

From: Verlin, Aaron <Aaron.Verlin@ndis.gov.au>
To: convenor@a4.org.au <convenor@a4.org.au>
CC: McKenzie, Corri <Corri.McKenzie@ndis.gov.au>, Jenny Karavolos <jenkaravolos@outlook.com>
<Matthew.Wright@ndis.gov.au>
Subject: FW: problem understanding NDIS reform [SEC=OFFICIAL]
Date: Thu, 2 Jan 2025 06:11:00 +0000

Dear Mr Buckley

Thank you for your email below regarding recent changes to how the National Disability Insurance Scheme (NDIS) works. I apologise for the extended delay in responding.

I know that this period of change is causing some uncertainty, and I appreciate your questions. I trust that I can help provide some clarification below.

NDIS supports list

Since 3 October 2024, participants are only able to use their NDIS funds for items listed as NDIS supports. There is also a list of things NDIS funding cannot be used for.

The purpose of these changes was to clarify the intention of existing legislation to improve the delivery of the Scheme now, reinforcing the original intent of the Scheme.

The NDIS Support lists are divided into categories. Each category includes a title, an overarching description, and examples to indicate the type of supports in that category.

For something to be an NDIS support, it must be included as one of these categories on the NDIS supports list and be covered by the overarching description. It does not need to be listed as a specific example. It must also not appear on the not NDIS list.

All NDIS supports must also meet the NDIS reasonable and necessary criteria.

Replacement supports

In some specific circumstances, the NDIS can fund supports that are not listed as NDIS supports. These are called replacement supports and refer to the service, item or equipment a participant would like to use instead of the NDIS support or supports in their plan.

Only some supports can be replaced and only if it is agreed in writing. A replacement support isn't an extra support. It replaces an existing NDIS support or supports in a participant's plan.

Further information about replacement supports can be found on the NDIS website here: [What does NDIS fund?](#)

Therapy Supports

Therapy supports can also be called therapeutic supports. They are supports a participant may need because of their disability. These supports help build a participant's functional capacity and independence.

Therapy supports are [evidence-based supports](#) delivered by an appropriately qualified allied health professional.

An [allied health professional](#) work with participants to provide specialised therapy supports that meet the participant's individual disability-related needs and help participants achieve their goals. This could be at home, in the community, at school and in the workplace.

We can only fund NDIS supports that relate to a participant's disability. Some examples of therapy supports we may fund include, for example:

- occupational therapy
- physiotherapy
- psychology

- speech pathology.

A new Operational Guideline for Therapy Supports will be published in the new year on the NDIS Website [Operational Guidelines page](#).

Reasonable and necessary criteria

Under Section 34 of the *National Disability Insurance Scheme Act 2013* (NDIS Act), all supports need to meet each of the reasonable and necessary criteria before we can fund them in a participant's plan.

In order to be considered reasonable and necessary, a support or service:

- must be related to a participant's disability
- must not include day-to-day living costs not related to your disability support needs, such as groceries
- should represent value for money
- must be likely to be effective and work for the participant, and
- should take into account support given to you by other government services, your family, carers, networks and the community.

Further information is available on the NDIS website [Reasonable and Necessary](#) page.

Further information

There are several resources available to provide support:

- Continue to visit the official [NDIS website](#), for the latest information and updates about the new rules, including FAQs and guidance on how to navigate the changes.
- Reach out directly to the NDIS Contact Centre at 1800 800 110. You can speak with a representative who can provide personalised assistance and answer specific questions about your situation.

I trust that the information above is helpful to you.

Kind regards

Aaron

Aaron Verlin

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From: Bob Buckley <convenor@a4.org.au>

Sent: Sunday, 13 October 2024 7:27 AM

To: Falkingham, Rebecca <Rebecca.Falkingham@ndis.gov.au>

Cc: McKenzie, Corri <Corri.McKenzie@ndis.gov.au>; Wright, Matthew <Matthew.Wright@ndis.gov.au>; Jenny Karavolos <jenkaravolos@outlook.com>; Ross Joyce (AFDO) <ross.joyce@afdo.org.au>; The Hon. Mr. Shorten MP <Bill.Shorten.MP@aph.gov.au>; Amanda.Rishworth.MP@aph.gov.au
Subject: problem understanding NDIS reform

Dear Ms Falkingham

I write to inform you than I am struggling to understand the recent NDIS reforms. In particular, I am unable to tell what are now NDIS supports. I feel communications that try to explain them are quite unclear.

The document starts out saying:

From 3 October, participants will only be able to use their NDIS funds for items listed as approved supports.

It was my understanding that the "in" list is things that are definitely funded. But that is not the *only* things that can be funded. There are many things that are not on the "in" list or the "out" list. I understood that requests for such items would be considered on their merit in relation to individual participants. I am highly alarmed to read that is not the case.

It is notable that the only therapy listed in the "[in list](#)" are "speech pathologists and occupational therapists"; there are no therapists listed (as the web-page indicates is required) in the "Therapeutic supports" section of the "in" list.

The first paragraph goes on to say

There is also a list of things NDIS funding cannot be used for. In some circumstances participants may be able to request a substitution from the replacement support list.

There is no point in having such a list if supports are limited to "items listed as approved supports".

Further, it is my understanding that "substitution" is not based on a list; instead, it involves an request process.

The NDIS web-page <https://ourguidelines.ndis.gov.au/would-we-fund-it/what-does-ndis-fund> has a section that says

What does the NDIS fund?

We would typically fund a requested support if it meets ALL of the following criteria:

- it is for your impairments that meet the disability or early intervention requirements, or both
- it will help with your individual goals and aspirations

- it will help your social and/or economic participation
- it is value for money, which means that:
 - the cost of the support is similar to or cheaper than alternative options that can provide you with the same outcome (NDIS Supports for Participants Rule 3.1(a)); and/or
 - purchasing the support is likely to reduce the costs of funding for other supports in the long term (NDIS Supports for Participants Rule 3.1(c)).
- it is effective and beneficial for you
- it helps to maintain your informal supports
- it is an NDIS support.

For more information, go to section 'Does the support meet the reasonable and necessary criteria?' in [Our Guideline – Reasonable and necessary supports](#).

Note that the section says "it meets ALL of the following criteria". This means that the only goals that will be supported are those related to "social and/or economic participation"; any other goal and aspiration will not meet the criteria.

I doubt there are many "supports" that both "help your social and/or economic participation" and "helps to maintain your informal supports". Often, this two conflict directly so very few supports can simultaneously meet those two criteria.

The criteria requires that there be "alternative options" that are more expensive (or maybe cost the same). And it compares to "the same outcome" apparently ruling out better comparison with option with poorer outcomes.

The final point in the list is a circular reference. It does not help explain at all.

I have similar difficulties with all the communication on the subject of the new lists that I have seen. If these changes were meant to make it clearer what are "NDIS supports" then I do not feel it has achieved that for me.

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Bob Buckley
Co-convenor, *Autism Aspergers Advocacy Australia (A4)*
website: <http://a4.org.au/>

A4, a recognised disability representative organisation (DRO), advocates for autistic people, their families, carers and associates. A4 is internet based so that Australians anywhere can participate in and contribute to A4's advocacy for autistic people, their carers and allies.

A4 recognises the Traditional Owners of lands in Australia; we respect their elders past, present and emerging. Sovereignty was never ceded.

Recipients of correspondence from A4, especially politicians and government officials, are all subject to A4's policy on unanswered questions: see <http://a4.org.au/node/1419>.

The autism issue is that autistic people just don't deliver on the plans, dreams and expectations in other peoples' heads.

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