensive allied health reports and professional assessments for even low-cost items (e.g., electric toothbrushes, adaptive cutlery), often costing far more than the item itself.
- Increasing gatekeeping, which creates inequitable access to supports.
- Failing to adequately support reasonable adjustments and maintenance of accessibility features in housing can lead to escalating costs and prevent participants from remaining in accessible accommodation (outside of SDA accommodation).
- Creating delays in approval processes, leaving participants without the essential support they need (needing to request replacement supports, or other changes to plan with waitlist from 21days to over nine months).

3. Impact on Rights and Participation

The rules infringe upon participants’ rights under the UN Convention on the Rights of Persons with Disabilities (CRPD), including the right to live independently and fully participate in their communities. For example:

- There has been confusion in interpreting terms such as “standard” or “household,” leading to refusals for adaptive clothing, personal care products, and assistive household tools, which diminishes choice and control and ignores the impact of withdrawing supports.

- The so-called “wedding tax” disproportionately affects participants, as being forced to purchase disability-specific options significantly reduces choice and increases costs.
- Travel and transport-related exclusions, such as covering the costs of airfares, accommodation, interstate travel, and activities, limit participants’ ability to engage in disability-related activities, including wheelchair fittings and other essential supports.
- Restrictions on maintenance and accessibility modifications erode participants’ ability to stay in suitable housing and exercise their right to live in the community.

Recommendations

1. Adopt a Principles-Based Framework

- Embed flexibility in the rules to reflect Section 34 of the NDIS Act, enabling supports to be assessed against core principles rather than rigid lists.

2. Streamline Administrative Requirements

- Limit mandatory allied health assessments for low-cost, low-risk items.
- Reduce gatekeeping by enabling participants to exercise choice and control over their supports within reasonable safeguards.
- Simplify the replacement support process to ensure timely access to necessary items.

3. Enhance Value for Money

- Allow access to inexpensive supports that can prevent the need for more costly interventions.
- Recognise that excessive reporting and assessments often add cost without improving outcomes.

4. Safeguard Participant Rights

- Remove blanket exclusions that prevent access to essential everyday supports.
- Recognise the importance of social participation by reconsidering current exclusions for community and life events.

5. Commit to Genuine Co-Design

- Ensure people with disability and their representative organisations are directly involved in the development of final rules and support lists.

The NSW Disability Council encourages DSS and the NDIA to review the restrictive aspects of the current NDIS Support Rules and to adopt a flexible, principles-based approach. Such reforms are essential to ensure the NDIS is responsive, rights-based, and achieves equitable outcomes for participants.

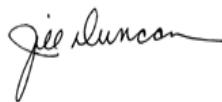
This issue is of great importance to the Council, and the revised NDIS Support Rules will be vital in removing barriers and promoting inclusion for people with disabilities in NSW. We trust that the Council's perspectives will be reflected in the final strategy.

Thank you once again for the opportunity to provide feedback.

Yours faithfully

A handwritten signature in black ink, appearing to read "Jane Spring".

Jane Spring AM
Chair

A handwritten signature in black ink, appearing to read "Jill Duncan".

Jill Duncan OAM
Deputy Chair

disabilitycouncil@dcj.nsw.gov.au