

14 October 2026

Department of Health, Disability and Ageing

NDIS consultations

Delivered via email: NDISConsultations@health.gov.au

Dear Department of Health, Disability and Ageing

NDIS Supports Transitional Rules and New Framework Planning Consultation

Thank you for the opportunity to provide our feedback on the NDIS Transitional Supports Rules and the New Framework Planning.

Queensland Advocacy for Inclusion (QAI) supports people with disability to appeal NDIS decisions at the Administrative Review Tribunal (ART). We see first-hand how decisions made by the NDIA either enhance a person with disability's quality of life or go wrong and deny people with disability access to essential supports. QAI also coordinates the Queensland Independent Disability Advocacy Network (QIDAN). It is with this experience, and the feedback that we have provided in our previous submissions on the same topic,¹ that we write to you with further feedback.

Our submission focuses on practical issues and unintended consequences of the proposals within the consultation documents, along with our recommendations for safer and more efficient policies.

NDIS Supports - Categories in Schedule 1

Broadly, the new categories for schedule 1 are well structured and sensible, moving to inclusive categories and away from listing all items. However, without a completed update on Schedule 2 and the definitions in the Rules it is difficult to provide meaningful feedback on Schedule 1. We have represented Applicant's in two Tribunal matters (hearing aids) and

¹ See Queensland Advocacy for Inclusion (QAI), 'NDIS Supports Rules' (27 July 2025), <https://qai.org.au/ndis-supports-rules/>; Queensland Advocacy for Inclusion (QAI) & the Queensland Independent Disability Advocacy Network (QIDAN), 'Draft list for NDIS supports for the National Disability Insurance Scheme (Getting the NDIS Back on Track No.1) Bill 2024' (22 August 2024), <https://qai.org.au/ndis-supports-list/>.

(non-standard fencing) where these supports were not approved. In both circumstances, the NDIS Support Rules resulted in poor and not cost-effective outcomes. These are set out in Annexure A.

In relation to the new Schedule 1 categories, we make the following specific comments:

- **Consumables:** We are pleased to see clear recognition that consumables can be purchased from regular providers. Consumables have been an area of significant disputes. The new item 6 is a clear descriptor. However, to avoid future dispute we **recommend** that menstruation products and specialised/modified clothing is included in the list of inclusions.
- **Support workers in hospital:** We note subparagraph 16(b) which specifically stated supports could be provided when accessing health and mental health services if a person has complex and communication needs. There have been significant instances of support workers not being permitted by the NDIA accompany a person in hospital, even where the participant had no informal supports and had complex communication and support needs.

We assume the removal of this subparagraph is not required because, this is not a 'health support' rather it properly sits under the new category 10 – In-home and community supports which allows those supports to be delivered in any environment (where not specifically excluded by Schedule 2). A similar comment applies to accessing **higher education** and training environments.

- **We would like to see home modifications** expanded to allow external fixtures, fittings and household items which go beyond what would ordinarily be required in a basic home / garden / kitchen.
- **Vision:** We are supportive of inclusion of the new 2e) which provides 'devices and products (except those intended for routine vision correction) to support participants with vision impairment'. We have seen participants have very complex devices refused funding on the basis they are 'prescription spectacles' referred to Schedule 2, item 12 subparagraph (h). This should not occur and these complex devices (which may appear to look like regular spectacles) should be NDIS supports.

Replacement supports

We support an appropriate and accessible pathway for the current replacement supports (including standard household items) to be added to a participant's plan as a stated support. We would like to see the list of items expanded to specifically include air-conditioning which for some participants is not a luxury or an everyday item but life-saving. We have had clients request air-conditioning as a replacement support with strong evidence to address the criteria who were not approved for an air-conditioner as a replacement support.

New Framework Planning comments

Impairment notices

Our experience continually reinforces our view that the NDIA has not recorded participants impairments correctly and has very poor process for these to be corrected or added. Given the emphasis the legislation and the support needs assessment place on the recognised impairments it is critical that impairment notices are issued before the New Framework planning begins.

Stated supports risks

The use of stated supports can result in significant delay, administrative burden and inefficient processes or limit participants flexibility. Mechanisms should be considered to allow some flexibility for unexpected costs associated with assistance animals (eg out of the ordinary vet costs), maintenance and repair for assistive technology and short-term accommodation and respite.

Flexibly use Short-term accommodation and respite

Short-term accommodation and respite funding needs to be as flexible as possible. We hold concerns about it being a stated support. Participants should be able to use funding flexibly under this category to cover situations such as using day respite, including increased home support, instead of purely overnight when informal supports need to be away for the day.

Similarly, funds should be flexible enough to pay for an Airbnb, even if it's a local Airbnb, and for support workers to come with the participant, providing carers a break within their home. Forcing people into stated STA arrangements pushes people into using "packaged disability

STA” or respite which is inevitably more expensive, increases segregation and removes choice and control and flexibility.

Making this category flexible would also allow participants to access respite in their own homes, when support workers come to the house more frequently or stay overnight while carers take a break away from the participant’s house. This results in a significantly cheaper option compared to attending a STA disability provider. For participants who have in-home respite, if STA is kept stated, it would mean they’d have to use their daily-assistance funding to pay for respite, reducing their budget usage in the long-term.

We also note that the short-term respite amending rule under the NDIS Supports Rules is not aligned with the Rule summary description under the New Framework Planning Rules.

Description of this category should be clearly defined and consistent.

Replacement assessment for Support Needs Assessment

We recommend prioritising the following circumstances when deciding to approve a replacement supports needs assessment (SNA) request:

- The SNA does not reflect the participant’s notice of impairments
- There is significant inconsistency between the findings of the NDIS Assessor and the participant’s professional reports
- The NDIS Assessor has failed to take into account any requested information intended to inform the assessment pursuant to s 36 of the Act
- There is evidence that the SNA process has not been followed (e.g., the personal and environmental circumstances questionnaire has not been completed)
- The participant is unhappy with the SNA approach, including time, duration, location of the assessment and opportunity to have a support person attending the assessment)

The participant, or the participant’s support person, should be able to make a replacement assessment request, via phone, email or in-person, within 21 days from the day the SNA was completed or 21 days from the date the SNA Report was received. A different NDIS assessor should be assigned, where suitability concerns have been identified.

The NDIS Rules must strike a balance, broad enough to protect participant rights and cultural safety, but structured enough to prevent excessive reassessment cycles that could increase wait times and reduce system efficiency.

Anomalies in sample Support Needs Assessment Report

The draft support needs assessment report needs improvement in a few aspects to be more cohesive. For example:

- The report lists “Your main informal support: Work or study full time” but then states the individual is not employed or studying and is not seeking to be.
- The report states the individual is independent and never requires support with walking and moving, but the personal mobility and transfers outcome identifies needs for a walker, wheelchair, scooter, and powered standing/walking frame accessory.
- The report states a comprehensive external report related to assistance animals is not required and approved an assistance animal including trial. This is not reflective of our observations of the NDIA’s policy. It is unclear why “assistance animal” and “dog guide” are separate categories, and why both would be considered for a single individual.
- Behaviour support outcome refers to the supporting evidence being a written account from the mother. This is potentially concerning given the only family member mentioned throughout the rest of the report is the brother. The NDIA should have clear policies regarding when they will accept evidence from a contact of the participant to mitigate risks of domestic abuse.

We look forward to reviewing the exposure drafts of all eight NDIS rules, so we can provide specific and meaningful feedback to the proposed wording before the rules are finalised.

Yours faithfully,



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ANNEXURE A: QAI cases and examples of poor outcomes of the lists

QAI has appeared in 2 Tribunal matters this year which were focused on the schedules which resulted in **very poor outcomes for the participants** and could not be considered cost effective.

Decision 1: Hearing aids for complex hearing loss - [WSWL and National Disability Insurance Agency \(NDIS\) \[2026\] ARTA 2070 \(21 September 2026\)](#)

In this case, WSWL, a young mum with two small children aged 5 and 3 was seeking a single hearing aid for her right ear which would be compatible with the cochlear implant in her left ear. WSWL has a progressive and degenerative disease resulting in **significant and progressive vision and hearing loss**. The hearing aid was recommended by her treating audiologist due to its increased levels of customisation, noise reduction and spatial awareness. Essentially the recommended hearing aid was a similar level device as WSWL's current hearing aid that would be compatible with her cochlear implant.

The total cost of the recommended hearing aid was \$2,965.45. A partial subsidy of \$575.45 was available through the 'Hearing Services Program' provided by the Department of Health, Disability and Ageing under which subsidies are available for hearing equipment for eligible persons. The out-of-pocket expense for the recommended hearing aid is \$2,390 essential for WSWL to sync with her cochlear and directly related to her disability.

The Agency claimed that the hearing aid was not a NDIS support as it was 'provided' through the Hearing Services Program, despite the hearing aid only receiving a very small discount through that program.

WSWL appealed to the Tribunal to have the recommended hearing aid funded under her plan. WSWL argued that as the hearing aid was not fully funded under the Hearing Services Program, it was not 'provided through' that program.

Unfortunately, the Tribunal found that the hearing aid was not a NDIS support under Schedule 1 and excluded under Schedule 2 as it was a support provided through/by the Hearing Services Program and not able to be funded by the NDIA.

This was the outcome reached by the Tribunal despite the Member noting that the hearing aid will **significantly assist her hearing and communication** and will positively impact her

functional capacity to **undertake important activities, including caring for her small children.**

The out-of-pocket cost for a hearing aid, required **directly due to complex vision and hearing loss should be able to be funded through the NDIS** (subject of course to the balance of the reasonable and necessary criteria). A \$3,000 cost for a mother with young children losing her hearing and sight seems against the principles of the Scheme.

Recommendation: Under new category 2 the wording has been changed but does not sufficiently clarify this issue. We recommend the following wording:

This includes hearing equipment directly related to a participant's permanent hearing impairment that is not fully funded through the Hearing Services Program.

Decision 2: Non-standard fencing - [QJKPY and CEO, National Disability Insurance Agency \(NDIS\) \[NDIS\] \[2026\] ARTA 2282 \(6 October 2026\)](#)

QJKPY* is a 30-year-old man who lives with Down Syndrome and Hearing Loss. QJKPY lives with his mother, Janice* in her home in a regional town in North Queensland. They had a good routine where Janice provided substantial support overnight and, in the evenings, and QJKPY had a good team of support workers to help in the day. QJKPY needed support and supervision 24/7 and could not be safely left alone.

QJKPY generally didn't wonder off on his own – except when he could see activity happening in other neighbouring houses then he had entered their gardens and homes. Many years ago, Janice had at her cost installed a very high fence (2.4m) to provide a visual screen – with this visual screen in place QJKPY didn't wonder into the neighbours' properties when unsupervised – this made her support for QJKPY much easier and sustainable. The gate was not locked.

Over the years the fence had deteriorated and was in urgent need of replacement and QJKPY's wondering re-started when he wasn't very closely supervised. The fence height made it a non-standard fence and cost to replace the fence was approximately \$40,000. Without the fence, Janice was really struggling and needed more disability support workers. The cost of which would be far greater over time than a one-off expense for a fence. They appealed to the Tribunal to have this funding included in QJKPY's plan.

The Tribunal found that the fence, whilst it supported him to live safely in his home with Janice and have less reliance on formal (and more expensive supports), it was not considered a home modification in schedule 1 and was excluded by schedule 2. The ultimate result of this is that Janice will have to pay to replace the fence, to manage QJKPY's behaviours which are directly related to his disability.

Home modifications should allow for non-standard fencing required to support a person's disability (subject always to restrictive practice regimes).

*Names have been changed to protect people's privacy