

NDIS Supports rule consultation - Submission

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Author: Independent Advisory Council (IAC) to the NDIS

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The contents of this document are OFFICIAL.

Contents

1. Introduction	3
2. Impact	7
2.1 Participant fear and anxiety	7
2.2 Reduced flexibility and innovation	8
2.3 Increased disability poverty and inequitable experiences	9
2.4 Regional and remote disadvantage	10
2.5 Confusing communication and distrust of information	11
2.6 Gatekeeping by providers	12
3. Approach	15
3.1 A different approach?	16
3.2 Empowering participants to understand the rule	17
3.3 Language alignment	18
4. Lists	20
4.1 Replacement supports	20
4.2 NDIS Supports – the ‘in’ and ‘out’ list	21
4.2.1 Justice, education, health, and the mainstream interface	21
4.2.2 Accommodation related costs	22
4.2.3 Assistive products	22
4.2.4 Disability related health supports	23
4.2.5 Day to day living	23
4.2.6 Management of funding for supports	24
4.2.7 Therapy support	24
4.2.8 Intersectionality	25
4.2.9 Stated supports	26
4.2.10 Clarity on where to get support not funded	26
5. Conclusion	28
5.1 Recommendations	28
6. Attachment 1	32
7. References	36

1. Introduction

The Independent Advisory Council (IAC) represents the participant voice in the NDIS and provides advice to the Board of the National Disability Insurance Agency (NDIA).

The Department of Social Services (DSS) has invited the community to provide feedback on the final rule for defining NDIS Supports (Section 10) to replace the transitional rule.

The transitional rule on NDIS Supports includes lists about what NDIS funding can and cannot be spent on. The IAC has gathered feedback on the impact of the lists for NDIS participants through its reference groups and members since November 2024.

The IAC has heard of the ongoing impact on NDIS participants of feeling anxious and stressed about how they can use their funding. Having a prescriptive list has limited innovation, flexibility, and value for money. It has particularly disadvantaged NDIS participants who are:

- poor
- live in remote and regional areas
- use everyday items for disability specific purposes.

The IAC recognises that the lists are not used in isolation when deciding how to spend funding but must be used in conjunction with a person's eligible disability support needs. However, the list is being interpreted as item or service based rather than disability and outcome dependent. This approach needs to be reframed to be more in line with a principal-based approach.

The IAC see the need to support NDIS participants to understand the interaction of lists and impairment notices which define what funds can be spent on. A different approach could be to have three lists and no list of replacement items:

1. Things which are NDIS supports

2. Things which may be NDIS supports
3. Things which are not NDIS Supports.

The third list should include those things that are not dependent on other factors such as:

- alcohol and recreational or illegal drugs
- gambling
- weapons
- use of funding for personal financial gain
- programs and services paid and provided by other systems.

The rule should be developed with the following guiding principles to help maintain the objectives of the NDIS:

- Human rights - Every person is valued and treated with respect and dignity.
- Choice and control (person centred principles) - People have the same choices as other people and make their own decisions about their NDIS support.
- Strength based approaches - The ability and skills of a person are recognised and built on. Family, kin, and community grow stronger with support.
- Flexibility and innovation - Participants can do things differently to meet their needs and be included in the community.
- Trauma informed and culturally safe practice - Participants feel trust and respect from NDIA staff and partners.
- Evidence based (best practice) - Participant expertise and quality research are used to find the best ways for people to be included in their community.
- Support for decision making - Participants get support to make sure people know what they want. Decisions about their lives are made with them.
- Amplifying youth voice - Young people are listened to and make decisions about their lives.

- Intersectional lens - Participants from diverse groups feel supported and safe to use the NDIS.
- Good life outcomes - Participants, their families and kin feel they are included and belong in their community.

The rule must be in plain English with Easy Read versions. It is important to make sure all the people who will support understanding the rule have a good understanding themselves. Participants need access to tools such as decision trees.

In developing this new rule, the government must consider how participants can be supported to understand the rule without needing ongoing and multiple interactions with the NDIA or reports to justify small changes.

The rule should be developed using these principles at an operational level:

- Minimisation of NDIA interaction and reports – People should not have to constantly check with the NDIA or have a report written to justify a support.
- Maximising community inclusion and encouragement away from disability specific group activities and accommodation.
- Accessible and consistent language used in all materials.

There are some specific issues with the list itself. In particular, those things considered to not be an NDIS support because they are everyday items, however, they may be used in ways and to a degree that is beyond that of any nondisabled person because it is to meet specific disability need. There are also issues with the replacement rule being for specific items only, and the actual understanding of how those items support someone not as a direct trade-off with a support worker hours.

The actual lists need to include a number of items that are currently only considered replacement items, such as smart watches, phones, and tablets. There should not be a replacement list, but only the process detailed in the rule.

There are also still issues that need addressing related to items and services that should be considered as either things that are NDIS Supports or things that may be NDIS supports such as:

- Flexible support for accommodation such as homesharer rent.
- What is considered as an assistive product, when purpose and function is more important than the item.
- Support in hospital for some participants.
- Support for self-management and services for one.
- Training for capacity building and peer support membership.
- Evidence based therapy that is evolving.
- Intersectional needs.

Stated supports have not been communicated in the NDIS Support lists on the NDIA website. They should be reduced to a short list of specific items. If a support is stated in a participants plan it should be to assist the participant and with their knowledge, understanding and consent.

There should be encouragement away from disability group-based activities and accommodation. This rule can support this change to community inclusive and rights-based decisions in the way language is used, and flexibility is embraced.

2. Impact

The IAC has heard about the impact of the NDIS supports lists since they were implemented as a transitional rule in October 2024 through its reference groups and members.

Many impacts resulted from these lists, this submission highlights:

- participant fear and anxiety
- reduced flexibility and innovation
- increased disability poverty
- regional and remote disadvantage
- confusing communication and distrust of information
- gatekeeping by provider roles.

In making changes for the full NDIS supports rule it is important to understand the impact that has been had with the transitional rule. How the rule is implemented and communicated with the sector and NDIS participants will affect the impact it has on people's lives.

2.1 Participant fear and anxiety

Many NDIS participants worry about what will happen if they use their funding incorrectly. IAC members have shared that people fear:

- They will have their NDIS taken away if they spend on the wrong support.
- They will have their plan cut if they ask questions about what they can spend funds on.
- They will have a debt if they spend on the wrong support.
- They will have self-management removed.

The impact of this fear is that some people are reducing and cutting back on activities out of fear. This was raised in particular for people with intellectual disability and people who self-manage. It is unclear if there has been any change in the plan

utilisation rate to show decreased spending. This data was not part of the NDIS first summary evaluation report on the legislation changes.

Participants feel they are taking a risk if they ask questions of the NDIA, as then a planner will look up their plan and do a reassessment. The NDIA are then not picking up on issues people may have because of the fear of being identified.

According to the NDIA March 2025 Quarter 3 data, enquiries to the NDIA increased in late 2024 and has then decreased. There has also been a similar increase followed by a decrease in review of reviewable decisions going to the Administrative Review Tribunal. It is difficult to say without further detailed qualitative research if this is reflective of people being comfortable with the changes or that people have decided not to challenge the NDIA for fear of losing what they already have. The IAC members have heard the fear.

2.2 Reduced flexibility and innovation

IAC members are hearing about decreased flexibility in how participants can use their funds to meet their disability support needs. The new rules remove the capacity to use funds to pay for inclusive activities, instead pushing people to use 'Special' groups, services, and equipment. Funnelling disabled people into disability specific activities reduces choice and has the effect of reducing participants' feelings of control. Some people may choose to go to disability specific activities, but others feel forced into segregated settings. Similarly, ruling out non-specialist equipment reduces options available to participants, as well as limiting provider choice. All of these things lead to a lack of appropriate choices and a loss of control.

- People are needing to use disability specific groups to access activities where they are low income and cannot afford the cost of participating in a community activity. For participants with cognitive disability this restriction on the flexible use of funding to address social, communication, and wellbeing support needs can lead to segregated disability group activities. For example, the cost of attending a general art class or the subscription to a public speaking group

may be prohibitive to someone on the disability support pension. They could however use NDIS funding for a group activity that is centre based with other people with disabilities and is segregated from their broader community.

- Providers have worked hard to use inclusive language and build connections to the broader community in capacity building for participants. They are now moving back to language associated with specialist disability services, for example, shifting from calling a session a training workshop to a group activity.
- Innovation is stifled and people aren't thinking about coming up with new ideas.
- People who have used their NDIS funding to pay for membership or subscription for disability specific organisations that provide them with capacity building, information and peer support have had those claims rejected.
- Funding for everyday items that are used differently to provide cheaper innovative disability supports are now considered out. For example, using long barbeque tongs instead of a disability specific piece of equipment for better reach and grab. Or Post-it notes as instant reminders to stick where you need for people with memory loss.
- In home and living the types of support that could assist with independent living options such as paying rent for a shared tenant support are on the out list.
- People needing smart technology as essential items not replacement support for support workers. For example, a smart watch for a deaf participant, noise cancelling headphones, or video doorbells.

2.3 Increased disability poverty and inequitable experiences

Issues have been raised about people, who due to living in poverty, are missing services they were previously accessing. This is also highlighting the inequitable

experience of those who are poor with disability and still must pay extra to access the same activities as a person without disability.

The inequitable experience of participants who are in poverty can be seen in these examples:

- Participants who are reliant on a pension or low income are feeling forced to use a group or disability specific program where the activity cost is included. Those who have a higher income can afford to pay for activities that are outside of disability group programs or that they wish to do with general community members or alone, with help from a support worker.
- In small population groups of rare disabilities, there may be a specific intervention that is not covered by mainstream and that NDIS supports are no longer funding. Participants who are poor cannot afford the interventions and experience worse outcomes. For example, people with Machado Joseph Disease in the Northern Territory, which is a degenerative condition with a documented element of deteriorating vision over time, that the NDIS is no longer able to fund specialised lenses for.
- Participants who need support while they travel must pay for the travel costs of the support worker out of their own funds. For a participant on a pension or is low income, a holiday becomes out of reach due to needing to pay airfares, bus, or train fares and accommodation for the support person.

2.4 Regional and remote disadvantage

Particular issues are being raised in regional and remote areas and supports where there are thin markets. Issues in regional and remote areas as seen in surveys conducted by advocacy and disability representative bodies are:

- People travelling from a remote community for respite need to bring a family member or somebody with them. The only way to get there is by plane and there are often no closer respite options.

- People are unable to afford the travel they need for appointments where the distance and transport options are beyond that covered by the transport cap.
- People not feeling they can use mainstream stores for consumables, which may be necessary, particularly in emergency situations and when delivery is difficult or delayed.
- Back up battery power or generator not funded for people with nighttime ventilator support, or equipment, living in remote areas.
- Washing and drying machines, where there is significant continence issues and laundry services are not available in their area or there needs to be separate services for culturally appropriate support.

2.5 Confusing communication and distrust of information

There is a huge mental effort for people to process the changes and keep track of the support lists. Increased anxiety means people are seeking clarification on what is 'in' or 'out' but not from the NDIA. People are using social media to ask others for information, rather than asking the NDIA or trying to navigate the Supports Frequently Asked Questions (FAQ) on the website and download documents.

Since October 2024 there have been multiple changes to the Supports FAQ, with reports suggesting there were over 50 changes. IAC members were picking up contradictions in information being provided from different areas of the NDIA such as the contact centre and the website. Participants are not seeking to check the NDIA website in multiple spots on a regular basis, and this has added to the administrative burden expected of participants.

Process

Issues have been raised about the process to find information, the process to seek replacement supports and the process if debt is incurred. These include:

- The contact centre giving different responses to the same question.

- The contact centre telling a participant to speak to their member of parliament to get information.
- The web chat giving different answers.
- The errors in the replacement supports form.
- Planners seeking evidence for replacement supports for items where evidence of need was previously provided.
- No information on the process for debt waiving.
- Uncertainty around whether a process has been designed for debt recovery.

Participants are looking for reassurance that if you do something and it's incorrect you will not be punished. There is a sense of not knowing where the goal posts are. For people who have trauma histories it is important to know they will not be punished.

The issue of potential debt has raised questions from participants. Will it be like Centrelink? Will repayment come out of a disability support pension or wages? How long will interest be added?

This has created a lot of fear because initial information was that on the first mistake a participant gets education, but if a participant continues to make mistakes, then they may be in debt. It is not clear if the 'education' was clearly communicated as education that goes to a first strike. For some participants this has led to an inability to engage in getting supports because they feel fearful and uncertain.

The grace period for debt education is soon to finish in our understanding. This needs to be reinstated for the new rule.

2.6 Gatekeeping by providers

NDIS participants get information from a range of sources, and trusted sources are not necessarily those that have the correct or up to date information. There continues to be issues with information sources such as Support Coordinators, Local

Area Coordinators (LAC) and Plan Managers as well as service providers who are interpreting the lists and acting as gatekeepers. The following points have been raised:

- Plan Managers are reading one part or one word in the support lists and taking that to be the rule of what's 'in and out' without looking at the context of the support categories. For example, pet insurance is 'out' but is a cost that should be claimable for assistance animals.
- Plan Managers are rejecting and refusing to pay invoices unless a support is stated, or a person has evidence from NDIA that they will fund it, for example, a letter.
- Planners and Plan Managers have told participants they cannot use funds for items that are allowed with the following as examples:
 - Barrier creams, gloves, or wipes for incontinence (or any) disability related needs.
 - Workers' compensation and bookkeeping for self-managers engaging or directly employing support workers.
 - Individual capacity building sessions/events run by disability organisations and peer groups.
 - Short term accommodation unless it is stated.
 - Nail clipping and hair washing at salons.
 - Apps for communication.

The lack of accurate information held by plan managers is resulting in:

- Plan Managers refusing invoices for things dated prior to 3 October 2024.
- Plan Managers erring on the side of caution because they don't know and so default to rejecting invoices.

- Participants being told to talk to their LAC or Support Coordinator and then getting wrong information.
- Requests by Plan Managers and coordinators to gather evidence of need from Occupational Therapists for low-cost items. This is using up funding unnecessarily.
- Support Coordinators and providers interpreting lists to find ways to fund items. For example, changing words to say 'peer support session' rather than 'conference' for attending a peer support conference.

NDIS participants are feeling they don't have the information that they need to make the right decisions about what they can and can't do.

3. Approach

DSS has specifically stated in the consultation document that the Section 10 definition of NDIS Supports will not use a principle-based approach. There is acknowledgment that Disability Representative and Carer Organisations have consistently called for an approach which is not prescriptive. In the IAC submission to the transitional rule, the IAC also called for a principle-based approach.

It has become apparent that in the implementation of Section 10 and the list of NDIS Supports, there is a complex interaction of different parts of the *National Disability Insurance Scheme Act 2013* make it difficult for a participant to know what they can spend funding on. This means that although the lists are prescriptive, they still require interpretation based on other elements. The experience of participants shows this to be true as there is no item on the list of supports that are available to every participant. There are also items on the current 'out' list that for some participants should be 'in' dependent on disability, management of a plan, and living situation.

Although a principle-based approach might not be used for the NDIS supports there are still principles which should guide the development of the rule. These principles reflect the way IAC see the NDIS should work

- Human rights - Every person is valued and treated with respect and dignity
- Choice and control (person centred principles) - People have the same choices as other people and make their own decisions about their NDIS support.
- Strength based approaches - The ability and skills of a person are recognised and built on. Family, kin, and community grow stronger with support.
- Flexibility and innovation - Participants can do things differently to meet their needs and be included in the community.
- Trauma informed and culturally safe practice - Participants feel trust and respect from NDIA staff and partners.

- Evidence based (best practice) - Participants expertise, and quality research are used to find the best ways for people to be included in their community.
- Support for decision making - Participants get support to make sure people know what they want. Decisions about their lives are made with them.
- Amplifying youth voice - Young people are listened to and make decisions about their lives.
- Intersectional lens – Participants from diverse groups feel supported and safe to use the NDIS.
- Good life outcomes - Participants, their families, and kin feel they are included and belong in their community.

The rule should be developed using these principles at an operational level:

- Minimisation of NDIA interaction and reports - people should not have to constantly check with the NDIA or have a report written to justify a support.
- Maximising community inclusion and encouragement away from disability specific group activities and accommodation.
- Accessible and consistent language used in all materials.

3.1 A different approach?

The following items should continue to be very clearly out of scope for NDIS funding:

- alcohol and recreational or illegal drugs
- gambling
- weapons
- use of funding for personal financial gain
- programs and services paid and provided by other systems.

It is suggested that there might be three lists with no list of 'replacement' items:

1. Things which are NDIS supports
2. Things which may be NDIS supports
3. Things which are not NDIS Supports.

Everything a participant can spend their funds on under list one and two above is an interaction of the following:

- Covered by a category from the support list
- Needed to address a disability support need of the eligible impairment
- Is reasonable and necessary for the person and their circumstances
- Is considerate of intersectional factors
- Is not covered by another system

This leads to a need for prompts or guidance to interpret whatever might be on a list. This could be through a decision tree process with prompting questions. An example has been provided at Attachment 1.

Without a principle-based approach that guides policy and Operational Guidelines, the prescriptive lists must have mechanisms to manage ambiguity. They must be tools and supports in line with the supported decision making policy.

3.2 Empowering participants to understand the rule

IAC members have raised how the lists have added to the fear of many people with disabilities, that they will make a wrong decision or choice. It is an approach that contributes to disempowering people from making decisions and can lead to further reliance on Plan Managers and Support Coordinators to guide decision making.

The list approach also puts the emotional and administrative workload on people with disability. When the transitional rule started there was interpretation of the list by everyone. Participants were seeking answers and the lists themselves don't provide the nuance and the interaction of other factors that are individualised.

There must be an empowering approach to increasing NDIS participants capacity to purchase supports in line with the rules. This could be through:

- Dedicated community workshops on funding use, reasonable and necessary criteria and what integrity means.
- Upskilling of Local Area Coordinators, Plan Managers and Support Coordinators.
- An online tool or app that simplifies the ‘Would we fund it?’ information and provides some guidance related to services/items and disability interaction.
- The rule should be in HTML format and have a search function on the NDIA website.
- There should be examples, however examples need to be worded so that the example does not become the default.
- Examples could rotate and show a diversity of disability and circumstances.

Communication and engagement on these topics need to be interactive and not left as a page on a website.

NDIS participants with a recognised Intellectual or Cognitive disability must be actively connected to their Support Coordinator or LAC so there is specific engagement on how the NDIS Supports list connects to a person’s ‘impairment’ and their plan.

3.3 Language alignment

The language used in pricing and registration needs to align with language in the support lists. The IAC recommend making the list language in plain English with easy read versions. There should not be a need for a person to map out the category of the list against the category of registration and price guide to know they can use their funds.

There must be more supporting resources in plain English, such as one or two page fact sheets.

The current transitional rule sometimes has terms used in both lists which raise confusion. This must be addressed. For example, NDIS supports under *Assistance to access and maintain employment or higher education* includes ‘Further education

and training.’ Education and training are detailed as not NDIS supports as well, and it is difficult to know when the different list applies.

4. Lists

The IAC understand the lists of NDIS Supports are likely to continue in some format in the rule. In our submission on the transitional rule, we noted several issues that needed addressing. Many of these were not addressed and remain issues. The IAC have identified more but note we have not covered all issues that may need addressing. In the lists, many of the topics are open to interpretation. This further demonstrates why the IAC do not agree with a list-based approach.

As discussed above the biggest issue apparent with the NDIS Supports list is that they are focused on products or services rather than the purpose they are used for. There must be a shift in looking at the list from the perspective of how the support is related to a person's disability and disability support needs.

4.1 Replacement supports

The replacement support list is a very narrow list which does not address where some household and day-to-day living products are meeting disability support needs. As previously noted, there is not a clear replacement of support worker hours for a product in many cases. Often a product can help a support worker to be more efficient or increase the independence of a person when support workers are not present.

There must be a recognition of the way a product is used which goes beyond that of a non-disabled person. Where the purpose of the way a product or service is used is to support a disability need then that should be on the list of things that may be an NDIS Support.

This means they are 'in' rather than replacements.

Examples which would be in this list include but are not limited to:

- smart watches, tablets, smart phones, apps for accessibility/communication purposes

- household products such as video doorbells, smart locks, or smart home devices
- ergonomic cutlery and kitchen aids
- laxatives, baby wipes, and other consumables
- products for purpose of emotional regulation. For example, a trampoline.

The NDIS Act Section 10 (6) on replacement supports allows for items that are listed as 'not NDIS supports' to be declared as replacements when meeting certain criteria. The IAC recommends that there is not a list of replacement supports in the rule, but rather the process might be further defined with a clear time limit for decision making.

4.2 NDIS Supports – the 'in' and 'out' list

4.2.1 Justice, education, health, and the mainstream interface

There are items on the 'out' list which are related to mainstream services. The expectation of items being on this list are that the mainstream service system will provide that support or service. There are a number of issues with this assumption and with sections of the out list that need addressing:

- The same or similar terminology being used in both the in and out list, for example, disability employment support (out) and support to find a job (in).
- Products used to meet disability specific needs in the quantity and regularity of use which are beyond that of a non-disabled person and not covered by mainstream. For example, laxatives used for continence are classed as pharmaceutical but are used every day for life for some disabilities.
- Support to facilitate the understanding of a participant's disability needs when interacting with mainstream services such as justice and health.

Most importantly, all governments must address the gaps in accessibility and inclusiveness that are still inherent in mainstream services. While there are gaps in how people with disability are treated by mainstream systems the NDIS will continue to be called on to fill those gaps for individuals.

4.2.2 Accommodation related costs

There is still confusion with rent considered to not be funded by NDIS. However, accommodation costs have been funded for short and medium term accommodation in plans for NDIS participants. In Specialist Disability Accommodation (SDA) built by families and individuals the funding is perceived to be equivalent to a rental or mortgage repayment.

The lists must support different ways of people being supported to live independently. The rent or other costs of a home-share tenant who does have some support in an innovative share and support arrangement should be funded.

In private rental where there is a share arrangement, it may be necessary for the rent of a home-share person to continue to be paid while seeking a new housemate, so the NDS participant doesn't lose their rental.

A gap in the 'in' list is short-term and medium-term accommodation. This is for both respite as well as things like accommodation while modifications to a home are occurring. This is a complex area which is better managed through policy and transparency rather than excluding in an 'out' list.

The other area which requires change is where the current 'out' list has modifications to Specialist Disability Accommodation (SDA). This contradicts the point in the 'in' list which says, "internal and external building modifications to remedy damage arising exclusively from disability-related behaviours or use of NDIS funded assistive technology or equipment". Housing built to SDA standards for high physical support and for robust housing may still need repairs for these issues from time to time. The SDA payment is meant to cover build costs over time and not repairs that are disability related and occur later.

4.2.3 Assistive products

Assistive products to support people with disability in household tasks and in personal safety are described in the 'in' list. A list of specific products is then in the 'out' list under day-to-day living some of which are also assistive products that support a person to manage disability needs. In particular, the smart watch is a vital

safety device for managing falls risks, and for communication aid for a number of people with disability. This should not be on the 'out' list.

4.2.4 Disability related health supports

NDIS Participants often feel vulnerable and stressed when they are in hospital. Where a person has significant daily support needs, it is particularly important to be supported by workers the person knows and who knows their disability support needs. For people with intellectual disability this has been further backed up by research that having a person who knows them leads to a better outcome following hospital stays.

The 'in' list must include the ability to take support in hospital where a person has intellectual disability, complex communication or behaviours of concern, or high physical support needs. This level of flexibility is needed to keep hospital times low and get the best outcomes for participants.

4.2.5 Day to day living

There are a few services and products in day-to-day living that are used as disability supports meeting disability needs for some people and must be recognised as such, for example:

- Smart phones are used as a communication support and plan management support
- Sex aids that are used for adaptive purposes
- Ergonomic cutlery or kitchen utensils.

Many of these items are cheaper than a bespoke disability product but still a more expensive version of a mainstream product. For example, a phone with enough memory for certain apps or tongs that have a great reach for picking things up.

For smart phones and tablets there must be a recognition that there are people with disability who do not have a device as they can't afford one, yet the need for a phone for NDIS administration is essential.

This goes to the point that it is not so much the product that should be on the 'out' list but that items are 'in' or in the 'in-between' list if the purpose, frequency, or quantity are disability related and add to the disability cost. Some of these items would be considered replacement supports however as suggested above they should be available on the list of things which may be included if meeting a person's needs.

4.2.6 Management of funding for supports

NDIS participants who self-manage and particularly those who directly engage and employ supports or families with 'Services for One' have been missed in the NDIS Support lists.

A person or family directly employing or engaging staff to provide support often has the following costs associated with self-management:

- Workers compensation insurance
- Superannuation
- Long service leave
- Accounting/payroll software
- Training for staff
- Worker screening fees
- Costs associated with 'Circles of Support' or Microboards
- Legal fees.

These costs should be recognised in the NDIS Support list, as currently only the cost of plan management is recognised. Some of these costs are required by other laws such as Worksafe and superannuation requirements. Other costs relate to use of Single Touch Payroll, or compliance costs with the NDIS Commission and would be included in a provider's costing when charging the full price guide amount. In the transitional rule many of these costs are being interpreted as 'out' under business development costs which they should not be.

4.2.7 Therapy support

There are a number of issues raised around clarification of evidence based therapeutic supports which were raised with the transitional rule. The definition and description of being evidence based must be better understood.

In the NDIA, the primary source of evidence that is used is evidence from published and refereed literature, and any consensus of expert opinions. The IAC prefers the approach taken by the NDIS Commission where evidence-informed practice means integrating the rights and perspectives of the person with disability, with the best available research and professional expertise (NDIS Quality and Safeguards Commission, 2023).

Research may be new research and in some cases, still building the evidence base, however other supports in disability that might replace these activities, such as one-to-one (1:1) support worker time, are not necessarily evidence based or effective. This must be considered when deciding on removing services from the lists.

Activities like yoga or group-based activities involving play would also be potentially in the 'in' list under exercise and well-being activities, group activities or community participation. It needs to be clear the difference between activities that are acceptable under one area but not another. For example, where yoga is 'in,' but yoga therapy is 'out'.

The issue of stated supports has also been raised in this area. Are all therapeutic supports required to be stated? What if the support is delivered by a different professional due to availability? This needs to be clearer.

4.2.8 Intersectionality

NDIS participants are a diverse group. The lists and exceptions need to be flexible to accommodate the different contexts people have. This can include context like:

- having both intellectual and psychosocial disability, or physical disability
- living remotely
- Culturally and linguistically diverse (CALD) people
- Aboriginal and Torres Strait Islander people
- Lesbian, Bisexual, Gay, Trans, Intersex, Queer (LGBTIQ) identifying people

- Age and family situation

These different contexts and identities intersect for people and can change the supports needed and what types of supports and services are available. There are also intersections with gender and socio-economic status which affect the supports needed.

For example, support with access in the community in remote areas can mean the need to use an all-terrain vehicle instead of an electric wheelchair. These have previously been funded so people can stay or visit their country and take part in cultural activities. The purpose of the use is access and inclusion. The purpose is what should be the focus for these decisions.

4.2.9 Stated supports

The use of stated supports in the NDIS Supports transitional rule has been confusing and, in many cases, unnecessary. The supports that must be stated are not specified in the lists available on the NDIA website which makes them difficult to find.

Of those items listed as supports which must be stated the IAC agree to the following:

- Assistance animals
- Home modifications
- Specialist behaviour support
- Specialist Disability Accommodation
- Support Coordination.

Any other items should only be stated if there is a good reason to have the item stated for that person's circumstances.

4.2.10 Clarity on where to get support not funded

The 'out' list includes supports and services that should be provided by other state and territory government departments or other commonwealth government departments. NDIS participants must be supported to know where they should be

going to get supports in the 'out' list. Each state and territory are different in the services they provide outside of NDIS.

There should be an accompanying guide which explains where a person can find support that is on the 'out' list that is the responsibility of other government areas, which is tailored for location. Local Area Coordinators, planners, and in the future, Navigators, would also need to link people to those other systems, or to appropriate supports for people who are financially struggling with day to day living costs. This connection to the broader ecosystem supports the integrity of the Scheme.

5. Conclusion

The IAC do not agree with a list-based approach to defining NDIS Supports and want to ensure the rule is as accommodating as possible to flexibility, innovation, and inclusion. The NDIA should design a user-friendly approach that reduces the emotional and administrative load on participants. The approach should be clear, giving both the individual, and the sector confidence to engage supports.

Whichever approach is used, the IAC remind DSS and the NDIA that good communication, engagement and resources for NDIS Participants, planners, LAC's, Support Coordinators and Plan Managers will be what supports good practice in use of funding.

For further information please direct questions to the IAC Secretariat via email at advisorycouncil@ndis.gov.au.

5.1 Recommendations

Recommendation 1

The rule should be developed using these principles to guide the government in decision making:

- Human rights - Every person is valued and treated with respect and dignity
- Choice and control (person centred principles) - People have the same choices as other people and make their own decisions about their NDIS support.
- Strength based approaches - The ability and skills of a person are recognised and built on. Family, kin, and community grow stronger with support.
- Flexibility and innovation – Participants can do things differently to meet their needs and be included in the community.
- Trauma informed and culturally safe practice - Participants feel trust and respect from NDIA staff and partners.

- Evidence based (best practice) – Participants expertise, and quality research are used to find the best ways for people to be included in their community.
- Support for decision making – Participants get support to make sure people know what they want. Decisions about their lives are made with them.
- Amplifying youth voice – Young people are listened to and make decisions about their lives.
- Intersectional lens – Participants from diverse groups feel supported and safe to use the NDIS.
- Good life outcomes - Participants, their families, and kin feel they are included and belong in their community.

The rule should be developed using these principles at an operational level:

- Minimisation of NDIA interaction and reports – People should not have to constantly check with the NDIA or have a report written to justify a support.
- Maximising community inclusion and encouragement away from disability specific group activities and accommodation.
- Accessible and consistent language used in all materials.

Recommendation 2

The rule must state that there are interactions for decision making on what makes an NDIS Support which are dependent on other rules, for example the relationship to eligible impairments and reasonable and necessary criteria.

Recommendation 3

The rule takes the approach of having three lists with no list of ‘replacement’ items:

1. Things which are NDIS supports
2. Things which may be NDIS supports
3. Things which are not NDIS Supports.

The third list should include those things that are not dependent on other factors such as:

- alcohol and recreational or illegal drugs
- gambling
- weapons
- use of funding for personal financial gain
- programs and services paid and provided by other systems.

Recommendation 4

The lists must be written with the intended purpose or use of an item or service in mind not whether it is a disability specific product.

Recommendation 5

The rule must be in plain English with Easy Read versions.

Recommendation 6

The NDIA should develop resources to support participants to easily know what they can spend their funding on such as a decision tree or guidance through a question tool online.

There should be sessions that are accessible to participants locally both face-to-face and online that can assist people to understand the rule.

Recommendation 7

The language used in the rule should be clear. The price guide and registration categories should be amended to align with language in the rule.

Recommendation 8

The content of the lists considers those issues raised under section 4.2 of this paper.

Recommendation 9

The stated supports in the lists should be reduced to:

- Assistance animals
- Home modifications
- Specialist behaviour support
- Specialist Disability Accommodation
- Support Coordination.

Recommendation 10

Resources, information, and supported referrals must be made to supports funded through other systems.

6. Attachment 1

Example decision tree for NDIS Supports

A decision tree could be online and interactive with hyperlinks to further information.

I want to get support using my NDIS funding		
Do you need the support because of your disability?		
The support you buy must be to support what you need for your eligible impairments in your Impairment Notice.		
Yes 	Unsure/No 	Talk to your NDIS contact Get information about other ways you could get the support you need.
Is the support something that can be funded by the NDIS?		
There are 37 categories of goods and services that are 'NDIS supports'. NDIS supports are the services, items and equipment that can be funded by the NDIS. Some support might be stated in your plan and you can only purchase that type of support. [Provide link or smart drop down to show category]		
Yes 	Unsure/No 	Talk to your NDIS contact Get information about other ways you could get the support you need.
Is the support likely to meet your needs?		
We encourage you to explore supports before deciding what to buy, so you can get the best support available to you that will help you meet your plan goals. You can talk to your peers and networks about supports and try new things.		
Yes 	Unsure 	Talk to your NDIS contact Get information about different types of support and support that can help you be included in your community.

Is the cost of the support reasonable?

The cost of the support should be reasonable when you think about the benefit of the support. It should give you good value for money compared to other options.

Yes



Unsure/No



Talk to your NDIS contact

Get information about other similar supports that might be good value for money that supports you in the way you want.

Can you afford the support within your support budget?

Your NDIS funding needs to last for the length of your plan. The NDIS support must fit into your total funding amount. If your plan includes funding periods, you must also have enough funds during your funding period to buy the support.

Yes



Unsure/No



Talk to your NDIS contact

You may need to get your budget period varied or request a change of circumstances if you need support because things have changed.

Is the support safe?

You can't buy supports that cause harm or put yourself or other people at risk.

Yes



Unsure/No



Talk to your NDIS contact

Get information about other ways you could get the support you need.

Is the support legal?

The support you buy must be legal. The support must not break any laws.

Yes 	Unsure/No 	Talk to your NDIS contact You cannot use NDIS funding on illegal activities or items.
If the answer is 'yes', it is likely you can spend your funding on the NDIS support, as long as it's in line with your plan.		

Text only version

I want to get support using my NDIS funding.

1. Do you need the support because of your disability?

The support you buy must be to support what you need for your eligible impairments in your Impairment Notice.

If yes, continue. If Unsure/No - Talk to your NDIS contact. Get information about other ways you could get the support you need.

2. Is the support something that can be funded by the NDIS?

There are 37 categories of goods and services that are 'NDIS supports'. NDIS supports are the services, items and equipment that can be funded by the NDIS. Some support might be stated in your plan and you can only purchase that type of support. [Provide link or smart drop down to show category]

If yes, continue. If Unsure/No - Talk to your NDIS contact. Get information about other ways you could get the support you need.

3. Is the support likely to meet your needs?

We encourage you to explore supports before deciding what to buy, so you can get the best support available to you that will help you meet your plan goals. You can talk to your peers and networks about supports and try new things.

If yes, continue. If Unsure - Talk to your NDIS contact. Get information about different types of support and support that can help you be included in your community.

4. Is the cost of the support reasonable?

The cost of the support should be reasonable when you think about the benefit of the support. It should give you good value for money compared to other options.

If yes, continue. If Unsure/No - Talk to your NDIS contact. Get information about other similar supports that might be good value for money that supports you in the way you want.

5. Can you afford the support within your support budget?

Your NDIS funding needs to last for the length of your plan. The NDIS support must fit into your total funding amount. If your plan includes funding periods, you must also have enough funds during your funding period to buy the support.

If yes, continue. If Unsure/No - Talk to your NDIS contact. You may need to get your budget period varied or request a change of circumstances if you need support because things have changed.

6. Is the support safe?

You can't buy supports that cause harm or put yourself or other people at risk.

If yes, continue. If Unsure/No - Talk to your NDIS contact. Get information about other ways you could get the support you need.

7. Is the support legal?

The support you buy must be legal. The support must not break any laws.

If yes, continue. If Unsure/No - Talk to your NDIS contact. You cannot use NDIS funding on illegal activities or items.

8. If the answer is 'yes', it is likely you can spend your funding on the NDIS support, as long as it's in line with your plan.

7. References

Applied Principles and Tables of Support (APTOS), published on Department of Social Services website www.dss.gov.au

Advocacy for Inclusion ACT, and Deafness Forum surveys

“The introduction of defined NDIS supports, funding amounts, funding periods and funding components – Early observations on implementation Version 1.0 – June 2025” Policy, Evidence and Practice Leadership Division - ndis.gov.au

National Disability Insurance Scheme Act 2013

National Disability Insurance Scheme (Supports for Participants) Rules 2013

NDIA guide for participants [Would we fund it | NDIS](#)