

01 August 2025

Department of Social Services

Sent by email: NDISconsultations@dss.gov.au

Dear Department of Social Services

Letter of concern – consultation on NDIS Support Rules

We write to you on behalf of the Australian Human Rights Commission (Commission) regarding the Department of Social Services (DSS) consultation on NDIS Supports Rules.

We are deeply concerned with the Australian Government's approach to implementing National Disability Insurance Scheme (NDIS) reforms and the narrowly defined and prescriptive NDIS support lists provided for under the *National Disability Insurance Scheme (Getting the NDIS Back on Track No. 1) (NDIS Supports) Transitional Rules 2024* (Cth). A stronger human rights framework is required to ensure the NDIS delivers on its promise to give effect to the obligations under the CRPD.

The Commission makes four recommendations to address these concerns:

1. Governments should respond to the NDIS Review as a matter of priority.
2. The Australia Government should ensure that the development and implementation of NDIS Support Rules, and other NDIS reforms, is contingent on co-design that meets international human rights law principles and standards for participation and consultation.
3. The Australian Government should take a rights-based approach to NDIS reform, including NDIS Support Rules, by:
 - addressing the concerns raised in this submission by embedding the principles and standards of the CRPD, CRC and UNDRIP into policy design and implementation
 - ensuring NDIS participants can self-direct and determine their own supports based on their unique needs, preferences, goals and aspirations, and the barriers they face
 - ensuring NDIS participants have access to disability-related supports and services that are flexible and individually responsive
 - providing increased transparency and accountability around decision-making

- ensuring government decision and policy makers receive adequate training on human rights obligations, and specifically Article 19 of the CRPD.
4. Governments should commit to ensuring no NDIS participant is worse off or loses continuity of essential support due to the introduction of NDIS Support Rules, in the absence of broader eco-system reform.

We urge you to address the Commission's recommendations to ensure the rights of people with disability are upheld in NDIS reforms.

The Commission is well placed to support the government in its implementation of rights-based reform. We welcome the opportunity to further discuss this matter and the contents of this letter with the Australian Government and can be contacted on disability@humanrights.gov.au.

Kind regards



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