

DSS CONSULTATION ON THE NDIS SUPPORTS RULES (SECTION 10)



OTSi

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Executive Summary and Recommendations

The Occupational Therapy Society for Hidden & Invisible Disabilities (OTSi) welcomes the opportunity to respond to the consultation on the Section 10 NDIS Supports Rules. This submission is informed by the extensive experience of occupational therapists working and collaborating with people with invisible and hidden disabilities—including psychosocial, neurodivergent, cognitive disabilities, and others.

OTSi urges governments across federal and state jurisdictions, to collaborate to build a contemporary agreement to replace APTOS. Without careful and deliberate design, there is a **high risk of service gaps for psychosocial disability, autism and other non-visible disabilities**, and a high risk of manifesting and exacerbating existing service access issues. Currently, only 23% of NDIS applications with psychosocial disability, are accepted onto the NDIS¹. This occurs despite the absence of supports outside the NDIS. The threshold for NDIS access appears to have shifted, in the absence of defined thresholds based on functional capacity. **NDIS supports, as defined under Section 10, must remain equitable to people with psychosocial disability, autism, and other non-visible disabilities.** A contemporary NDIS must recognise the profound impact psychosocial disability, autism, and other non-visible disabilities, have on daily lives. The profound impact **is not adequately addressed by systems outside the NDIS.** Section 10 reform must define clear and equitable thresholds for access to NDIS supports, and build groundwork for realistically defining responsibilities of systems outside the NDIS that considers service system capability, capacity and availability. Potential risks include the complexity, gaps and gate-keeping a multi-tiered system with multiple funding streams across Federal and State funding systems, will bring.

Psychosocial and other invisible disabilities are frequently misunderstood, inadequately represented in policy², or segregated entirely due to impairment-based assumptions of support need. The current Section 10 Support Rules, including the rigid and prescriptive “in” and “out” lists, have introduced significant barriers to accessing flexible, individualised support for participant, and stifled innovation, including occupational therapy innovation. Participants now face difficulty accessing a range of supports that are essential to daily functioning, participation, emotional regulation, and safety.

Occupational therapists describe increased difficulties in ensuring participant support needs are met, as the system frequently undermines professional opinion and in some instances does not engage with documentation describing support needs, even when recommended supports are permissible under Section 10 Support Lists. OTSi proposes 5 key recommendations, described in more detail below:

1. Restore a principles-based framework OR establish a simplified single-list with defined exclusions
2. Enable access to cost-effective ‘standard items’ and to low-cost supports; thereby simplifying or removing the need for the ‘replacement support’ pathway
3. Apply an independent, overarching risk assessment approach across All NDIS reforms to prioritise participant safety
4. Recognise and embed the role of occupational therapists in identifying, documenting and creatively addressing support needs.
5. Ensure equity, and embed governance structures to enable NDIS inclusion of invisible disabilities

¹ [Quarterly Reports | NDIS](#)

² [Discrimination and avoidance due to disability in Australia: evidence from a National Cross Sectional Survey | BMC Public Health | Full Text](#)

1. Restore a principles-based framework or establish a simplified single-list model with defined exclusions

OTSi implores the Government work collaboratively with states and territories to return to a **principles-based framework** for NDIS support eligibility—one that recognises individual context over impairment or support item type. This would realign the Scheme with its original intent of participant-centred, flexible, and inclusive support.

In the absence of a return to a principles-based framework, OTSi strongly supports a **single-list model** that includes only a clearly defined list of **excluded** supports. This recommendation is fundamental to an equitable NDIS and is essential to ensuring that people with psychosocial and other hidden disabilities are not disadvantaged by inflexible policy structures. This approach would empower participants to use their funding flexibly for any reasonable and necessary support not explicitly excluded. Unlike an exhaustive “in” list, which will never capture the complexity of lived disability support need, this model supports responsiveness and reduces the risk of harm and exclusion. We note this is consistent with recent tribunal findings³ that highlight the dangers of overly prescriptive eligibility rules⁴.

Evidence from the recent *Every Australian Counts*⁵ survey confirms the severe issues experienced by participants as a result of the current lists: over 58% of more than 500 respondents reported they had already gone without important supports as a result of the recent changes to the NDIS. A striking 88% of respondents said they did not believe the system was properly assessing the risks these changes pose to NDIS participants. These survey findings are consistent with the experience of OTSi members. Since the introduction of the revised Section 10 Rules in October 2024, OTSi has received consistent reports from participants & occupational therapists detailing confusion, inconsistency, & distress linked to rule application. These issues disproportionately affect those with psychosocial disability, autism, and other invisible disabilities.

OTSi and the NDIS occupational therapy community of practice, extensively documented case studies and case examples in our previous submission on the NDIS Support lists, in September 2024, available here⁶

³ [YGBW and Chief Executive Officer of the National Disability Insurance Agency \(NDIS\) \[2025\] ARTA 1054 - BarNet Jade - BarNet Jade](#)

⁴ https://www.linkedin.com/posts/dr-george-taleporos_this-week-a-tribunal-found-that-without-activity-7354470381639905280-XmcG?utm_source=share&utm_medium=member_desktop&rcm=ACoAABhMgBsBi3lnOknUF1Zx5bSeTdrZpT5DCjk

⁵ [Media Release: NDIS Support Lists Are Failing People with Disability, National Survey Finds - Every Australian Counts](#)

⁶ [final submission ndis-support-lists NDIS support lists 2024.docx](#)

2. Enable access to cost-effective ‘standard items’ and to low-cost supports; thereby simplifying or removing the replacement support pathway

OTSi recommends urgent reform to ensure people with psychosocial, cognitive, neurodivergent, and other invisible disabilities can access the low-cost, low-risk supports they rely on to function, participate, and live independently—without excessive administrative burden.

Many such supports—like smartwatches, AAC apps, noise-cancelling headphones, prompting devices, and sensory tools—are currently denied or delayed due to their appearance as "standard" or "mainstream," despite being clinically essential for managing executive dysfunction, emotional regulation, and communication, and participation. To address this, we recommend:

- **Explicitly including low-cost supports under a defined threshold (e.g. \$1,000)** as allowable under the Support List, without requiring detailed clinical justification or triggering the replacement support process.
- **Streamlining or removing the replacement pathway** for low-risk supports thereby eliminating unnecessary documentation and ensuring efficient use of therapist hours.
- **Training NDIA planners and plan managers** to consistently apply the rules and avoid unnecessary delays or requests for documentation.

These changes will:

- Improve outcomes by ensuring timely access to essential supports;
- Reduce complexity and distress for participants—and ensuring an inclusive approach of those with cognitive, psychosocial, or trauma-related lived realities;
- Promote efficiency and value for money by enabling the use of cost-effective, appropriate tools.

By aligning supports with functional need, rather than item categorisation, this reform would help ensure the NDIS meets the needs of all participants fairly and responsively.

3. Apply an independent, overarching risk assessment approach across All NDIS reforms to prioritise participant safety

The Disability Royal Commission final report highlighted the essential need for proactive policy that examines the broad range of impacts during periods of system change⁷. People with psychosocial, cognitive, or hidden disabilities face increased risk from cumulative changes to the NDIS, including Section 10 support definitions, new Section 33 plan periods, early intervention pathways, support needs assessments⁸, and “stated support” rules. Currently, participants fear requesting necessary supports due to concerns that doing so could trigger eligibility reassessment, revocation of self-management, or NDIA debt-recovery. This fear is particularly acute among people with trauma histories or psychosocial disability, and is likely to escalate as the reforms intensify.

⁷ Final Report | Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability

⁸ <https://www.dropbox.com/scl/fi/tribrxzfgbdd1t6n4esrf/Best-Practices-Support-Needs-Assessment-for-the-NDIS-OTSi-31012025-FINAL.pdf?rlkey=w75tunv334hwmtvumInt2qkmg&e=2&st=4diw3l7b&dl=0>

We recommend the Commonwealth government urgently:

- Undertake a comprehensive, independent risk assessment of how these reforms interact and their impact on support access, continuity, and participant wellbeing.
- Specifically evaluate potential for harm caused by support exclusions for people with psychosocial disability, cognitive impairment, trauma histories, or invisible disability.
- Ensure that future implementation is staged, transparent and risk—and trauma-informed.

4. Recognise and embed the role of occupational therapists in identifying, documenting and creatively addressing support needs.

Current NDIS processes often require occupational therapists to over-explain or medicalise the use of low-risk supports in order to secure approval. This undermines clinical judgement and wastes valuable participant resources. We recommend:

- Allowing allied health professionals to determine functional benefit of supports, in collaboration with participants with psychosocial disability, autism, and invisible disability, without excessive documentation.
- Providing clear guidance to NDIA staff and plan managers on understanding the scope of their role; to work effectively with occupational therapists; and understanding invisible disability needs.

5. Ensure equity and embed governance for inclusion of invisible disabilities

People with psychosocial, cognitive, neurodivergent, and other invisible disabilities continue to face challenges in accessing essential supports—particularly in the areas of mobility, communication, and capacity building—due to entrenched impairment based assumptions of need.

To address this, OTSi recommends a dual strategy focused on both immediate change and sustained future inclusion:

- **Revise internal decision frameworks and NDIA staff training** to explicitly recognise diverse functional presentations, ensuring supports are assessed based on need rather than impairment type.
- **Ensure equitable access** to all NDIS supports for participants with non-visible disabilities, based on their individual goals and functional requirements.
- **Establish ongoing governance mechanisms** by creating a lived experience advisory groups focused on psychosocial, cognitive, neurodivergent, and sensory disability.
- **Embed co-design practices** across all future reforms to support rules, access criteria, and implementation strategies.

These measures are essential to uphold the NDIS principles of fairness, equity, and individualised support and to prevent further harm and exclusion of people with invisible disabilities.

CONCLUSION

Equity, flexibility, and safety must be the cornerstones of Section 10 implementation. This includes moving beyond assumptions based on visibility of disability and instead centring individual context and function. Rigid support lists, that are further restricted due to impairment-based assumptions of support need, will lead to exclusion, drive up costs, and increase the risk of harm—especially for those who already face complex barriers.

Together, these recommendations aim to support a more inclusive, responsive, and sustainable NDIS—one that upholds participant rights and improves outcomes for all.

ABOUT OTSi

The Occupational Therapy Society for hidden and invisible disability is a national society whose purpose is to enable occupational therapists who work alongside people with psychosocial disability, autism and other hidden and invisible disabilities, to reduce barriers to full participation in our world as active citizens of Australia. OTSi focus is on ensuring access to resources, opportunities, and supports for people of all ages, including access to occupational therapy. OTSi has a strong voice in systemic advocacy and policy direction, as well as enabling individual to build better lives. Currently, 70% of OTSi members identify as having a lived experience of disability and/or as a carer."