

# Reasonable and Necessary Supports

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**Quick summary:** There are new laws about what we can and can't fund under the NDIS. All supports need to meet each of the reasonable and necessary criteria before we can fund them in your plan. For example, your supports need to relate to the impairments you meet the disability or early intervention requirements for, be value for money, and effective and beneficial. We also need to make sure each support is an NDIS support. This means it is a service, item, or equipment that can be funded by the NDIS. Examples of NDIS supports include support with personal daily living tasks and accessing the community, therapeutic supports, and personal mobility equipment.

## Note:

- When we say 'your plan' we mean your NDIS plan.
- When we say 'disability support needs', we mean supports you need for the impairments that meet the disability or early intervention requirements, or both.
- If you're aged between 9 and 65 years and are looking for information about community connections, go to [Our Guideline – Community Connections](#).
- If your child is younger than 9 and you're looking for information about early connections, go to [Our Guideline – Early Connections](#).
- As part of the recent changes to the NDIS laws we are moving towards a new framework for planning. Rules need to be developed for this new framework. We're working on how and when we'll introduce these changes.

Until then, the information in this Our Guideline is about our 'old framework' for planning, which include the legislative changes that become operational when the law commences. All current plans will be known as 'old framework' plans, and we will continue to develop these until all participants have transitioned to the new framework.

## What's on this page?

This page covers:

- [What are reasonable and necessary supports?](#)
- [How do we make decisions about what is reasonable and necessary?](#)
- [How do we include the reasonable and necessary supports in your plan?](#)

- [What if you don't agree with our decision?](#)

You may also be interested in:

- [Mainstream supports](#)
- [Creating your plan](#)
- [Changing your plan](#)
- [Reviewing our decisions](#)
- [Would we fund it?](#)

## What are reasonable and necessary supports?

The National Disability Insurance Scheme (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.

We provide funding for reasonable and necessary supports to people with a permanent and significant disability or developmental delay.

Reasonable and necessary supports are the supports we fund in your plan to meet your disability needs. All supports we fund in your plan need to meet the criteria set out in law for the NDIS of what we can and can't fund.<sup>1</sup> For information on what is an NDIS support and what is not, go to [NDIS support](#).

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.

Once we've considered your situation, we need to follow the rules determined under the law for the NDIS in our planning decisions.<sup>2</sup>

This guideline explains how we decide what reasonable and necessary supports must consider, which we'll explain in detail.

When creating your plan, we also follow these [principles](#).

We also have [Would we fund it](#) guides. They have examples of how we decide if we fund different types of supports.

## How do we make decisions about what is reasonable and necessary?

When we create your plan with you, we'll discuss what supports you need for the impairments that meet the disability or early intervention requirements.<sup>3</sup> We want to help you pursue your goals, increase your independence, and help you work, study and join social activities.

The NDIS will only fund a support if it meets **all** the reasonable and necessary criteria. We also won't fund a support if the law says we can't fund it. We explain the [reasonable and necessary](#) criteria in more detail further down.

### What supports can you get outside the NDIS?

Before we decide what reasonable and necessary supports to fund in your 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.

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.

To find out more about supports you can get outside the NDIS, go to [Creating your plan](#).

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.

For more information, go to [Mainstream and community supports](#).

### What types of supports may be included in your plan?

Your plan may include 'general supports' and 'reasonable and necessary supports'.<sup>4</sup>

#### General supports

General supports are the coordination, strategic or referral services and activities we provide or arrange to be provided, for you.<sup>5</sup> They're how we help you develop your plan and connect with support and activities in your community. This includes the support you get from your early childhood coordinator or local area coordinator to connect to mainstream, community, and informal supports. You don't need to pay for your general supports from your plan as the NDIS pays for them directly.

## Reasonable and necessary supports

Reasonable and necessary supports are the NDIS supports we fund or provide in your plan to meet your disability support needs.<sup>6</sup> NDIS supports need to be for your impairments that meet the disability or early intervention requirements, or both.<sup>7</sup> NDIS supports are the services, items, and equipment we can fund or provide under the NDIS.<sup>8</sup> For information on what supports are considered NDIS supports, go to [NDIS supports](#).

The laws for the NDIS tell us what we can fund in your plan.<sup>9</sup> All supports we fund in a plan need to meet all the criteria set out in these laws. We call these the [NDIS funding criteria](#).

- We'll check your support types and amounts of support will complement each other to help you fulfil an [ordinary life](#).<sup>10</sup> Any funded supports must be an NDIS support<sup>11</sup> that is right for you.
- It must not be a [type of support the law says we can't fund or provide](#).<sup>12</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.

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

We can only include supports in your plan if they meet **all** the reasonable and necessary criteria.<sup>13</sup>

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

- The support is for the [impairments you meet the disability or early intervention requirements for, or both](#).<sup>14</sup>
- The support will help you to [pursue your goals in your plan](#).<sup>15</sup>
- The support will help you to [undertake activities, to facilitate your social and economic participation](#).<sup>16</sup> This means the support will help you join in social outings, recreation, work and study by reducing the disability-related barriers that prevent you from participating.
- The support represents [value for money](#). This means we need to consider the costs and benefits of the support, as well as the costs and benefits of alternative supports.<sup>17</sup>
- The support will be, or is likely to be, [effective and beneficial](#) for you, having regard to current good practice.<sup>18</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>19</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>20</sup> This means we need to consider what support is reasonable for your family, friends and community to provide.
- The support is an [NDIS support for you](#).<sup>21</sup>

The law for the NDIS sets out things that we need to consider when we apply the reasonable and necessary criteria.<sup>22</sup>

For example, funding a vehicle modification may reduce your need for other supports. By funding a vehicle modification in your plan, we'll look at whether you need less support to access the community.

If the vehicle modification will reduce your support needs, we might reduce the amount of support we fund for you to access the community. This is because the same amount of support might not be reasonable and necessary when the whole package of supports is considered.

### **Is the support related to the impairments you meet disability or early intervention requirements for, or both?**

We'll only fund a support if it relates to the impairments you meet the disability or early intervention requirements for, or both.<sup>23</sup> This means there must be a direct link between your disability support needs and the NDIS supports we fund.

We consider if the support addresses your disability support needs. Your disability support needs are those that come from, or are caused by, your disability.

For example, we don't fund things like flights to go on a holiday or a gym membership to get fit.

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

## Example

Alan uses a wheelchair and needs some changes to their house. They need to be able to independently use their bathroom and kitchen. They also want to set up an outdoor entertainment area for when their friends visit.

We may be able to fund [home modifications](#) so Alan can access areas of their home, including their bathroom and kitchen. They need the home modification because they can't access those areas due to their disability.

Alan will need to pay for the outdoor entertainment area, as it's not related to their disability.

## 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 plan.<sup>24</sup> This helps us determine if the support is necessary.<sup>25</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.

Reasonable and necessary supports should help you pursue your goals,<sup>26</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.

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 that aren't NDIS supports, including day-to-day living costs like rent or utilities. These costs aren't incurred solely and directly because of your disability support needs, so they don't meet other funding criteria.<sup>27</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 your goals in [Creating Your Plan](#) and the [Setting Goals fact sheet](#).

## Example

Morgan is ready to look for work and they have a goal in their plan to get a job. They have built up their skills and know the type of work they want to do. Disability Employment Services are helping Morgan find work, so we can't fund this support for Morgan.

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

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

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

Morgan's planner then needs to look at if the support meets the other NDIS funding criteria. In this case Morgan does get personal care in their plan. Morgan doesn't have a job yet but will need personal care support to help them get ready to look for work. Morgan will also be able to use these supports when they get a job.

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>28</sup>

Social participation means doing things you enjoy, like going out with friends, playing sport or going out into the community. 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 criteria, 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 doing activities. This will help you increase your social and economic participation.

**This document is correct at the date of publication.**

**Always visit [ourguidelines.ndis.gov.au](https://ourguidelines.ndis.gov.au) for the latest version.**

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 do 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 with activities of daily living.

In Sue's case, a Dog Guide will also increase her social and economic participation. Having a Dog Guide will help her get to her university independently where she studies and also has lots of friends.

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

All supports we fund under the NDIS need to be value for money. 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 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>29</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>30</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>31</sup>
- if the support will likely reduce the cost of other supports over time<sup>32</sup>
- how the cost compares to other supports of the same kind in your area<sup>33</sup>
- if the support will make you more independent and mean you won't need as many supports in the future. For example, in some situations home modifications may reduce the need for support in your home.



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

For example, some supports like 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>34</sup>

When determining if the cost of the support is value for money, we consider:

- the prices for NDIS supports in the [NDIS Pricing Arrangements and Price Limits](#)
- 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>35</sup>

- how the cost of buying the equipment or modifications compares to the cost of renting them
- if it's appropriate to fund the equipment or modifications you want, based on your situation 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 this meets the reasonable and necessary criteria, his planner considers other similar shower commodes.

There's another commode that's \$5,000 cheaper than the one Elias has asked for. It won't meet Elias' needs, as it doesn't provide enough support for his back. That means, it won't achieve the same result as the one Elias has asked for.

Elias's planner finds a commode that's \$1,000 cheaper. The planner contacts Elias's occupational therapist who confirms this commode will meet Elias' needs.

Elias' planner decides to fund the commode that's \$1,000 cheaper. This has the same features and will have the same benefits for Elias 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>36</sup>
- **beneficial** – the support will help you do things you can't otherwise do and meets your support needs.<sup>37</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>38</sup>

When we decide if a support is effective and beneficial, we look at what is current good practice. This means we look at if 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, because 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>39</sup> For example, we could rely on academic research and other literature. This could include university studies on therapies that have been published and [referred](#) 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 and the experience of your family members and carers.<sup>40</sup>

We may consider things we have learnt from other participants in the NDIS with similar support needs to you.<sup>41</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'll look at the opinions held by the majority of experts and what they generally agree on.<sup>42</sup> Sometimes we will have to seek expert opinion or report to make a decision.<sup>43</sup>

### **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 if the therapy is effective and beneficial, Vivek's planner will consider:

- how speech therapy has helped Vivek in the past, including first-hand information from Vivek, his family members, and carers
- the reports or assessments from 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 children of the same age, 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>44</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 need to consider if 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>45</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>46</sup> They will care for the child, 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 provide a 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.

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

We consider if we can help these relationships so that you get the support you need.<sup>47</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>48</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 or other family members 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>49</sup> This means you need much more disability support
- any risks to the wellbeing of people providing informal support to you<sup>50</sup>
- if including funding for the support will help build your skills and capacity in the future or reduce any risks to you.<sup>51</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>52</sup>
- how much your informal supports would help improve or reduce your independence and other outcomes.<sup>53</sup>

We also consider the suitability of informal supports to provide the supports you need,<sup>54</sup> including:

- how old your carers are and their capacity to provide the support<sup>55</sup>
- if other family members and the community can help your informal supports in their caring role<sup>56</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>57</sup>
- any long-term risks to the wellbeing of your informal supports.<sup>58</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>59</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 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, showering and dressing.

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

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, because it's what they want to do and it's not a safety risk for Jan or Simon.

### **Example 2**

Qing is 14 and wants to join a local chess club. Like most 14-year-olds in this situation, she needs someone to drop her off and pick her up from the mid-week and weekend gatherings.

But unlike most 14-year-olds, she needs someone to help her get dressed before she can go to the chess club. 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 considers 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 an NDIS support for you?**

A support will only be an NDIS support for you if either:

- the Rules say that the support is a NDIS support for everyone, or
- the Rules say that the support is only for a specific group of people, and you are part of that group.<sup>60</sup>

NDIS supports are the services, items, and equipment that can be funded under the NDIS.

Remember, we can only fund a support if it is:

- an NDIS support for you
- necessary for your impairments that meet the disability or early intervention requirements, or both.<sup>61</sup>

Go to [NDIS supports](#) to find more information on what is and isn't an NDIS support.

### **Example**

Max has a spinal cord injury and uses a manual wheelchair to move around. His home has a carport at the front. The path from the carport to the front door is too narrow for his wheelchair and the uneven ground makes it unsafe for him to use his wheelchair on his own.

In Max's planning meeting, he requests the installation of a pathway from the carport to the front door to enable safe access to his home.

Max's planner checks that the home modifications are an NDIS support.

Because Max needs a pathway to access his house safely, the planner decides that the home modifications are an NDIS support.

### **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>62</sup> We can't fund goods and services that are not NDIS supports.<sup>63</sup> For example, we can't fund or provide supports that:

- consist of sexual services and sex work, alcohol, or drugs<sup>64</sup>
- are not legal<sup>65</sup>

- are income replacement<sup>66</sup>
- are likely to cause harm to you, or pose a risk to other people<sup>67</sup>
- relate to a 'day-to-day living cost', like groceries, rent or utilities<sup>68</sup>
- duplicate other supports provided by the NDIS under alternative funding<sup>69</sup>
- include tickets to events or the cost of going on a holiday.<sup>70</sup>

For more information on what we can't fund, go to [NDIS supports](#).

## What else do you need to know about deciding 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 may not 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 needs 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 anymore. 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 the 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 else do we consider when deciding what 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>71</sup> These principles guide us when we make decisions about what we can 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 more 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>72</sup>
- You should be supported to take part in and contribute to social and economic life.<sup>73</sup>
- You should be supported to make choices about planning and how your supports will be delivered. This includes taking reasonable risks, so you can pursue your goals.<sup>74</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.<sup>75</sup>
- Your privacy and dignity should be respected.<sup>76</sup>
- We must make sure the NDIS is financially sustainable.<sup>77</sup>

The principles also tell us that the reasonable and necessary supports we fund should:<sup>78</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 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).

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. This means 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.

### **What other services or systems are responsible for providing supports?**

We have to be satisfied that the support is considered an NDIS support which means the support is something that can be funded or provided through the NDIS. Some supports are not considered an NDIS support because they're more appropriately funded or provided through:

- other service systems or supports offered by a person, agency or body (like a State or Territory Statutory Scheme)
- services or supports offered as part of a universal service obligation (like the health or education system)
- services or supports offered in line with reasonable adjustments required under discrimination laws (like your employer, or the health or education system).<sup>79</sup>

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 don't make up for other organisations and systems that don't provide the supports they should.

The list of goods and services that are not NDIS supports includes supports that are considered the responsibility of service systems such as:

- Health
- Mental health
- Child protection and family support
- Early childhood development
- School education
- Higher education and vocational education and training
- Employment
- Housing and community infrastructure
- Transport
- Justice.

For more information, go to [Mainstream and community supports](#).

### **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 if you have a disability.

This includes services provided by state and federal governments, related to 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 won’t fund supports that are not considered NDIS supports because the support is more appropriately funded or provided by a mainstream service or system, such as the education system or health system.<sup>80</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>81</sup>

Learn more about [who is responsible for the supports you need](#).

### **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>82</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 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>83</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](#).

## **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 NDIS 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'll also make sure all your supports are reasonable and necessary when considered as a package of supports.<sup>84</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](#).

Learn more about [changing 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'll give you the reasons for our decision to approve your plan in writing.<sup>85</sup> You can [contact us](#) if you'd like more detail about the reasons for our decision.

## What happens if I want to replace a support for something else?

We fund NDIS supports in your plan. NDIS laws set out what we can and can't fund.<sup>86</sup>

Sometimes, we may agree that you can spend your funding on supports that are not NDIS supports. We call this a 'replacement support'. Go to [Your plan](#) for more information. For more information about replacement supports, go to [NDIS supports](#).

## What if you don't agree with our decision?

If we decide the supports you requested don't meet our [NDIS funding criteria](#), we can't include them in your plan.

If you'd like more details about the supports that make up your plan's total funding amount, we can send this to you. You can contact us and ask for a Budget Breakdown.

We'll give you written reasons why we made the decision. You can [contact us](#) if you'd like more detail about the reasons for our decision.

If you don't agree with a decision we make about what supports to include in your plan, you can ask for an internal review of our decision.<sup>87</sup>

You'll need to ask for an internal review within 3 months of getting your plan.<sup>88</sup>

Learn more about [reviewing our decisions](#).

## Reference List

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

<sup>2</sup> NDIS Act and delegated legislation made under the NDIS Act, especially NDIS (Supports for Participants) Rules and NDIS (Plan Management) Rules.

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

<sup>4</sup> NDIS Act ss 33(2)(a), 33(2)(b), 33(5)(c), 34.

<sup>5</sup> NDIS Act ss 13, 33(2)(a).

<sup>6</sup> NDIS Act s 34 (1).

<sup>7</sup> NDIS Act s 34 (1) (aa).

<sup>8</sup> NDIS Act s 10.

<sup>9</sup> NDIS Act and delegated legislation made under the NDIS Act, especially NDIS (Supports for Participants) Rules and NDIS (Plan Management) Rules.

<sup>10</sup> NDIS (Supports for Participants) Rules r 2.4; NDIS Act s 33(5)(c).

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

<sup>12</sup> NDIS Act ss 33(5)(d), 35(1)(b); NDIS (Supports for Participants) Rules pt 5.

<sup>13</sup> NDIS Act ss 33(5)(c), 34(1).

<sup>14</sup> NDIS Act s 34(1)(aa).

<sup>15</sup> NDIS Act s 34(1)(a).

<sup>16</sup> NDIS Act s 34(1)(b).

<sup>17</sup> NDIS Act s 34(1)(c).

<sup>18</sup> NDIS Act s 34(1)(d).

<sup>19</sup> NDIS (Supports for Participants) Rules r 3.2(a).

<sup>20</sup> NDIS Act s 34(1)(e).

<sup>21</sup> NDIS Act s 34(1)(f).

<sup>22</sup> NDIS (Supports for Participants) Rules pts 3, 4.

<sup>23</sup> NDIS (Supports for Participants) Rules r 5.1(b), NDIS Act s 34(1)(aa).

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

<sup>25</sup> *McGarrigle v National Disability Insurance Agency* (2017) 252 FCR 121 at [91].

<sup>26</sup> NDIS Act s 34(1)(a).

<sup>27</sup> NDIS (Supports for Participants) Rules r 5.1(d).

<sup>28</sup> NDIS Act s 34(1)(b).

<sup>29</sup> NDIS Act ss 3(3)(b), 4(17).

<sup>30</sup> NDIS (Supports for Participants) Rules r 3.1(a).

<sup>31</sup> NDIS (Supports for Participants) Rules r 3.1(b).

<sup>32</sup> NDIS (Supports for Participants) Rules r 3.1(c).

- <sup>33</sup> NDIS (Supports for Participants) Rules r 3.1(e).  
<sup>34</sup> NDIS (Supports for Participants) Rules r 3.1(c).  
<sup>35</sup> NDIS (Supports for Participants) Rules r 3.1(d).  
<sup>36</sup> McCutcheon and NDIA [2015] AATA 624 at [34].  
<sup>37</sup> McCutcheon and NDIA [2015] AATA 624 at [34].  
<sup>38</sup> McCutcheon and NDIA [2015] AATA 624.  
<sup>39</sup> NDIS (Supports for Participants) Rules r 3.2(a).  
<sup>40</sup> NDIS (Supports for Participants) Rules r 3.2(b).  
<sup>41</sup> NDIS (Supports for Participants) Rules r 3.2(c).  
<sup>42</sup> NDIS (Supports for Participants) Rules r 3.3.  
<sup>43</sup> NDIS (Supports for Participants) Rules r 3.3.  
<sup>44</sup> NDIS Act s 34(1)(e).  
<sup>45</sup> NDIS Act s 34(1)(e).  
<sup>46</sup> NDIS (Supports for Participants) Rules r 3.4(a)(i).  
<sup>47</sup> NDIS (Supports for Participants) Rules r 3.4(c).  
<sup>48</sup> NDIS (Supports for Participants) Rules r 3.4(a)(i).  
<sup>49</sup> NDIS (Supports for Participants) Rules r 3.4(a)(ii); JQJT and National Disability Insurance Agency [2016] AATA 478 at [39].  
<sup>50</sup> NDIS (Supports for Participants) Rules r 3.4(a)(iii).  
<sup>51</sup> NDIS (Supports for Participants) Rules r 3.4(a)(iv).  
<sup>52</sup> NDIS (Supports for Participants) Rules rr 3.4(b)(i), (ii).  
<sup>53</sup> NDIS (Supports for Participants) Rules r 3.4(b)(iii).  
<sup>54</sup> NDIS (Supports for Participants) Rules r 3.4(b)(ii).  
<sup>55</sup> NDIS (Supports for Participants) Rules r 3.4(b)(ii).  
<sup>56</sup> NDIS (Supports for Participants) Rules r 3.4(b)(ii)(A).  
<sup>57</sup> NDIS (Supports for Participants) Rules r 3.4(b)(ii)(B).  
<sup>58</sup> NDIS (Supports for Participants) Rules r 3.4(b)(ii)(C).  
<sup>59</sup> NDIS (Supports for Participants) Rules r 3.4(b)(ii)(C).  
<sup>60</sup> NDIS Act s 34(1)(f).  
<sup>61</sup> NDIS (Supports for Participants) Rules r 5.1(b), NDIS Act s 34(1)(aa).  
<sup>62</sup> NDIS (Supports for Participants) Rules r 5.  
<sup>63</sup> NDIS Act s 10.  
<sup>64</sup> NDIS Act s 10.  
<sup>65</sup> NDIS Act s 10.  
<sup>66</sup> NDIS Act s 10.  
<sup>67</sup> NDIS Act s 10.  
<sup>68</sup> NDIS Act s 10.  
<sup>69</sup> NDIS Act ss 33(5)(d), 35(1)(a); NDIS (Supports for Participants) Rules r 5.1(c).  
<sup>70</sup> NDIS Act s 10.  
<sup>71</sup> NDIS Act ss 4, 31.  
<sup>72</sup> NDIS Act s 4(1).  
<sup>73</sup> NDIS Act s 4(2).  
<sup>74</sup> NDIS Act s 4(4).  
<sup>75</sup> NDIS Act s 4(8).  
<sup>76</sup> NDIS Act s 4(10).  
<sup>77</sup> NDIS Act s 4(17).  
<sup>78</sup> NDIS Act s 4(11).  
<sup>79</sup> NDIS Act s 34(1)(f).  
<sup>80</sup> S10(b1) -(3).  
<sup>81</sup> NDIS (Supports for Participants) Rules rr 3.5-3.7, Schedule 1; NDIS Act ss 209(4), (8) item 1.  
<sup>82</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).



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<sup>83</sup> NDIS (Plan Management) Rules r 6.6.

<sup>84</sup> NDIS Act s 33(5)(c).

<sup>85</sup> NDIS Act s100(1).

<sup>86</sup> NDIS Act s 10.

<sup>87</sup> NDIS Act s 100.

<sup>88</sup> NDIS Act s 100(2).