

# Reasonable and Necessary Supports

---

**Quick summary:** The Australian Government made laws about what we can fund under the NDIS. All supports need to meet the criteria in these laws before we can fund them in your plan. We call these the NDIS funding criteria. For example, supports need to be related to your disability, value for money, effective and beneficial, and most appropriately funded or provided by us. Each support must meet these criteria individually, but the supports must also meet the criteria when considered as a package.

## What's on this page?

This page covers:

- [What principles do we follow to create your plan?](#)
- [What supports can you get?](#)
- [What other principles do we consider when we decide what supports to include in your plan?](#)
- [How do we decide what reasonable and necessary supports to include in your plan?](#)
- [Step 1: How do we identify and describe a support in your plan?](#)
- [Step 2: How do we work out if an identified and described support meets the NDIS funding criteria?](#)
- [Step 3: How do we include the reasonable and necessary supports in your plan?](#)

You may also be interested in:

- [Mainstream Supports](#)
- [Creating Your Plan](#)
- [Reviewing Your Plan](#)
- [Reviews of Decisions](#)
- [Would we fund it?](#)

## What principles do we follow to create your plan?

The NDIS was set up as a world first approach to disability support. It puts people with disability at the centre of decision-making, through the principles of reasonable and necessary supports and individual choice and control.

As an insurance-based scheme, we take a lifetime approach to a participant's support needs. We provide assurance to people with permanent and significant disability or developmental delay, and to people who might acquire disability or developmental delay, that they will get the support they need. Individual funding means we help participants to purchase services and supports from a competitive and consumer-driven marketplace.

## What supports can we fund?

NDIS supports should complement, not replace, other supports available to you. That's why we consider:

- the things you're able to do for yourself
- support you have from others in your network, including family members, relatives, friends, local community services and mainstream government services.

One of our aims is to help maximise your independence by working with the local mainstream government and community services that help you live an ordinary life. We all do best when we're connected to our communities.

And as an active consumer, it's important you are able to shop for and access providers who meet your needs. We can help you find providers who meet your needs.

Once we've considered your circumstances, we need to follow the rules determined under the law for the NDIS in our planning decisions.<sup>1</sup> We fund supports that are reasonable and necessary. This means we will only fund a support if it meets **all** of the following criteria:

- the support is related to your disability<sup>2</sup>
- the support will help you pursue your goals and aspirations<sup>3</sup>
- the support will help you undertake activities that will increase your social and economic participation<sup>4</sup>
- the support is value for money,<sup>5</sup> which means that the costs are reasonable:
  - when compared to the benefits to be achieved, for example, whether purchasing the support is likely to reduce the cost of funding other supports in the long term<sup>6</sup>
  - when compared to alternative options that may provide you with the same outcome at a similar or cheaper cost<sup>7</sup>
- the support is likely to be effective and beneficial for you, having regard to good practice and evidence<sup>8</sup>

- the support is required to complement the informal supports you have available, by taking into account what is reasonable for families, carers, informal networks and the community to provide<sup>9</sup>
- the support is most appropriately funded or provided by the NDIS<sup>10</sup>
- the support is not more appropriately funded by another service system, agency, person or body, such as the education system or the health system.<sup>11</sup> We can't fund a support if it's the responsibility of another service system.

## What supports don't we fund?

We do not fund a support if:<sup>12</sup>

- it is likely to **cause harm** to you or others<sup>13</sup>
- it is **not related** to your disability<sup>14</sup>
- it **duplicates** other supports delivered by the NDIS<sup>15</sup>
- it is considered a **day-to-day living cost** (for example, rent, groceries or utility costs like your water bill) that are **not attributable or caused by** your disability support needs<sup>16</sup>
- providing the support would be **against the law**<sup>17</sup>
- it consists of **income replacement**<sup>18</sup>
- it is the **responsibility of other service systems** to provide (for example, your state government, the education system, or the health system).<sup>19</sup> These different systems have different responsibilities, and are designed to complement each other to form a government safety net. Like all Australians, NDIS participants continue to have access to these systems. We can't fund a support if it's the responsibility of another service.

## How do we manage the financial sustainability of the NDIS?

The NDIS is an insurance scheme, and one of our core functions is to manage the financial sustainability of the Scheme.<sup>20</sup>

When we make decisions about the supports we fund in your plan, we must also consider our need to ensure the **financial sustainability of the NDIS**.<sup>21</sup> This means we must work within our funding budget, set through agreements between the Australian, and State and Territory governments.

It's also important to know the NDIS is only one part of the broader National Disability Strategy that supports people living with disability. The overall success and sustainability of the National Disability Strategy relies on:

- people accessing their informal support network to get the help they need from day to day
- people using their personal income to pay for their day to day living expenses, as is expected of all Australians
- mainstream and community services being available from state and territory governments, and other federal government programs such as Medicare
- a fair distribution of NDIS supports to those who need them, provided within our funding budget.

Staying within our budget ensures the NDIS will be here to support generations of Australians and their families.

### **What principles do we use to create your plan?**

We use the following 7 principles, to create plans that help you get the reasonable and necessary supports you need, and to make sure the Scheme is financially sustainable:

- [Fair for everyone, both today and for future generations](#)
- [Fair funding to pursue your goals](#)
- [Evidence-based best practice](#)
- [Fair early investments](#)
- [Fair support across service systems](#)
- [Fair supports for your disability needs](#)
- [Fair assistance from multiple programs](#)

#### **Fair for everyone, both today and for future generations**

While we need to consider your individual circumstances and disability needs, we also need to make consistent decisions and treat people fairly.

This means participants with similar circumstances and disability needs should receive similar amounts of supports in their plans. We also need to ensure the total cost of all participant plans are within the overall NDIS budget set by governments.

We use Typical Support Packages to help us do this. The Typical Support Package give us an indication of what supports we'd usually expect to include in your plan, based on your situation and disability support needs.

Each support in your plan must be reasonable and necessary, but they also need to be reasonable and necessary as a package of supports. We approve your whole plan, not the individual supports in your plan in isolation.<sup>22</sup> The Typical Support Package helps guide this validation process.

The Typical Support Package also helps to guide the consistency of our decision making process. We use these to check your overall plan to make sure that all your supports make sense together, and that your support types and amounts will complement each other to help you fulfil an ordinary life.

We may then increase or decrease the funding in your plan based on:

- our discussion with you
- any reports or other information we have
- applying the [NDIS funding criteria](#).

This helps keep the system fair for everyone, and ensure we remain financially sustainable.

### **Fair funding to pursue your goals**

Goals are important.<sup>23</sup> The supports we fund need to help you increase your independence and pursue your goals.<sup>24</sup> This means your supports should help overcome any disability-specific barriers which may be stopping you pursuing your goals.

This doesn't mean we fund all support costs associated with you pursuing your goals. Also, you may have goals and aspirations we can't fund supports for. This is because helping you pursue your goals is only one of the NDIS funding criteria, so not all supports that help you to pursue your goals will be reasonable and necessary.

Other things to know about when setting your goals:

1. **Setting more goals or bigger goals doesn't mean we'll provide more funding or fund more supports.** For example, if your goal is to live independently in a house with a swimming pool, we may fund home modifications that address your disability related needs. This might be a home modification to make your bathroom accessible. We won't fund the swimming pool because this isn't related to your disability support needs. The funding in your plan might be similar to someone else who has a goal of 'to have a more accessible bathroom'.
2. **Setting a goal doesn't mean we have an obligation to fund supports that help you pursue that goal.** For example, if your goal is to get a gym membership to get fit,

we wouldn't usually fund this. Gym memberships are things that all people, with or without disability, might want or need.

- 3. Setting a goal about an explicit type or amount of support you might want doesn't mean we have an obligation to fund that support or provide that amount of funding.** For example, you may tell us your goal is 'to get a top model shower commode' and you show us the one you want costs \$4,000.

If there is a shower commode that costs \$3,000, and your occupational therapist confirms this one will meet your needs, we are more likely to fund this one instead because it is likely to deliver the same result at a lower cost. We may also look at alternatives.

### **Evidence-based best practice**

We only fund supports that will be, or are likely to be, effective and beneficial for you, having regard to current good practice.<sup>25</sup> This means we consider if there is evidence that the support is effective and beneficial for someone with similar disability support needs.

We will consider different types of evidence when making decisions and we won't need an expert report for every support, as we can often rely on other information or evidence.

For example, we may already have information about whether the support is widely accepted to suit someone with your disability support needs.<sup>26</sup> The primary source of evidence we rely on, and give the greatest weight to, is evidence from sources that are reliable and widely-recognised. This includes published and refereed literature, and any consensus of expert opinions. If there is no evidence to show a support is reasonable and necessary,<sup>27</sup> we won't fund the support.

You can find the types of evidence we need on [our website](#), and in [Our Guidelines](#).

### **Fair early investments**

Having access to capacity-building supports early in your NDIS journey is considered to be an early investment. This early investment is intended to help increase your independence, and reduce your reliance on NDIS funding over time.

This is an important concept that we consider when we create your plan, and again at future plan reviews. When we review your plan, we reassess all the supports you require to meet your disability support needs at that time.

Over time, your capacity building supports may no longer be reasonable and necessary, in regard to your current functional capacity, the effectiveness of the capacity building supports,<sup>28</sup> and value for money.<sup>29</sup>

If your overall funding level goes down from one plan to the next, it may be because you no longer need the same type or amount of supports, such as capacity building supports. Also,

if the capacity building investment has been successful at building your independence, then your need for other supports may also decrease, for example core supports.

So other things being equal, you should expect your overall plan value to reduce over time as the benefits of capacity building are realised.

### **Fair support across service systems**

The support you need may be the responsibility of another government service, such as education or health. We don't fund these services, and need to consider the supports you should receive from these services when determining the supports in your plan.

### **Fair supports for your disability needs**

When we make decisions about which supports we can fund, we consider whether a support is reasonable and necessary for you and apply the [NDIS funding criteria](#). Sometimes, you might ask for supports to help with impairments that were not part of your Access eligibility assessment. When this happens, we need to make sure the support will help you address needs that arise from an impairment that meets the same eligibility criteria we consider at [Access](#).

You don't need to make a new Access request if you ask for supports to help with an impairment that was not part of your Access eligibility assessment. We will work out if you need the support you have asked for to address an impairment that would meet our Access criteria. We may ask you to provide evidence to help us work this out. We will decide if the requested support is reasonable and necessary. We will apply the NDIS funding criteria based on the impairments that would meet our Access criteria.

By funding the right disability supports for your permanent impairments that meet our Access criteria, we are ensuring the system is fair for everyone, and that the NDIS remains financially sustainable.

### **Fair assistance from multiple programs**

NDIS funding can't duplicate other funding or supports you may receive due to your disability.

For example, you may have received a lump-sum payment or receive regular payments as a form of compensation for an accident. Or, you may be receiving ongoing supports from another program or insurance scheme, for example, Worksafe or the Transport Accident Commission.

We don't duplicate this funding or these supports. We may reduce the total value of your NDIS plan to account for compensation you receive, or we may not fund certain supports.



## What supports can you get?

When we create your plan with you, we'll discuss what supports you need for your disability. We want to help you pursue your goals, increase your independence, and help you work, study and join social activities.

There are many supports you can get outside the NDIS. Other government and community services provide supports to all Australians, including people with disability. And your friends, family, and other people you know can often be your best supports.

We can fund supports you need for your disability, if they meet certain criteria. These are called 'reasonable and necessary supports'. Your plan and supports will be just for you, so you have more choice and control over how you use them.

This guideline explains how we decide what reasonable and necessary supports we'll include in your plan. There are lots of things we have to consider, which we'll explain in detail.

We also have a [Would we fund it](#) guide. It has examples of how we decide whether we fund different types of NDIS supports.

## What supports can you get outside the NDIS?

Before we decide what reasonable and necessary supports to fund in your NDIS plan, we'll first discuss what other supports may be available outside the NDIS. This is an important information-gathering step. For example, there may be mainstream, community and informal supports that suit you.

**Mainstream supports** are other government services such as employment, education, health and family support services. They are often really helpful, and are available to everyone including people without disability. There are many ways they can help you learn new skills or live as independently as possible.

**Community services** offer a wide range of supports that may help with your disability support needs. Community supports are things open to everyone in the community, like sporting clubs, community colleges, activity groups, libraries or community gardens. They are often a great way to get involved in your local community, meet new people and learn new skills.

**Informal supports**, like your family, friends and other people you know in your community, can sometimes be your best supports. They know you and can often help in ways other supports can't.



Your planner, Local Area Coordinator or Early Childhood Partner will talk with you about what services are available for you outside the NDIS. We can also help link you with these supports, so you don't have to do it all on your own.

Accessing these supports is a good way to work toward your goals. You get to do it with other people and be involved in your community. Using these supports is part of life for most of us. It's important you get to access them the same as everyone else.

When it comes time to talk about what reasonable and necessary supports we can fund, you'll know how mainstream, community and informal supports can help you.

It's important we gather this information and help you access these services before we consider what reasonable and necessary supports we can fund. That way, we can help make sure you're able to access mainstream, community and informal supports wherever possible. This can help you become as independent as possible.

## What are reasonable and necessary supports?

An NDIS support is the practical description of how you will be assisted under the NDIS.<sup>30</sup> Supports are the things we provide or fund to help to meet your disability support needs.

NDIS supports are the services, items and equipment we can fund or provide under the NDIS.

There are two types of NDIS supports. We call them 'general supports' and 'reasonable and necessary supports'.<sup>31</sup>

### General supports

General supports are the coordination, strategic or referral services and activities we provide, or arrange to be provided, for you.<sup>32</sup> They're how we help you develop your NDIS plan and connect with supports and activities in your community. This includes your mainstream, community and informal supports. Learn more in [Creating Your Plan](#).

### Reasonable and necessary supports

Reasonable and necessary supports are the supports we fund in your plan to meet your disability support needs.<sup>33</sup> You can use this funding to buy supports from [service providers](#).

The Australian Government made laws about what we can fund under the NDIS.<sup>34</sup> All supports we fund in a plan need to meet the criteria set out in these laws. We call these the [NDIS funding criteria](#).<sup>35</sup>

To meet the NDIS funding criteria, a support must meet both the following criteria:<sup>36</sup>

- It must not be a [type of support the law says we can't fund or provide](#).<sup>37</sup>
- It must meet the [reasonable and necessary criteria](#).<sup>38</sup>

We call supports that meet the NDIS funding criteria ‘reasonable and necessary supports’.

Each individual reasonable and necessary support in your plan must meet the NDIS funding criteria. Your whole plan as a package of supports must also meet the NDIS funding criteria.

We check your overall plan to make sure all your supports make sense together. This means we check that your supports and the amount of supports will complement each other to help you fulfil an ordinary life.<sup>39</sup>

If you need a new support, which now means your overall package of supports doesn’t meet the NDIS funding criteria anymore, we may either:

- not include the new support in your plan
- include the new support in your plan, but also reduce the other supports in your plan.

For example, a home modification may reduce your need for other supports. If we plan to fund a home modification, we will need to take that home modification into account when considering what other supports are reasonable and necessary, such as the amount of care you need at home.

## What other principles do we consider when we decide what supports to include in your plan?

As far as possible, we have to act according to principles set out in the [law for the NDIS](#).<sup>40</sup> These are the things that guide us when we make decisions about what we fund.

These principles don’t override or replace the [NDIS funding criteria](#) under the law for the NDIS. They can help us apply the funding criteria, by giving us additional guidance when we decide what supports to approve in your plan.

The principles include the following:

- You have the same right as other Australians to realise your potential for physical, social, emotional and intellectual development.<sup>41</sup>
- You should be supported to take part in and contribute to social and economic life as much as you can.<sup>42</sup>
- You should be supported to make choices about planning and how your supports will be delivered. This includes taking reasonable risks, so that you can pursue your goals.<sup>43</sup>
- You have the same right as other Australians to decide your own best interests. You have the right to be an equal partner in decisions that affect your life to the full extent of your ability.<sup>44</sup>

- Your privacy and dignity should be respected.<sup>45</sup>
- We must make sure the NDIS is financially sustainable.<sup>46</sup>

The principles also tell us that the reasonable and necessary supports we fund should:<sup>47</sup>

- support you to pursue your goals and maximise your independence
- support you to live independently and to be included in the community as a fully participating citizen
- develop and support your capacity to do things that help you participate in the community and in employment.

Just because a support helps you do these things doesn't mean we'll fund it in your plan. All supports we fund need to meet **all** the NDIS funding criteria.

We consider these principles set out in the law for the NDIS, along with the [principles we follow to create your plan](#).

## How do we think about an ordinary life when deciding what supports to include in your plan?

To help guide us in our decision making about reasonable and necessary supports, we took advice from the [NDIS Independent Advisory Council](#).

The Council represents people with disability and carers, bringing their own lived experience and expertise of disability. They give us advice on how the NDIS should work.

The Council advised us that all Australians, including people with disability, should have an 'ordinary life'. They also told us we should think about the idea of an ordinary life when we apply our principles and use the NDIS funding criteria.

An ordinary life is a life where you have the same opportunities as people without a disability. An ordinary life is one that is typical or usual for everyone in modern day Australia. It's a life where you can pursue your potential and participate in society on an equal basis with others.

An ordinary life will be different for different people. We are all different, and come from different cultures and backgrounds. We each have our own values, experiences, beliefs and goals.

But there are some common things that can improve the quality of our lives and help us participate equally. These are the things, such as the following, that make up an ordinary life:

- Positive relationships – with families and informal support networks.
- Individual autonomy – being free and independent, and having the same opportunities as people without disability.

- Active involvement in decision-making – including the ability to make meaningful decisions, and exercise choice and control.
- Using your strengths in ways that provide a challenge and enjoyment.
- A sense of belonging – to our families, friendship networks, communities, workplaces and society.
- Active involvement and contribution to society and your community.

An ‘ordinary life’ in the context of the NDIS involves supporting you to:

- have and maintain good relationships
- belong and participate in your community
- be involved in making choices about your own life.

One way we can help you have an ordinary life is to support you to access mainstream, community or informal supports wherever possible. These are the usual supports that everyone in the community uses.

When we fund reasonable and necessary supports under the NDIS, we need to make sure they meet the [NDIS funding criteria](#).

When we apply the NDIS funding criteria and make decisions about reasonable and necessary supports, we’re guided by the principles in the law for the NDIS. We also consider how the supports will best help you to live an ordinary life.

## How do we decide what reasonable and necessary supports to include in your plan?

### What information do we consider to work out what reasonable and necessary supports to fund in your plan?

The most important information we gather about what supports to include in your plan comes from you.

When we create your plan, we will talk with you about:

- your goals and aspirations<sup>48</sup>
- your strengths, capacity and individual circumstances<sup>49</sup>
- any barriers, limitations and restrictions you face in undertaking activities or things that stop you from living an ‘ordinary life’<sup>50</sup>
- your disability support needs<sup>51</sup>

- any risks and safeguards we may need to think about when considering your support needs.<sup>52</sup>

We want to get a good understanding of your disability support needs. We encourage you to involve anyone in the planning process you want to help you.

Learn more about what information we ask for when we [Create Your Plan](#).

We also consider other information we have such as medical or therapy reports, or assessments that you have had.<sup>53</sup>

We may also ask for further information and assessments, if we need them to help us work out your support needs.<sup>54</sup>

To help us work out what supports to consider for people aged 7 years and older, we also use a 'Typical Support Package'.<sup>55</sup> We worked with people with disability, professionals and subject matter experts to develop the Typical Support Package.

It helps us work out the types of supports we'd usually expect to include in your plan. It's based on your situation and support needs.

We then amend the supports suggested by the Typical Support Package to include more, less or different supports if we need to. We may adjust the funding for those supports up or down based on our discussion with you, any reports or other information we have, and when we apply the [NDIS funding criteria](#).

For children younger than 7, we consider the child's current functioning across development areas when we work out the reasonable and necessary supports that should be funded in a child's NDIS plan. Learn more about the [Early Childhood Early Intervention approach](#).

### **How do we consider your goals when we work out your reasonable and necessary supports?**

When we create your plan, you set your goals and tell us what information about your life you want in your plan.<sup>56</sup> Your goals are your own personal desires about what you'd like to do.

You can set any goals you like, even if they're about things we won't fund supports for. You can also change your goals at any time.<sup>57</sup> We consider how your funded supports will help you pursue your goals when we decide to approve your plan.<sup>58</sup>

Reasonable and necessary supports should help you pursue your goals,<sup>59</sup> but you don't need a specific goal for every support in your plan. When we decide if a support will help you pursue your goals, we consider your whole situation.

We look at the disability specific barriers that prevent you from pursuing your goals, and how the support will address your disability support needs.

There are some things to remember when setting goals:

- Setting more and bigger goals doesn't mean we'll fund more and bigger funded supports.
- Setting a goal doesn't mean we have an obligation to fund supports that help you pursue that goal.
- Setting a goal about an explicit type or amount of support you might want doesn't mean we have an obligation to fund that support or in that amount.

This is because helping you pursue your goals is only one of the NDIS funding criteria.<sup>60</sup> A support must meet all of the NDIS funding criteria to be funded under the NDIS. So not all supports that help you to pursue your goals will be reasonable and necessary supports.

Learn more about [setting your goals](#) and [how we consider your goals under the NDIS funding criteria](#).

## What if your plan is being reviewed?

If it's not your first plan, we also consider how well the supports funded in your previous plans worked for you.<sup>61</sup> This means we'll ask about how your current plan has worked for you.

This will help us decide whether these supports continue to meet your needs and the [NDIS funding criteria](#). Learn more about [plan reviews](#).

## How do we use the information we have to work out what reasonable and necessary supports to fund?

We consider all the [information we have gathered](#) to decide what reasonable and necessary supports to fund in your plan.

We use the information you give us and follow the steps below:

- **Step 1:** Identify and describe the supports to be considered. The support will be described either generally (known as 'flexible' funding for supports) or specifically (known as 'stated supports' or 'fixed' supports).<sup>62</sup>
- **Step 2:** Work out if the support identified and described meets the [NDIS funding criteria](#).
- **Step 3:** We include the supports that meet the NDIS funding criteria in your plan.

When we approve your plan we make sure all your supports meet the NDIS funding criteria individually and as a package of supports.<sup>63</sup>

## Step 1: How do we identify and describe a support in your plan?

The first step in deciding what reasonable and necessary supports we can fund is to properly identify and describe the support.<sup>64</sup> This is an important step. We need to be clear on exactly what support we're considering, before we can decide if the support meets the [NDIS funding criteria](#) in Step 2.

When we assess your support needs and identify what supports to consider in your plan, we use:

- the information you give us at your planning meeting
- any assessments or other information we have
- the Typical Support Package for people aged 7 years and older.

We identify a support as the service, item or equipment you need to help with your disability support needs. We think about:

- what the outcome of the support will be
- how the support helps with your disability
- whether the support meets the NDIS funding criteria.

### How do we describe supports?

We can describe the supports in your plan as one of the following:

- **Flexible:** Under the law for the NDIS, this is when we describe the support generally. You have greater flexibility over what disability supports you can buy within the description of the support.<sup>65</sup>
- **Fixed:** Under the law for the NDIS, this is when we describe the support specifically. It means you must buy the support in the way we have described in your plan.<sup>66</sup> We sometimes call this a 'stated support'.<sup>67</sup>

You must act according to your plan, and buy supports according to how we described them in your plan. This means you can't use the funding in your plan to buy supports that fall outside the description of the support in your plan.<sup>68</sup>

So if we describe the support as fixed, you must comply with how we describe it. This includes how the support is provided. For example, we will sometimes require the support to be provided:

- by a particular service provider



- by a particular qualified person
- through a particular delivery mode or method, or in a special way.

We describe most supports as flexible when we can. When supports are described as flexible, you will have greater flexibility over the support you can buy that falls within the description of the support in the plan. When supports are described as fixed, you will have less flexibility.

We divide your supports into 3 different budgets:

- **Core Supports** – supports for everyday activities
- **Capacity Building Supports** – supports to help you build your skills and increase your independence
- **Capital Supports** – supports such as assistive technology, vehicle modifications, home modifications and Specialist Disability Accommodation.

Each budget is divided into a number of support categories. Support categories have more detail about what supports you can buy with your funding. When we describe your supports as flexible, you can usually choose what supports you buy within the [descriptions for each support category](#).

Your Core Supports budget is the most flexible. You can usually use your funding across all the support categories except transport in the Core Supports budget if:

- we described the supports as flexible
- you have the same plan management options for your Core Supports.

Learn more about the [support budgets and support categories in your plan](#).

When we decide whether to describe supports as fixed or flexible, we consider:

- how much the support costs<sup>69</sup>
- if the support will help reduce the cost of supports over time,<sup>70</sup> for example providing more supports early so you don't need as many supports later in life
- any risks with supplying the support, for example if the support would create risks to your health and safety or if it doesn't comply with state or territory laws<sup>71</sup>
- if you need a particular support to pursue your goals or to use other supports in your plan effectively<sup>72</sup>
- if you need a specialist support, for example if your support must be delivered by a qualified person, or in a special way<sup>73</sup>
- if you were eligible for the NDIS under the early intervention criteria.<sup>74</sup>

## When do we describe supports as fixed?

We usually describe high-cost supports, or supports with more risk, as fixed. For example, we might describe supports as fixed if you need to use those particular supports to ensure your health and safety. This includes supports such as:

- high-cost assistive technology
- high-cost home modifications
- behaviour support, or supports that involve [restrictive practices](#) such as restraint
- Specialist Disability Accommodation.

We will also check if you were eligible for the NDIS through the early intervention criteria.<sup>75</sup> If so, we might decide to describe the supports as fixed for some types of early intervention supports.<sup>76</sup> If you're not sure whether you met the disability criteria or the early intervention criteria, check the letter we sent you when we decided you're eligible.

### Example

John just received his first plan. His plan describes support for assistive technology as flexible, including \$2,000 of funding. John can choose what assistive technology to buy with this funding. John talks to his occupational therapist about what assistive technology he should buy with this funding. For example, he could buy a shower chair, or low-cost items like a slip-resistant bathmat.

John's plan also has a fixed support for a wheelchair with special features, and funding of \$8,000. John will need to use this funding for the specific wheelchair we listed on his plan. He can't use this funding for another support, like a shower chair, instead.

### What if you need a specific provider to provide the support?

Sometimes your plan may say who must provide the support. We do this when you need a certain provider to make sure the supports are delivered safely, or to achieve a certain outcome.

For some supports, you must use an [NDIS registered provider](#). These include:

- [Specialist Behaviour Supports](#), if the provider will undertake a behaviour support assessment or develop a behaviour support plan<sup>77</sup>
- supports where it's likely a provider will need to use a [regulated restricted practice](#),<sup>78</sup> either interim or ongoing
- Plan Management<sup>79</sup>
- [Specialist Disability Accommodation](#).<sup>80</sup>

You must use registered providers for these supports even if your plan doesn't say you need to. You must also use registered providers for these supports, even if you self-manage or plan-manage your funding. Learn more about the [different plan management options](#).

For other supports, we'll decide that the support must be provided by a particular person, provider, or delivered in a certain way.<sup>81</sup> We'll do this if it's the most efficient and effective way to provide the support. This only happens when:

- we have an agreement with a particular provider to provide the support<sup>82</sup>
- we decide you must use an NDIS registered provider due to the risks, for example complex home modifications<sup>83</sup>
- you need support from a particular person with specialist qualifications, for example a health professional<sup>84</sup>
- you need support delivered in a certain way.<sup>85</sup>

Sometimes, we'll arrange the support ourselves, if it's more cost effective than getting another provider to deliver the support. For example, we may bulk buy a support.<sup>86</sup> If so, we will state this in your plan.

### **What about in-kind supports?**

We agreed that state and territory governments will keep providing some supports for a period of time. We call these 'in-kind supports'.

If we fund in-kind supports like [specialist school transport](#) or [personal care in schools](#), you will need to use state or territory government providers for these supports. These supports are most efficiently and effectively provided by state and territory government providers.<sup>87</sup> Learn more about [Work and study supports](#).

For most other in-kind supports, you can choose your provider if you don't want to use your in-kind provider anymore. We can let you choose another provider if we consider that the support isn't most effectively and efficiently provided by the in-kind provider.

We usually let you choose another provider if:

- another provider can give you the same support or level of support as the in-kind provider
- the supports with the new provider still meet the [NDIS funding criteria](#), including that they're value for money compared to the in-kind support
- there are no serious risks with changing providers.

[Learn more about in-kind supports](#).

## Step 2: How do we work out if an identified and described support meets the NDIS funding criteria?

To meet the NDIS funding criteria, a support must meet both the following criteria:

- It must not be a [type of support the law says we can't fund or provide](#).<sup>88</sup>
- It must meet the [reasonable and necessary criteria](#).<sup>89</sup>

Each support must be reasonable and necessary individually, but the supports must also be reasonable and necessary when considered as a package of supports.

### What types of supports can't be funded or provided under the NDIS?

Under the law for the NDIS, there are things we can't fund or provide.<sup>90</sup> We can't fund or provide supports that:

- are not legal<sup>91</sup>
- are income replacement<sup>92</sup>
- are likely to cause harm to you, or pose a risk to other people<sup>93</sup>
- are not related to your disability<sup>94</sup>
- relate to a 'day-to-day living cost', such as groceries, rent or utilities, that are not attributable to your disability support needs. These are costs that are not caused by or as a result of your disability support needs.<sup>95</sup>
- duplicate other supports provided by the NDIS under alternative funding.<sup>96</sup>

### Is the support legal?

We can't fund a support if it does not comply with the law.<sup>97</sup> This includes both:

- **an Australian government law:** a law that applies to all of Australia
- **a State or Territory government law:** a law that only applies in your state or territory.

For example, we won't be able to fund supports involving:

- a [restrictive practice](#) where it's not authorised in your state or territory
- [assistive technology](#) or home modifications that don't meet Australian laws, such as State and Territory Acts and Regulations, the National Construction Code, and relevant Australian Standards
- supports for illegal activities, such as support for criminal behaviour or illegal drugs.

While this is one of the NDIS funding criteria, we're not responsible for ensuring your supports are legal. We're not responsible to ensure that all supports in your plan comply with all the relevant legal and administrative requirements. This is your responsibility and your provider's responsibility.

For example, if a support is likely to require the use of a restrictive practice, the provider must be registered with the [NDIS Quality and Safeguards Commission](#).<sup>98</sup> It's the provider's responsibility to ensure they are registered and comply with the conditions of their registration. This includes complying with all laws and seeking the necessary authorisations.<sup>99</sup>

We're not responsible for ensuring the provider is registered and complies with their conditions of registration. You can contact the [NDIS Quality and Safeguards Commission](#) if you're concerned about a provider's compliance with legal obligations.

### **Is the support 'income replacement'?**

We don't fund income support or income replacement.<sup>100</sup> This means NDIS funding can't replace or add to money you'd usually earn from working, or income payments you get from Centrelink.

For more information and resources on income support, check out [income support payments](#) such as the Disability Support Pension.

If you are interested in getting help to find a job, check out [Disability Employment Services](#) or NDIS-funded [Work and study supports](#).

### **Is the support likely to cause harm?**

We can't fund any supports that are likely to either:<sup>101</sup>

- cause harm to you
- be a risk to other people.

We need to consider this for all supports, such as support workers, therapies or equipment. It also means we won't fund supports that involve a [regulated restricted practice](#), such as restraint, unless it follows the requirements of the [NDIS Quality and Safeguards Commission](#).

To help us decide if the support is likely to cause harm, we may need information from a professional. For example, you may need high cost [assistive technology](#), like a powered wheelchair. If so, we would need a report from an occupational therapist to show that it'll be safe for you to use.

Of course everything we do in life comes with some risk. We all make our own choices about how much risk we want to take in our lives. You should also be able to choose how much risk you want to take in your life.

So we try to balance this when we decide what we can and can't fund. We can't fund things that are likely to cause harm. But we will try and balance this with enabling you to make your own choices wherever possible.

While this is one of the NDIS funding criteria, you also have some responsibilities. It's still your responsibility and your provider's responsibility to ensure the supports we fund are:

- used correctly
- safe for you
- safe for other people.

You and your provider will also need to manage any risks of harm that arise. For more information, contact the [NDIS Quality and Safeguards Commission](#).

### **Is the support related to your disability?**

We can't fund a support if it's not related to your disability.<sup>102</sup> This means there must be a direct link or a connection between your disability and the supports we fund.

We look at whether the support addresses your disability support needs. Your disability support needs are those that arise from, or are caused by, your disability.

For example, we wouldn't usually fund things like:

- standard televisions
- standard household furniture such as dining chairs
- upgrades to assistive technology and home modifications that are not related to disability needs, such as marble tiling or leather materials
- flights to go on a holiday
- a car to get to work because there are no public transport options
- a gym membership to get fit
- a swimming pool to relax in summer.

This is because you're unlikely to need these supports as a result of your disability support needs. They are things that all people, with or without disability, might want or need.

Usually, there won't be a direct link or connection between these things and your disability support needs. Having a disability doesn't usually affect whether someone needs or wants these types of things.

## Example

Alan needs some changes to his house, so he can use his bathroom and kitchen in his wheelchair. He also wants to set up an outdoor entertainment area for when his friends visit.

We may be able to fund [home modifications](#) so he can access areas of his home such as his bathroom or kitchen. He needs the home modifications because he can't access those areas due to his disability and needing to use a wheelchair. Alan needs the support because of his specific disability support needs.

Alan will need to pay for the outdoor entertainment area, as it's not related to his disability. He doesn't need the entertainment area because of his disability, it's just something he would like so he can have his friends over for a barbecue.

## Is the support related to a 'day-to-day living cost'?

We can't fund supports related to day-to-day living costs that everyone has to pay, and aren't caused by or result from your disability support needs.<sup>103</sup> This means we don't fund things like:

- rent
- groceries
- utilities such as electricity, water, gas and internet bills
- the general cost of owning a home, like renovations, mortgage repayments, repairs and maintenance.

In some situations, we can fund supports related to your day-to-day living costs. We can do this if the costs are attributable to, or caused by, your disability support needs.<sup>104</sup> This means we may fund supports that relate to day-to-day living costs where either:

- you have additional living costs that are solely and directly as a result of your disability support needs<sup>105</sup>
- the living costs are connected to another support that is funded or provided in your plan, and you wouldn't incur that cost if it wasn't in your plan.<sup>106</sup>

## Example

Nigel has a goal to do his grocery shopping on his own. He needs a shopping basket to attach to his wheelchair to help him carry the items in the supermarket.

Shopping bags and baskets are things we all pay for, whether or not we have a disability. But Nigel only needs this specialised basket for his wheelchair because of his disability support needs.



If it meets the other NDIS funding criteria, we may fund the shopping basket attachment in his plan.

### **Does the support duplicate other supports funded through the NDIS?**

We can't fund a support if it duplicates other supports delivered under alternative funding through the NDIS.<sup>107</sup>

For example, if we're providing support through your Early Childhood Partner or Local Area Coordinator, we usually won't fund Support Coordination in your plan.

This is because your Early Childhood Partner or Local Area Coordinator is already funded to provide similar supports. If we funded the same Support Coordination, we would be duplicating a support we're already providing you as general supports.

However if you need extra support, we may be able to fund additional Support Coordination in your plan. We may do this if it's above the amount of support your Early Childhood Partner or Local Area Coordinator are able to provide. Your Early Childhood Partner or Local Area Coordinator will work together with the Support Coordinator to help you connect with supports in your community.

### **Does the support meet the reasonable and necessary criteria?**

All NDIS supports need to meet **all** the reasonable and necessary criteria.<sup>108</sup>

This means that before we can include an NDIS support in your plan, we need to be satisfied it meets all the following criteria:

- The support will assist you to [pursue your goals in your plan](#).<sup>109</sup>
- The support will [assist you to undertake activities, to facilitate your social and economic participation](#).<sup>110</sup> This means the support will help you to undertake activities, by reducing the disability-related barriers that prevent you from participating in things such as social outings, recreation, work and study.
- The support represents [value for money](#) in that the costs of the support are reasonable relative to both the benefits achieved and the cost of alternative supports.<sup>111</sup> This means we need to consider the costs and benefits of the support, as well as the costs and benefits of alternative supports.
- The support will be, or is likely to be, [effective and beneficial](#) for you, having regard to current good practice.<sup>112</sup> This means we consider if there is evidence the support works for someone with similar disability support needs. We won't need an expert report for every support, as we can often rely on other information or evidence. For example, we may have information already about whether the support is widely

accepted to suit someone with your disability support needs.<sup>113</sup> We also consider your lived experience.

- The funding of the support [takes account of what it is reasonable to expect families, carers, informal networks and the community to provide](#).<sup>114</sup> This means we need to consider what support is reasonable for your family, friends and community to provide.
- The support is [most appropriately funded or provided through the NDIS](#), and is not more appropriately funded or provided through:<sup>115</sup>
  - other general systems of service delivery, or support services offered by a person, agency or body (for example, a State or Territory Statutory Scheme)
  - systems of service delivery or support services offered as part of a universal service obligation (for example, the health or education system)
  - systems of service delivery or support services offered in accordance with reasonable adjustments required under discrimination laws (for example, your employer, or the health or education system).

The law for the NDIS sets out things that we need to consider when we apply the reasonable and necessary criteria.<sup>116</sup>

We must be satisfied that each support is reasonable and necessary individually, but we must also be satisfied that the supports are reasonable and necessary as a package of supports.<sup>117</sup>

For example, a home modification may reduce your need for other supports. If we plan to fund a home modification, we will need to take that home modification into account when considering what other supports are reasonable and necessary, such as the amount of care you need at home.

If the home modification will reduce your care needs, we may need to reduce the amount of care we fund, as a higher amount may not be reasonable and necessary when the whole package of supports is considered.

### **Does the support help you pursue your goals?**

We need to be satisfied that the support will help you pursue the goals, objectives and aspirations in your NDIS plan.<sup>118</sup> This helps us determine if the support is necessary.<sup>119</sup>

While we only fund supports that help you pursue your goals, objectives and aspirations, we understand that different people express themselves in different ways.

You are free to choose your own goals and express them in your own words.

Your goals can be big or small, short term or long term, simple or complex. They can be about anything you want to work towards.

You may express your goals broadly, or you may have specific goals. For example, you may express one of your goals as 'living independently'. Someone else may express their goal as 'to have an accessible bathroom'.

Learn more about setting your goals in [Creating Your Plan](#) and the [Setting Goals fact sheet](#).

Reasonable and necessary supports should help you pursue your goals,<sup>120</sup> but you don't need a specific goal for every support in your plan. When we decide if a support will help you pursue your goals, we consider your whole situation.

We look at how a support will address your disability support needs, and the disability specific barriers that prevent you from pursuing your goals.

A support that addresses your disability related support needs is most likely to help you pursue your goals, objectives and aspirations in your plan.

Setting a goal in your plan doesn't mean we'll provide funding to pursue it. For example:

- setting more and bigger goals doesn't mean we have an obligation to fund more and bigger funded supports in your plan
- setting a goal doesn't mean we have an obligation to fund supports that help you pursue that goal
- setting a goal about an explicit type or amount of support you might want doesn't mean we'll fund that support or in that amount.

This is because helping you pursue your goals is only one of the NDIS funding criteria. A support must meet all of the NDIS funding criteria to be funded under the NDIS. So not all supports that help you to pursue your goals will be reasonable and necessary supports.

For example, we only fund reasonable and necessary supports that are value for money,<sup>121</sup> effective and beneficial<sup>122</sup> and relate to disability support needs.<sup>123</sup>

This means that if your goal is to 'live independently', we **may** fund home modifications that address your disability related needs. However, we won't fund supports related to day-to-day-living costs like rent or utilities. These costs aren't incurred solely and directly as a result of your disability support needs, so they don't meet other funding criteria.<sup>124</sup>

Also, choosing a different goal 'to have a more accessible home' won't change the supports we could fund in your plan.

Achieving goals usually takes many different kinds of supports. NDIS supports will most likely be just one kind of support that helps you work toward your goals.

[Learn more about setting goals.](#)

## Example

Morgan is ready to look for work and she has a goal in her plan to get a job. She has built up her skills and knows what she wants to do. Disability Employment Services are helping Morgan to find work, so we can't fund this support for Morgan.

However, because of her disability, Morgan will need personal care supports to help her get up and ready for work in the morning. We will consider:

- how Morgan's disability support needs relate to her goals
- whether funding supports that address these disability support needs will help Morgan pursue her goals.

Morgan's planner believes the personal care supports meet this criteria. The supports that address her personal care needs will help Morgan to pursue her employment goals.

However, Morgan's planner then needs to look at whether the support meets the other NDIS funding criteria.

We don't fund all the supports that relate to Morgan's employment goals. We only fund the supports we consider are reasonable and necessary – that is, when they meet all the NDIS funding criteria.

### **Does the support help you do activities that will help your social and economic participation?**

We need to be satisfied that the support will help you to do activities, which make it easier for you to participate socially and economically.<sup>125</sup>

Social participation means doing things you enjoy, like going out with friends, playing sport or going on holiday. It also means doing the things you need to do, like going to school or medical appointments.

Economic participation usually means being involved in things that help you work towards getting and keeping a job. This might be things like volunteering, study, learning new skills or trying work experience. Research tells us that work can lead to health benefits and improve our quality of life. Learn more about the [Health Benefits of Good Work](#).

Social and economic participation are important to most people. They are critical to living an ordinary life.

To work out if a support meets this requirement, we look at the purpose of the support and how it will help you.

We fund reasonable and necessary supports that reduce the barriers that prevent you from undertaking activities. This will help you increase your social and economic participation.

Some supports help economic and social participation directly. There are lots of supports we can fund to directly help with social and economic participation. Learn more about [Social and recreation supports](#) and [Work and study supports](#).

Other supports help you to undertake activities like self-care, which indirectly help your economic and social participation.

### **Example**

Sue is going to university next year. She has a vision impairment, and has been working with her Guide Dog Mobility Instructor to decide if a dog guide is right for her. A dog guide can help her leave her home safely and independently, and travel to and from university.

A dog guide could also help her go out with friends and join in other community activities. As long as it meets the other funding criteria, we could fund a dog guide for Sue. It will help her to undertake activities of daily living.

As a result, it'll increase her social and economic participation. For example, the support will help her get to her university so she can study, and will help her social life.

### **Is the support value for money?**

All supports we fund under the NDIS need to be value for money.<sup>126</sup> This means the cost of the support is reasonable, when we consider the benefits of the support and the cost of other supports.

Making sure that your supports are value for money is one of the ways we keep the NDIS financially sustainable. This means we make careful decisions about funding so that we make sure the NDIS exists for future generations. It's also one of [our principles](#).<sup>127</sup>

When we decide if the support is value for money, we consider:

- if other supports would achieve the same result at a substantially lower cost<sup>128</sup> – this means there should be a real or material difference in cost
- if there's evidence that the support will substantially improve your life stage outcomes and benefit you in the long term<sup>129</sup>
- if the support will likely reduce the cost of other supports over time<sup>130</sup>
- how the cost compares to other supports of the same kind in your area<sup>131</sup>
- if the support will make you more independent, and mean you won't need as many supports in future,<sup>132</sup> for example, in some circumstances home modifications may reduce the need for home care.

When we consider the likely cost of supports, we consider the cost over the long term. We consider if the support will help you to achieve milestones at different ages or stages of your life, and have long term benefits.

For example, some supports such as home modifications may be expensive now, compared to other supports. But getting these supports now may mean you need much less support in a few years, or later in life. Or, it may delay the need for other more costly supports.<sup>133</sup>

When we determine the cost of the support, we consider:

- the prices for NDIS supports in the [NDIS Price Guide](#)
- supports suggested by the Typical Support Package
- quotes for specific or high risk supports.

It's important we consider the cost of the support. This will be the level of funding we include in your plan, if we decide the support is reasonable and necessary.

When we fund equipment or modifications, we also need to consider:<sup>134</sup>

- how the cost of buying the equipment or modifications compares against the cost of renting them
- if it's appropriate to fund the equipment or modifications you want, based on your circumstances and any expected changes in technology.

Learn more about how we consider value for money when we fund [assistive technology](#), [home modifications](#) and [vehicle modifications](#).

### **Example**

Elias needs a shower commode.

He got an assessment and sent us a quote for one that will suit his needs. As part of the process to work out if we can fund it, his planner considers other similar shower commodes.

There's a second commode that's \$5,000 cheaper than the one Elias has asked for. But it won't meet Elias' needs, as it won't provide enough back support. That is, it won't achieve the same result as the one Elias has asked for.

Finally, there's a third commode that's \$1,000 cheaper. The planner contacts his occupational therapist who confirms the cheaper commode will meet Elias' needs.

Elias' planner decides to fund the commode that's \$1,000 cheaper. It'll deliver the same result at a substantially lower cost.

## Is the support effective and beneficial?

We need to be satisfied that the support will be, or is likely to be, effective and beneficial, when we consider current good practice.

We need to work out if the support is likely to be both:

- **effective** – it will do what you need it to do<sup>135</sup>
- **beneficial** – the support will help you do things you can't otherwise do and meets your support needs.<sup>136</sup>

It can also be effective and beneficial if it will help you maintain your current level of functioning. That is, it will help you keep doing the things you can currently do. And, it'll help you maintain your work, study and social life as much as you can.<sup>137</sup>

When we decide if a support is effective and beneficial, we look at what is current good practice. This means we look at whether there is evidence that the support works for someone with similar disability support needs to you. We won't need an expert opinion or report for every support, as we can often rely on other evidence.

For example:

- We may have information already about whether the support is widely accepted to suit someone with your disability support needs.<sup>138</sup> For example, we could rely on academic research and other literature. This could include university studies on therapies that have been published and [refereed](#) in academic journals, evidence based practice resources, or clinical practice guidelines.
- If you or other participants have used the support before, we can consider your experience using the support and the experience of your family members and carers.<sup>139</sup>
- We may consider things we have learnt from other participants in the NDIS with similar support needs to you.<sup>140</sup>

We know you're the expert in your own life, and we use your own experience as much as we can.

For example, we will talk to you about any supports that have helped you do things you can't otherwise do. Or, some supports may have helped maintain your ability to be as independent as possible.

If it's a new support such as new assistive technology, we might fund a trial. This is so we can learn from your experience of using the support, to check if it's likely to do what you need it to.



Your evidence can be particularly useful when it's consistent with other evidence, or if we don't have expert evidence.

We will look at the opinions held by the majority of experts and what they generally agree on.<sup>141</sup> Sometimes we will have to seek expert opinion or report to make a decision.<sup>142</sup>

For example, we may need the views of doctors or health professionals who may be specialists in managing your disability.

### **Example**

Vivek is 12 and has a goal to improve his communication skills. He and his family want him to improve his social skills with the kids in his class.

When he was younger, Vivek's family tried speech therapy, and believe it really helped him improve his communication. His family told his planner about how it helped Vivek learn how to respond to different social settings.

Vivek's speech therapist also believes it could work well for him now, and help him interact with his classmates.

When deciding whether the therapy is effective and beneficial, Vivek's planner will consider:

- how speech therapy has assisted Vivek in the past, including first-hand information from Vivek, his family members and carers
- the views of his speech therapist on the effectiveness and benefits of speech therapy for Vivek
- other information or expert evidence about the effectiveness and benefits of speech therapy, including for a child of the same age, and with the same impairments and functional capacity.

Based on this information and evidence, Vivek's planner decides the speech therapy is effective and beneficial. If it meets the other funding criteria, we will be able to fund speech therapy in Vivek's plan.

### **Is the support something we would reasonably expect your informal supports, like family or friends, to provide?**

We need to be satisfied that funding the support takes into account what is reasonable to expect families, carers, informal networks and the community to provide.<sup>143</sup>

To make sure we understand how disability supports might work for you, we consider:

- the things you're able to do for yourself
- any support you have from others in your network – including family members, relatives, friends and local community services.

When we fund supports under the NDIS, we have to think about whether it's reasonable to expect your informal supports to provide that support. We can't fund supports that an ordinary person would think is reasonable to expect friends, family or the community to provide for you.<sup>144</sup>

Informal supports are the help and support you get from friends, family and the community. They are called 'informal' because you don't pay for them, and they're not part of a formal agreement. They are the usual things friends and family do for us, and with us.

Most of us get some kind of help and support from friends and family. In our society, we expect that friends, family and our community will support each other and help each other out when they need it.

A good example is families who have young children. In our community, we expect families will provide most of the support a young child needs.<sup>145</sup> They will change a child's nappy, make sure they are safe and drive them around places.

Grandparents, uncles and aunties often have a role to play in supporting young children as well. Neighbours and friends might also help care for the child.

As a child gets older, our society's expectations of the role of the family and community in caring for the child changes. For example, we expect schools to help support the child's learning needs.

We also usually expect the role of family in providing personal care for a child would reduce as they get older and develop new skills and independence. But families are usually still responsible for things like food, emotional support, decision-making and providing a safe home.

It's a similar idea for adults. Our society expects that adults – like family, friends and neighbours – will provide some support to each other. This might be things like taking a friend with you to the football game, or providing emotional support if someone is upset.

NDIS supports won't ever replace the support people like your friends and family provide to you. This support is given freely because people care, and is often quite different to supports bought with NDIS funding.

You have a special bond with your friends and family that's different from your relationship with paid carers. And there are potential risks and problems for you if your friends and families become your paid carers.

To make sure we understand how disability supports might complement your circumstances, we consider:

- the things you are able to do for yourself

- any support you have from others in your network including family members, relatives, friends and local community services.

We also have to consider the benefits you may get from your informal supports. For example, your family and friends may be more effective at helping you meet other people, or helping to build your social skills, than paid supports can.

We consider if we can help these relationships so that you get the support you need.<sup>146</sup> For example, we may be able to fund training for your informal supports, so they can help you build your skills.

We also think about the capacity of your informal supports to continue caring for you, for example if they're ageing or sick.

There are different things the law for the NDIS says we need to consider for adults and children.

**If you're under 18**, we consider what support is reasonable to expect parents to provide at your age. It's normal for parents to provide substantial care and support for children.<sup>147</sup> We consider that it's usual for parents to provide almost all the care and support that young children need.

For example, it's reasonable to expect parents to provide transport to and from their child's after-school activities. Of course, the amount of care and support for a child without a disability would typically reduce as they get older.

For children under 18, we consider:

- if your needs are 'substantially greater' because of your disability, compared to other children the same age<sup>148</sup> – that is, you need much more disability support
- any risks to the wellbeing of people providing informal support to you<sup>149</sup>
- if including funding for the support will help build your skills and capacity in the future, or reduce any risks to you.<sup>150</sup>

For example, we consider any health, safety or other impacts resulting from what's involved in meeting your disability support needs.

**If you're over 18**, we consider:

- if there are any risks to you or your informal supports if you rely on them to provide the support you need<sup>151</sup>
- how much your informal supports would help improve or reduce your independence and other outcomes<sup>152</sup>

We also consider the suitability of informal supports to provide the supports you need,<sup>153</sup> including:

- how old your carers are and their capacity to provide the support<sup>154</sup>
- if other family members and the community can help your informal supports in their caring role<sup>155</sup>
- the intensity and type of support you need, and if it's appropriate for your informal supports to provide this, based on their age and gender<sup>156</sup>
- any long-term risks to the wellbeing of your informal supports.<sup>157</sup>

When we consider the risks for people over 18, we consider if the supports are sustainable for your informal supports. We consider the health, safety and other impacts on family and carers in the long term.

For example, we wouldn't expect a child to have their schooling affected because they need to provide care. We also wouldn't expect an elderly parent to be responsible for physical activities, if it may result in injury.<sup>158</sup>

We generally don't fund family members to provide supports funded under the NDIS. There are very limited situations where we can consider this. Learn more about [Sustaining Informal Supports](#).

### **Example 1**

Simon is getting his first NDIS plan. For the last 15 years, Simon and his wife Jan's preference was that Jan provide all the physical support he needs at home, such as toileting and showering.

But as Jan is getting older, it's not safe for her to keep lifting Simon. It's becoming risky for her to keep providing this support.

Jan and Simon think it might be best for someone else to provide the personal care support that Simon needs. Their children have moved out of home, and it's not reasonable to expect them to help Simon with personal care.

Based on this information and other evidence, Simon's planner decides that the personal care support meets this criteria. It takes into account what is reasonable for his family and others to provide. If the personal care support meets the other funding criteria, we may fund the personal care support for Simon.

Simon and Jan still prefer Jan to do the other support Simon needs though, such as helping Simon eat his meals. At this time, we wouldn't fund a support worker in Simon's plan to help him eat his meals. It's reasonable to expect Jan to help Simon with this, as it's what they want to do and it's not a safety risk for Jan.

## Example 2

Qing is 14 and wants to join a local footy club. Like most 14 year olds in this situation, she needs someone to drop her off and pick her up from the Saturday matches and the weeknight training sessions.

But unlike most 14 year olds, she needs someone to help her get dressed before she can go to the match. Her parents have been doing this, but as Qing is getting older she no longer wants her family to help her get dressed.

It's reasonable to expect her family or other informal supports to drop Qing to and from the match and training sessions. So we wouldn't fund transport in Qing's plan.

But at age 14, it's not reasonable to expect her family to help her get dressed.

Based on this information and other evidence, Qing's planner finds that the personal care support takes into account what is reasonable for family and others to provide. If it meets the other funding criteria, we may fund personal care support in her plan.

### **Is the support more appropriately funded or provided through the NDIS, and not through other service systems or support services?**

We have to be satisfied that the support is most appropriately funded or provided through the NDIS. This means it's not more appropriately funded or provided through:

- other general systems of service delivery, or support services offered by a person, agency or body (such as a State or Territory Statutory Scheme)
- systems of service delivery or support services offered as part of a universal service obligation (such as the health or education system)
- systems of service delivery or support services offered in accordance with reasonable adjustments required under discrimination laws (such as your employer, or the health or education system).<sup>159</sup>

In short, we won't fund the support if it should be provided by someone else.

We won't fund the support if the support should be provided by someone else, even if the other service system doesn't actually provide it. We're not the funder of last resort, so we don't make up for other organisations and systems that don't provide the supports they should.

The law for the NDIS sets out a number of things we need to consider, when we decide who is most appropriate to fund or provide of the support.<sup>160</sup> There are different things we consider for the following service systems:

- (a) Health
- (b) Mental health

- (c) Child protection and family support
- (d) Early childhood development
- (e) School education
- (f) Higher education and vocational education and training
- (g) Employment
- (h) Housing and community infrastructure
- (i) Transport
- (j) Justice.

### **How does the NDIS work with other government services?**

We call supports provided by other government services, including those provided as part of a universal service obligation, ‘mainstream supports’. When we talk about mainstream supports, we mean supports available to everyone in your state or territory, or across Australia, regardless of whether or not you have a disability.

This includes services provided by state and federal governments, like health care, education and mental health services.

You have the same right as all Australians to access these services. There are certain things that mainstream services have to do to make their services accessible for people with disability. Using mainstream supports can also help you be part of your community, or to work or study.

When we fund NDIS supports, we need to check that the support is not more appropriately funded or provided by a mainstream service or system, such as the education system or health system.<sup>161</sup> Under the law for the NDIS, we can’t fund supports that should be provided by a mainstream service.

The Australian federal, state and territory governments agreed on responsibilities for funding different types of supports. The law for the NDIS has an outline of funding responsibilities and were developed with the agreement of each State and Territory.<sup>162</sup>

We can only fund supports that are the responsibility of the NDIS. We can’t fund supports that are the responsibility of other government services, even if they don’t actually fund or provide the support. The law for the NDIS sets out the matters we should consider when we decide who is more appropriate to provide or fund a support.<sup>163</sup>

Learn more about [how we decide if the support is best funded or provided by us or another part of government](#).

The [Applied Principles and Tables of Support](#) also has information on what the governments agreed are the responsibilities of the NDIS and other government services. However, it doesn't override what we consider when we decide if the support is most appropriately funded by the NDIS.<sup>164</sup>

### **What is reasonable adjustment and why is it important?**

People with a disability can sometimes face barriers that make it harder to do the same things as people who don't have a disability. For example, it might be harder to find and keep a job. Or it might be harder to get in and around places, or to get the same services as other people.

It's against the law to discriminate against people with a disability in many areas.<sup>165</sup> This includes in employment, when providing goods and services, and when accessing public places.

This means organisations or people who are responsible for providing these services have to make what are called 'reasonable adjustments'. They have to make sure people with a disability have equal access to the services they provide, as far as is reasonable.

They have to do reasonable things that will make their services equally available to everyone, whether or not you have a disability.

Reasonable adjustments do not mean they have to provide everything you need because of your disability. It means they have to do what's reasonable to make sure you have equal access to employment, public spaces or services. This takes into account what they can afford to do and what is reasonable to expect them to provide in the circumstances.

When we decide what supports to include in your plan, we need to consider what should be provided through reasonable adjustments. Under the law for the NDIS, we can't fund a support if it should be provided by someone else through reasonable adjustments.

### **What if you're transitioning to the NDIS in Western Australia?**

The federal and Western Australian governments made a commitment for people receiving supports before becoming a participant in the NDIS.

They committed that you shouldn't be disadvantaged by your transition to the NDIS. We call this the 'principle of no disadvantage'.

When we create your plan, we must use our best endeavours to follow government agreements.<sup>166</sup> This doesn't mean you'll always have the same level of funding, or that you'll get supports in the same way.

All supports we fund must meet all the NDIS funding criteria. So we may not be able to fund supports you received before the NDIS, if they don't meet the funding criteria.



If we can't fund those supports, we'll see how we can help you meet the same outcomes as you did before the NDIS.

This may mean we include other supports in your plan that address your disability support needs and help you pursue your goals. Or, we could help you connect with other government services that can provide the supports you received before the NDIS.

When we create your plan, we consider whether or not you're disadvantaged overall by joining the NDIS.

## **What else do you need to know about working out if supports meet the NDIS funding criteria?**

From our experience, we learned there are some common misunderstandings about how we work out what supports meet the NDIS funding criteria.

### **Why don't we always fund what your health professionals recommend?**

Although we take expert opinions into account, we can't and don't always fund everything your health professional might recommend. This is because every support we fund needs to meet all the NDIS funding criteria.

For example, your therapist might recommend a piece of equipment on the basis that it will be 'effective and beneficial' for you. But if there is something cheaper that will achieve the same outcome, we won't be able to fund what the therapist recommended.

This is because it won't be [value for money](#). We may be able to fund the cheaper option instead if it meets all the [NDIS funding criteria](#).

### **Why don't we fund the same supports as your last plan?**

We might fund different supports in your next plan. This is because we will fund supports in your plan based on how we use the NDIS funding criteria at that point in time.

Your needs and situation will most likely change over time. This means it's likely your NDIS supports and funding for those supports will change over time.

For example, we may have funded supports to help you build your skills in a particular area. Once you have built those skills, you won't need funding for that any more. So, we probably won't include that funding for those supports in your next plan.

Supports to build your skills may have met the NDIS funding criteria before, but the same supports might not meet the criteria in future.

Or, your disability support needs might increase or decrease over time. This may mean we consider funding more or less supports as a result.

## What happens if you don't use all your funding in your NDIS plan?

We will consider how you have used your NDIS funding to help us work out what supports meet the NDIS funding criteria in your next plans.

If you haven't used all the funding by the end of your plan, it doesn't mean we'll reduce the funding in your next plan. There may be very good reasons why you weren't able to buy the supports we funded.

When we review your plan, we'll talk about any problems you had buying the supports funded in your plan. We'll also see how we can help you use your funding if we need to.

But if you consistently don't buy all the supports we fund and use all of your NDIS funding, we need to think about whether the supports really do meet the NDIS funding criteria. For example, they may not be 'effective and beneficial' for you if you're not actually using them. We will talk to you about this when we review your plan.

Learn more about [plan reviews](#).

## Step 3: How do we include the reasonable and necessary supports in your plan?

Once we've identified the supports, and decided they meet the NDIS funding criteria, we can include the description and funding for the support in your plan.

If the support doesn't meet the NDIS funding criteria, we can't include the support in your plan. We may consider if a differently described support meets the NDIS funding criteria instead.

When we approve your plan we will also make sure all your supports are reasonable and necessary when considered as a package of supports.<sup>167</sup>

Sometimes you might not need any supports under the NDIS. For example, your informal supports may meet all your disability support needs. If so, we'll approve a plan with no funded supports.

Learn more about how we [create and approve your plan](#).

Learn more about [using the funding in your plan](#).

## What happens if we don't include the supports you want?

If we decide a support doesn't meet the [NDIS funding criteria](#), we can't include the support in your plan. Also, if the amount of support you want doesn't meet the criteria, we can't include that amount in your plan.

But, we're committed to [our principles](#) and helping you live an [ordinary life](#). Even if we can't fund a particular support we may still be able to help.

If the support doesn't meet the NDIS funding criteria, we can consider if a different support meets the NDIS funding criteria. We might be able to consider describing the support differently, or funding a different type of support.

Or, we may be able to connect you to mainstream or community supports that can help. Mainstream and community supports are available to everyone. They can be a good way to connect with your local community, learn new skills and gain independence.

There are lots of ways we might be able to help, so talk to us if you're in this situation. We can do this at any time. We may be able to help before we approve your plan.

We can also give you reasons for our decision to approve your plan. We can put these reasons in writing. You can always [contact us](#).

If you don't agree with the supports we approve in your plan, you can also request an internal review of our decision. Learn more about [internal and external review of decisions](#).

## Reference list

---

<sup>1</sup> NDIS Act and delegated legislation made under the NDIS Act, especially NDIS (Supports for Participants) Rules and NDIS (Plan Management) Rules.

<sup>2</sup> NDIS (Supports for Participants) Rules r 5.1(b).

<sup>3</sup> NDIS Act s 34(1)(a).

<sup>4</sup> NDIS Act s 34(1)(b).

<sup>5</sup> NDIS Act s 34(1)(c).

<sup>6</sup> NDIS (Supports for Participants) Rules r 3.1(c).

<sup>7</sup> NDIS Act s 34(1)(c); NDIS (Supports for Participants) Rules r 3.1(a).

<sup>8</sup> NDIS Act s 34(1)(d).

<sup>9</sup> NDIS Act s 34(1)(e).

<sup>10</sup> NDIS Act s 34(1)(f).

<sup>11</sup> NDIS Act s 34(1)(f).

<sup>12</sup> NDIS (Supports for Participants) Rules part 5.

<sup>13</sup> NDIS (Supports for Participants) Rules r 5.1(a).

<sup>14</sup> NDIS (Supports for Participants) Rules r 5.1(b).

<sup>15</sup> NDIS (Supports for Participants) Rules r 5.1(c).

<sup>16</sup> NDIS (Supports for Participants) Rules r 5.1(d).

<sup>17</sup> NDIS (Supports for Participants) Rules r 5.3(a).

<sup>18</sup> NDIS (Supports for Participants) Rules r 5.3(b).

<sup>19</sup> NDIS Act s 34(1)(f).

<sup>20</sup> NDIS Act s 118(1)(b).

<sup>21</sup> NDIS Act s 4(17)(b).

<sup>22</sup> NDIS Act s 33(2).

<sup>23</sup> NDIS Act s 33(5)(a).

<sup>24</sup> NDIS Act s 34(1)(a).

<sup>25</sup> NDIS Act s 34(1)(d).

<sup>26</sup> NDIS (Supports for Participants) Rules r 4.1(d).

<sup>27</sup> NDIS Act s 34(1).

<sup>28</sup> NDIS Act s 34(1)(d); NDIS (Supports for Participants) Rules, rr 3.2-3.3.

- <sup>29</sup> NDIS Act s 34(1)(c); NDIS (Supports for Participants) Rules r 3.1.
- <sup>30</sup> *McGarrigle v National Disability Insurance Agency* (2017) 252 FCR 121 at [88].
- <sup>31</sup> NDIS Act ss 33(2)(a), 33(2)(b), 33(5)(c), 34.
- <sup>32</sup> NDIS Act ss 13, 33(2)(a).
- <sup>33</sup> NDIS Act ss 33(2)(b), 34.
- <sup>34</sup> NDIS Act and delegated legislation made under the NDIS Act, especially NDIS (Supports for Participants) Rules and NDIS (Plan Management) Rules.
- <sup>35</sup> NDIS Act ss 33(2)(b), 34; NDIS (Supports for Participants) Rules.
- <sup>36</sup> NDIS Act ss 33(5)(d), 35(1)(b); NDIS (Supports for Participants) Rules r 5.3.
- <sup>37</sup> NDIS (Supports for Participants) Rules pt 5.
- <sup>38</sup> NDIS Act s 34(1).
- <sup>39</sup> NDIS (Supports for Participants) Rules r 2.4; NDIS Act s 33(5)(c).
- <sup>40</sup> NDIS Act ss 4, 31.
- <sup>41</sup> NDIS Act s 4(1).
- <sup>42</sup> NDIS Act s 4(2).
- <sup>43</sup> NDIS Act s 4(4).
- <sup>44</sup> NDIS Act s 4(8).
- <sup>45</sup> NDIS Act s 4(10).
- <sup>46</sup> NDIS Act s 4(17).
- <sup>47</sup> NDIS Act s 4(11).
- <sup>48</sup> NDIS Act s 33(5)(a); NDIS (Supports for Participants) Rules r 4.1(a).
- <sup>49</sup> NDIS (Supports for Participants) Rules r 4.1(a).
- <sup>50</sup> NDIS (Supports for Participants) Rules r 4.1(b).
- <sup>51</sup> NDIS (Supports for Participants) Rules rr 4.1(b), (d).
- <sup>52</sup> NDIS (Supports for Participants) Rules r 4.1(c).
- <sup>53</sup> NDIS Act s 33(5)(b).
- <sup>54</sup> NDIS Act ss 36, 50.
- <sup>55</sup> NDIS (Supports for Participants) Rules rr 4.2-4.6.
- <sup>56</sup> NDIS Act s 33(1).
- <sup>57</sup> NDIS Act s 47(1).
- <sup>58</sup> NDIS (Supports for Participants) Rules r 4.1(d).
- <sup>59</sup> NDIS Act s 34(1)(a).
- <sup>60</sup> NDIS Act s 34(1)(a).
- <sup>61</sup> NDIS Act s 33(5)(f).
- <sup>62</sup> NDIS Act s 33(3) and NDIS (Plan Management) Rules.
- <sup>63</sup> NDIS Act s 33(5)(c).
- <sup>64</sup> NDIS Act s 33(3).
- <sup>65</sup> NDIS Act s 33(3); NDIS (Plan Management) Rules r 6.2.
- <sup>66</sup> NDIS Act s 33(3); NDIS (Plan Management) Rules r 6.3.
- <sup>67</sup> NDIS (Plan Management) Rules pt 6.
- <sup>68</sup> NDIS Act s 46(1).
- <sup>69</sup> NDIS Act (Plan Management) Rules r 6.4(a).
- <sup>70</sup> NDIS (Plan Management) Rules r 6.4(b).
- <sup>71</sup> NDIS (Plan Management) Rules r 6.4(c).
- <sup>72</sup> NDIS (Plan Management) Rules r 6.4(d).
- <sup>73</sup> NDIS (Plan Management) Rules r 6.4(e).
- <sup>74</sup> NDIS (Plan Management) Rules r 6.4(f).
- <sup>75</sup> NDIS (Plan Management) Rules r 6.4(f).
- <sup>76</sup> NDIS (Plan Management) Rules r 6.4(f).
- <sup>77</sup> NDIS (Provider Registration and Practice Standards) Rules r 7(3).
- <sup>78</sup> NDIS (Provider Registration and Practice Standards) Rules r 7(2).
- <sup>79</sup> NDIS Act s 42(2)(b).
- <sup>80</sup> NDIS (Provider Registration and Practice Standards) Rules r 7(1).
- <sup>81</sup> NDIS (Plan Management) Rules rr 6.6-6.7.
- <sup>82</sup> NDIS (Plan Management) Rules r 6.6.
- <sup>83</sup> NDIS (Plan Management) Rules r 6.7.

- 84 NDIS (Plan Management) Rules r 6.7.  
85 NDIS (Plan Management) Rules r 6.7.  
86 NDIS (Plan Management) Rules r 6.5.  
87 NDIS (Plan Management) Rules r 6.6.  
88 NDIS Act ss 33(5)(d), 35(1)(b); NDIS (Supports for Participants) Rules pt 5.  
89 NDIS Act s 34(1).  
90 NDIS (Supports for Participants) Rules r 5.  
91 NDIS Act ss 33(5)(d), 35(1)(b); NDIS (Supports for Participants) Rules r 5.3(a).  
92 NDIS Act ss 33(5)(d), 35(1)(b); NDIS (Supports for Participants) Rules r 5.3(b).  
93 NDIS Act ss 33(5)(d), 35(1)(a); NDIS (Supports for Participants) Rules r 5.1(a).  
94 NDIS Act ss 33(5)(d), 35(1)(a); NDIS (Supports for Participants) Rules r 5.1(b).  
95 NDIS Act ss 33(5)(d), 35(1)(a); NDIS (Supports for Participants) Rules r 5.1(d).  
96 NDIS Act ss 33(5)(d), 35(1)(a); NDIS (Supports for Participants) Rules r 5.1(c).  
97 NDIS (Supports for Participants) Rules r 5.3(a).  
98 NDIS (Provider Registration and Practice Standards) Rules 2018 r 7(2).  
99 NDIS Act s 73F(2)(a).  
100 NDIS (Supports for Participants) Rules r 5.3(b).  
101 NDIS (Supports for Participants) Rules r 5.1(a).  
102 NDIS (Supports for Participants) Rules r 5.1(b).  
103 NDIS (Supports for Participants) Rules r 5.1(d).  
104 NDIS (Supports for Participants) Rules r 5.1(d).  
105 NDIS (Supports for Participants) Rules r 5.2(a).  
106 NDIS (Supports for Participants) Rules r 5.2(b).  
107 NDIS (Supports for Participants) Rules r 5.1(c).  
108 NDIS Act ss 33(5)(c), 34(1).  
109 NDIS Act s 34(1)(a).  
110 NDIS Act s 34(1)(b).  
111 NDIS Act s 34(1)(c).  
112 NDIS Act s 34(1)(d).  
113 NDIS (Supports for Participants) Rules r 3.2(a).  
114 NDIS Act s 34(1)(e).  
115 NDIS Act s 34(1)(f).  
116 NDIS (Supports for Participants) Rules pts 3, 4.  
117 NDIS Act s 33(5)(c).  
118 NDIS Act s 34(1)(a).  
119 *McGarrigle v National Disability Insurance Agency* (2017) 252 FCR 121 at [91].  
120 NDIS Act s 34(1)(a).  
121 NDIS Act s 34(1)(c).  
122 NDIS Act s 34(1)(d).  
123 NDIS (Supports for Participants) Rules r 5.1(b).  
124 NDIS (Supports for Participants) Rules r 5.1(d).  
125 NDIS Act s 34(1)(b).  
126 NDIS Act s 34(1)(c).  
127 NDIS Act ss 3(3)(b), 4(17)(b).  
128 NDIS (Supports for Participants) Rules r 3.1(a).  
129 NDIS (Supports for Participants) Rules r 3.1(b).  
130 NDIS (Supports for Participants) Rules r 3.1(c).  
131 NDIS (Supports for Participants) Rules r 3.1(e).  
132 NDIS (Supports for Participants) Rules r 3.1(f).  
133 NDIS (Supports for Participants) Rules r 3.1(c).  
134 NDIS (Supports for Participants) Rules r 3.1(d).  
135 *McCutcheon and NDIA* [2015] AATA 624 at [34].  
136 *McCutcheon and NDIA* [2015] AATA 624 at [34].  
137 *McCutcheon and NDIA* [2015] AATA 624.  
138 NDIS (Supports for Participants) Rules r 3.2(a).  
139 NDIS (Supports for Participants) Rules r 3.2(b).

- 
- <sup>140</sup> NDIS (Supports for Participants) Rules r 3.2(c).  
<sup>141</sup> NDIS (Supports for Participants) Rules r 3.3.  
<sup>142</sup> NDIS (Supports for Participants) Rules r 3.3.  
<sup>143</sup> NDIS Act s 34(1)(e).  
<sup>144</sup> NDIS Act s 34(1)(e).  
<sup>145</sup> NDIS (Supports for Participants) Rules r 3.4(a)(i).  
<sup>146</sup> NDIS (Supports for Participants) Rules r 3.4(c).  
<sup>147</sup> NDIS (Supports for Participants) Rules r 3.4(a)(i).  
<sup>148</sup> NDIS (Supports for Participants) Rules r 3.4(a)(ii); JQJT and National Disability Insurance Agency [2016] AATA 478 at [39].  
<sup>149</sup> NDIS (Supports for Participants) Rules r 3.4(a)(iii).  
<sup>150</sup> NDIS (Supports for Participants) Rules r 3.4(a)(iv).  
<sup>151</sup> NDIS (Supports for Participants) Rules rr 3.4(b)(i), (ii).  
<sup>152</sup> NDIS (Supports for Participants) Rules r 3.4(b)(iii).  
<sup>153</sup> NDIS (Supports for Participants) Rules r 3.4(b)(ii).  
<sup>154</sup> NDIS (Supports for Participants) Rules r 3.4(b)(ii).  
<sup>155</sup> NDIS (Supports for Participants) Rules r 3.4(b)(ii)(A).  
<sup>156</sup> NDIS (Supports for Participants) Rules r 3.4(b)(ii)(B).  
<sup>157</sup> NDIS (Supports for Participants) Rules r 3.4(b)(ii)(C).  
<sup>158</sup> NDIS (Supports for Participants) Rules r 3.4(b)(ii)(C).  
<sup>159</sup> NDIS Act s 34(1)(f).  
<sup>160</sup> NDIS (Supports for Participants) Rules rr 3.5-3.7 and Schedule 1.  
<sup>161</sup> NDIS Act s 34(1)(f).  
<sup>162</sup> NDIS (Supports for Participants) Rules rr 3.5-3.7, Schedule 1; NDIS Act ss 209(4), (8) item 1.  
<sup>163</sup> NDIS (Supports for Participants) Rules rr 3.5-3.7, Schedule 1.  
<sup>164</sup> NDIS (Supports for Participants) Rules rr 3.5-3.7, Schedule 1.  
<sup>165</sup> Disability Discrimination Act 1992 (Cth); Discrimination Act 1991 (ACT); Anti-Discrimination Act 1977 (NSW); Anti-Discrimination Act 1996 (NT); Anti-Discrimination Act 1991 (Qld); Equal Opportunity Act 1984 (SA); Anti-Discrimination Act 1998 (Tas); Equal Opportunity Act 2010 (Vic); Equal Opportunity Act 1984 (WA).  
<sup>166</sup> NDIS Act s 118(2).  
<sup>167</sup> NDIS Act s 33(5)(c).