

# Leaving the NDIS

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**Quick summary:** There are different reasons you might leave the NDIS. For most participants, it's a choice to leave and you might not want to be a participant anymore because you have met your goals. Or you might not meet the eligibility requirements anymore. There are different processes for leaving the NDIS depending on the reason you're leaving. If you leave, you're no longer a participant, and won't be able to get NDIS supports. But we can still help you connect to other government and community services. If things change, you can always apply again and we'll let you know if you're eligible.

## What's on this page?

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## What do we mean by leaving the NDIS?

When you leave the NDIS, you won't be an NDIS participant anymore. You won't have an NDIS plan or get any NDIS supports.

You can choose to leave the NDIS any time. You'll also leave the NDIS if you're no longer eligible.

Some participants will stay with the NDIS for their whole life. Other participants may need the NDIS for a shorter period of time. The length of time that you stay eligible for the NDIS depends on your individual situation and disability support needs.

There are a number of situations where you might leave the NDIS:

- [You don't want to be a participant any more.](#)<sup>1</sup>
- [You move into residential aged care permanently for the first time after you've turned 65.](#)<sup>2</sup>
- [You start getting home care services provided by aged care permanently for the first time after you've turned 65.](#)<sup>3</sup>
- [You're no longer eligible for the NDIS.](#)<sup>4</sup> This includes when children with developmental delay turn 6 years old and no longer meet the early intervention requirements, or the disability requirements.

Participants also leave NDIS when they die.<sup>5</sup> Learn more about [what happens with NDIS supports when a participant dies.](#)

## What if you don't want to be an NDIS participant anymore?

You can choose to leave the NDIS at any time, if you no longer want to be a participant.

This might be because you have met your goals or have developed your skills and independence and don't need the NDIS anymore.

You can always [contact us](#) if you want to talk about whether leaving the NDIS is the best option for you.

If your situation changes after you leave, you can always apply again, and we'll let you know if you're eligible.

### How do you let us know you want to leave the NDIS?

If you want to leave the NDIS, you'll need to let us know in writing.<sup>6</sup>

We have a [form](#) you can fill in. You can also email or send a letter to let us know that you want to leave the NDIS. You can also [contact us](#) if you'd like some help.

There are many services in the community you can contact if you need supports after you leave. A [local area coordinator](#) or [early childhood partner](#) can help you find local supports that aren't funded by the NDIS. They can still help you even if you're not a participant anymore.

If you choose to leave, just remember:

- Your plan ends on the day you let us know in writing that you wish to leave.<sup>7</sup>
- You can't use your NDIS funding once you let us know in writing that you wish to leave.<sup>8</sup>
- You'll no longer be an NDIS participant.<sup>9</sup>

If you want to become a participant again, you'll need to apply again. If you reapply, there's no guarantee you'll become a participant again. You'll need to meet all the eligibility requirements.

Remember, to be eligible for the NDIS, you must be younger than 65 on the day you apply. If you're turning 65 soon and want to apply again after you leave, [contact us](#) so we can help you apply on time.

Learn more about the [eligibility requirements](#).

If we stop your NDIS plan because you ask to leave, you can't ask for an internal review. This is because when you write to us and ask to leave the NDIS, the law says we need to both:

- remove you from the NDIS
- end your plan, without us needing to make a reviewable decision.

Learn more about [what decisions can be reviewed](#).

## What if you start getting supports from aged care services?

Aged care services are services funded by the [Department of Health Aged Care system](#)<sup>10</sup> and include residential aged care services and home care services.

Home care services are supports you can get to help with your daily life. They include things like personal care for you in your home. When we say home care services, we mean services funded by the [Department of Health Aged Care system](#).

## What if you move into residential aged care?

You'll leave the NDIS if you move into a residential aged care service permanently for the first time after you turn 65.<sup>11</sup> When we say residential aged care services, we mean services funded by the [Department of Health Aged Care system](#).<sup>12</sup>

The supports you get in residential aged care can be different from NDIS supports outside aged care facilities. Find out more about residential aged care services on the [Department of Health website](#).

If you leave the NDIS because you move into residential aged care permanently, you can't ask for an internal review. This is because the law says we must remove you from the NDIS, without us needing to make a reviewable decision.<sup>13</sup> Learn more about [what decisions can be reviewed](#).

### **Example**

Vish is 66 and is an NDIS participant. Vish was living by himself but decides to permanently move into residential aged care for the first time. The law says Vish then ceases to be a participant and he leaves the NDIS.<sup>14</sup>

The aged care system is now responsible for all Vish's support needs. Vish can't ask for an internal review of this decision. Vish also can't become a participant again, as he is older than 65.

### **What if you were already in residential aged care before you turned 65?**

If you were already living in residential aged care before you turn 65, you can still be an NDIS participant after you turn 65.

Learn more about [younger people in residential aged care](#).

Once you turn 65, you can also choose to leave and get support from the aged care system instead. If you want to leave the NDIS, you'll need to let us know in writing.

If you choose to leave the NDIS, you can't ask for an internal review. This is because if you ask in writing to leave the NDIS, then the law says we must remove you from the NDIS, without us needing to make a reviewable decision. Learn more about [what decisions can be reviewed](#).

### **Example**

At age 50, Jane moved into an aged care facility permanently.

She was found eligible for the NDIS when she was 64.

Jane is now 66. She can choose to stay in residential aged care, but she decides to move out and live with her children.

Jane is still an NDIS participant, so she talks to her planner about her goal of moving out of residential aged care. Jane provides assessments and reports from her treating health professionals so we understand her capabilities and support needs.

Jane and her planner create a plan which includes the reasonable and necessary supports Jane needs. She uses her NDIS funding to support her to live with her children.

## What if you start getting home care services from the aged care system?

Home care services are supports you can get to help with your daily life. They include things like personal care for you in your home. When we say home care services, we mean services funded by the [Department of Health Aged Care system](#).

You must leave the NDIS if you start getting home care services permanently for the first time after you turn 65.<sup>15</sup> You can't ask for an internal review. This is because the law says you must leave the NDIS when this occurs, without us needing to make a reviewable decision.

Learn more about [what decisions can be reviewed](#).

Home care services can be different from the supports you get with your NDIS funding. Find out more about home care services on the [Department of Health website](#).

### Example

Kirsty just turned 65 and is an NDIS participant. She has an NDIS plan and currently gets 10 hours a week of personal care supports for her disability support needs.

Since she turned 65, she's now eligible for home care services with aged care funding. She must decide if she'll start using these aged care services.

If she starts getting home care services with aged care funding permanently, she must leave the NDIS.

She can keep getting NDIS supports that meet the NDIS funding criteria for her disability support needs until she gets aged care home care services permanently. Or if she moves into residential aged care permanently.<sup>16</sup>

## Are you still eligible for the NDIS?

There are different reasons for leaving the NDIS. This might happen if you're no longer eligible. You're no longer eligible for the NDIS if you:

- [don't live in Australia anymore](#)<sup>17</sup>
- [are no longer an Australian citizen or permanent resident](#)<sup>18</sup>
- [no longer meet the disability requirements or early intervention requirements](#).<sup>19</sup>

If we have information that tells us you might not be eligible for the NDIS anymore, we will explain this to you. You'll then have an opportunity to give us evidence to show that you are

still eligible. If, after this, we believe you are no longer eligible, we'll send you a letter that will let you know:<sup>20</sup>

- your status as a participant has been revoked
- the date when you'll leave the NDIS.

This is a reviewable decision. Learn more about [reviewable decisions](#).

Learn more about the [eligibility requirements](#).

### **Do you still live in Australia?**

You'll need to live in Australia to stay an NDIS participant.<sup>21</sup> If you leave Australia permanently, you won't be eligible anymore, and we may decide to revoke your participant status.<sup>22</sup>

You'll probably still meet the residence requirements if you leave Australia for a short time. If you're temporarily outside Australia for more than 6 weeks in a row, you'll usually still be an NDIS participant but may not be able to use your NDIS funding.<sup>23</sup> Learn more about [when we suspend your plan](#).

### **Are you still an Australian citizen or permanent resident?**

To remain a participant, you'll need to either:<sup>24</sup>

- be an Australian citizen
- have a [permanent residency visa](#)
- have a [protected special category visa](#) – this is only for some New Zealand citizens.

For example, we may decide to revoke your participant status if your permanent residency visa is cancelled.

If you joined the NDIS from a [New South Wales prescribed program and your residency or citizenship status changes](#), you remain eligible for the NDIS.

### **Do you still meet the early intervention requirements?**

If you're eligible under the **early intervention requirements**, your support needs are more likely to change. We'll check each time we reassess your plan whether you still meet the early intervention requirements.

If you've benefitted from early intervention supports, you might have built your skills and increased your capacity so that you may no longer need NDIS supports.

If you no longer meet the early intervention requirements, we'll check if you meet the disability requirements.

## What happens when a child with developmental delay turns 6 years old?

If we decided a child met the early intervention requirements for their developmental delay, they're usually no longer eligible after they turn 6.

This is because they will no longer meet the eligibility criteria under developmental delay. To remain an NDIS participant after they turn 6, the child will need to have an impairment that's likely to be permanent. They will also need to meet either the disability requirements or the early intervention requirements.

We'll talk to families or carers before a child turns 6 and explain what information we need to decide if the child is still eligible.

Learn more about the [disability requirements and the early intervention requirements](#).

### Example

Sarah is 6 years old. Sarah was eligible for the NDIS under the early intervention requirements for developmental delay and has been receiving early childhood intervention supports since age 4.

At age 4, Sarah's speech was unclear. Her parents and other children couldn't understand her and Sarah found it hard to manage her frustration. At age 5, Sarah's early childhood partner explained to her parents that Sarah would most likely leave the NDIS after she turns 6.

By age 6, Sarah had achieved many of the goals her parents had set for her, including improved speech, communication, social and cognitive skills. Sarah's therapy provider reports that she no longer needs early childhood intervention supports.

Sarah's early childhood partner talks to her parents about the NDIS early intervention eligibility requirements and explains that Sarah no longer needs NDIS supports. Sarah leaves the NDIS.

Sarah can still get mainstream and community supports. For example, her teacher can help set up the supports she needs at school. Sarah also joins a gymnastic and dance class.

If Sarah's situation changes and she needs NDIS supports in the future, her parents can apply for the NDIS again.

### Do you still meet the disability requirements?

If you were eligible under the **disability requirements**, it's likely you'll need the NDIS for a long time. This means you won't have to prove your disability every time we change your plan.

If at any time your disability support needs or circumstances change, we may need to check your supports or NDIS eligibility. We'll talk with you if this happens.



## What happens if we check your NDIS eligibility?

We may check your eligibility if evidence shows you may no longer be eligible. This could mean you no longer meet one or more of the residence, disability, or early intervention requirements.

When you became an NDIS participant, you would have met either the disability requirements or the early intervention requirements.

If you're not sure which requirements you met, have a look at the access decision letter we sent you when we decided you were eligible. You can also [contact us](#).

If we check and it looks like you no longer meet the eligibility requirements, we may reassess your eligibility. We call this an **eligibility reassessment**. If we decide to start an eligibility reassessment, we'll let you know and you will be given the chance to provide evidence that you do continue to meet the eligibility requirements.

After the eligibility reassessment process has finished, we may decide that you're still eligible. Or we may revoke your status as a participant, if the evidence shows you don't meet:

- the residency requirements
- the disability requirements or the early intervention requirements.<sup>25</sup>

If you're still eligible, you'll remain a participant. You can keep using your supports.

If we revoke your status, you will leave the NDIS.

## How do we let you know we're doing an eligibility reassessment?

We'll send you a letter to let you know we're doing an eligibility reassessment. We'll also contact you by your preferred contact method, such as by phone or email, to let you know.

You can still use the supports in your plan during the eligibility reassessment.

If your plan is being reassessed at the same time as the eligibility reassessment, you might get a new plan while we are doing the eligibility reassessment.

If we start doing an eligibility reassessment, we'll let you know we're thinking about whether we should revoke your status as a participant. We'll also let you know what specific eligibility requirements we don't think you meet.

We'll then give you an opportunity to explain if you think you still meet the requirements. You can also give us any relevant information or evidence that shows this.

If it still looks like you may not be eligible, we'll give you another opportunity to respond. We'll tell you what information and evidence we might use to make our decision. We'll also tell you any areas we think there's not enough evidence to show us you're still eligible.



## How much time will you have to give us more information?

We will usually give you **28 days** from the date of our first letter, so you can explain if you think you meet the requirements. This will give you an opportunity to give us any extra information or evidence to help us make the right decision.

If you don't respond or if it looks like you might not be eligible, we will send you a reminder to gather any relevant information or documents. Then we will decide if you're still eligible.

If you're having trouble getting the information we need within the timeframe, [let us know](#). If you think this timeframe is not reasonable because of your particular situation, we may be able to give you more time.

You'll need to tell us why you need more time, and how much extra time you need. For example, there could be a delay in getting information from your treating professional. If so, we could give you more time so you can get the information and send it to us.

Generally, we'll only give you one extension of time. This is because the first extension should give you a reasonable opportunity to give us the evidence you want to. You'll need to talk to us about your circumstances. If you need another extension, you'll need to explain why you need more time again and how much extra time you need.

### Example 1

Pai is 14 years old. We decided she was eligible for the NDIS under the early intervention requirements.

A recent report from her occupational therapist shows us that Pai has significantly improved her skills and achieved her goals over the last few years. The report also told us Pai can now manage her day-to-day tasks independently.

We contact Pai and her family to let them know we have started an eligibility reassessment, and to explain why we're checking whether she's still eligible. We also give them the opportunity to give us more information to help us make the right decision.

Pai and her family will have 56 days to give us more information before we decide whether she's still eligible.

The next day, Pai's parents call her occupational therapist to book an appointment. The occupational therapist is currently on holiday. The earliest time they can book an appointment and send us a report is 60 days away.

Pai's family asks if they could have 60 days to give us the report. Pai's family let us know this was the first appointment they could get, and why they need the report from the occupational therapist and not another professional.

It's reasonable to give Pai's family more time. We decide to give Pai's family 60 days to get the information to us.

### **Example 2**

Nathan is 35 years old. We decided he was eligible for the NDIS under the disability requirements.

A recent report from Nathan's physiotherapist shows us that his functional capacity has improved. Based on this information, we think Nathan might not be eligible anymore, and start an eligibility reassessment to check whether he's still eligible. Nathan has 56 days to give us more information before we make a decision.

Nathan doesn't call his physiotherapist to book an appointment until 20 days after we let him know about the eligibility reassessment. There's an appointment available in the next few days. But Nathan decides to book an appointment 6 weeks after that, because he'll be visiting friends near his physiotherapist that day.

Nathan asks if he could have 62 days to give us the report. We don't think it's reasonable to give Nathan more time. There was an appointment available within the time we gave him, and Nathan could have tried to book an appointment much sooner.

After 28 days, we send Nathan another letter because it seems like he might not be eligible.

If Nathan doesn't give us more information by the end of the 56 days, we'll decide whether he's still eligible based on the information we have. If we don't have enough evidence to show us he's still eligible, we may decide to revoke his status as a participant.

We let Nathan know we can't give him more time. Nathan decides to make an earlier appointment with his physiotherapist.

### **What if you don't give us more information or ask for more time?**

If you don't respond to our letter or ask for more time, we will then make our decision based on the information we have.

If we don't have enough evidence that you're eligible, we'll generally decide to revoke your status as a participant. This means you'll leave the NDIS.

### **Example**

Jim is 40 years old. We decided he was eligible for the NDIS under the disability requirements. He transitioned from state government disability services under a [defined program](#). We don't have enough evidence that he's still eligible for the NDIS.

We start doing an eligibility assessment to check whether Jim is still eligible for the NDIS. We contact Jim to let him know that we started an eligibility reassessment, and explain why we're checking whether he's still eligible.

We also give Jim the opportunity to give us more information to show us he's still eligible. Jim will have 56 days to give us the information before we decide whether he's still eligible.

After 28 days, we contact Jim to tell him which requirements he might not meet, and ask him to give us more information.

Jim doesn't ask for more time and doesn't give us more information within the remaining 28 days. We'll then need to make a decision based on the information we have. If we don't have enough evidence to show us he's still eligible, we may decide to revoke his status as a participant.

## How do we decide if you're still eligible for the NDIS?

We'll consider all relevant information against the eligibility requirements to decide if you're still eligible for the NDIS. We'll do this after:

- we let you know that we're reassessing your eligibility, and what specific eligibility requirements we're looking at
- we let you know what information and evidence we might use to make our decision
- you've had a reasonable opportunity to explain why you still meet the requirements and to give us more information
- we look at any extra information or evidence you give us about why you think you're still eligible.

The person who reassesses your eligibility and decides if you're still eligible will be one of our staff. They will be different from the people who first decided if you're eligible, and the people who approved your plans. They will also be someone who doesn't have a personal interest in whether you're a participant, or know you other than through the NDIS.

If the information and evidence show us you're still eligible, you'll remain a participant. You can keep using your supports.

You may have been eligible under the early intervention requirements, but give us evidence you now meet the disability requirements. If so, we'll change our records to show you now meet the disability requirements. This means we won't revoke your status as a participant and you will remain an NDIS participant.

If we believe based on the evidence that you're not eligible, we'll revoke your status as a participant. This means you won't be a participant anymore and you'll leave the NDIS.

We'll contact you by your preferred contact method to explain our decision. We'll also send you a letter with our decision and our reasons, and the date your participant status will be revoked.

## Example

Ayesha is 6 years old. She has just started school. Ayesha was eligible for the NDIS under the early intervention requirements for developmental delay and has been receiving early childhood intervention supports since age 3. There is no evidence to indicate that Ayesha has a condition that is likely to be permanent.

Ayesha's parents are happy with Ayesha's progress, but would like her to be more confident when playing with her peers and interacting with adults. They think Ayesha needs ongoing support for her speech and communication.

At her plan reassessment, the information and evidence we have makes us think Ayesha no longer meets the early intervention requirements. Before we make the decision, we give Ayesha's family the opportunity to give us more information about Ayesha's functional capacity. We tell Ayesha's family what we need and allow 56 days for them to give us the information.

The report from Ayesha's therapy provider confirms that Ayesha still needs some help with her communication but that her school and parents can continue to support this. There are no other concerns with Ayesha's development.

We decide Ayesha no longer meets either the disability requirements or the early intervention requirements. Her functional capacity has improved, so she no longer needs NDIS support to pursue her goals. We talk to her parents about the NDIS early intervention eligibility requirements and explain that Ayesha no longer needs NDIS supports. Ayesha leaves the NDIS.

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

If you don't agree with our decision to revoke your status as a participant of the NDIS, you should talk to us. Your planner, local area coordinator or early childhood partner can help explain our decision, answer any questions, and explore next steps.

You can also ask for an internal review of our decision to revoke your status as a participant.<sup>26</sup> This means one of our staff, who wasn't involved in the original decision, will decide if we made the correct decision.

You'll need to ask for an internal review within 3 months after we tell you in writing that we revoked your status as a participant.<sup>27</sup>

If you don't agree with the internal review decision, you can then ask for an external review. This means the Administrative Appeals Tribunal will decide if we made the right decision.

Learn more about [internal and external reviews](#).

## What if you become a participant again because of an internal or external review?

If an internal or external reviewer decides you're eligible for the NDIS, you'll become a participant again. You'll become a participant again from the date you stopped being a participant.

This means we will identify the plan you had when you stopped being a participant and put that plan back in place. This plan will continue until we reassess your next plan.

In some situations, you can claim the cost of the reasonable and necessary supports you purchased during the period your participant status was revoked. This is the period between:

- the day you stopped being an NDIS participant
- the day you became a participant again because of the internal or external review decision.

You can only claim funding for reasonable and necessary supports if:

- the reasonable and necessary supports you're claiming were in your plan – the plan that was in place when we revoked your status as a participant<sup>28</sup>
- there is enough funding remaining in that plan
- you have proof of buying and using the supports, such as a receipt
- you claim the reasonable and necessary supports within **60 days** after you become a participant again.

If your supports are self-managed or plan-managed, you or your plan manager can claim the funding for supports as usual. If your supports are agency-managed, [contact us](#) so we can help you claim the funding for supports. Learn more about [ways to manage your funding](#).

### Example

Sharna is a participant, and was eligible for the NDIS under the early intervention requirements.

On 1 July, we decide she isn't eligible for the NDIS anymore and revoke her status as a participant. We have evidence she no longer meets either the disability requirements or the early intervention requirements. She can no longer use her plan funding.

Sharna asks for an internal review of this decision. She also gives us more evidence from her doctor and specialists about her impairments, functional capacity and support needs.

On 1 September, the internal reviewer decides to set aside the decision to revoke Sharna from the NDIS. This means Sharna is eligible for the NDIS. She becomes a participant again.

We treat Sharna as if she was a participant the whole time. This means we reinstate the plan that existed when her status as a participant was revoked. Her reinstated plan will remain until it's replaced by a new plan at her next plan reassessment.

Sharna had kept using her disability supports in July and August after her participant status had been revoked. She paid for these supports with her own money and kept the receipts. Sharna can't claim every support, but she can claim reasonable and necessary supports that were included in her NDIS plan before her participant status was revoked.

Sharna self-manages her funding, so she claims the amount she paid for reasonable and necessary supports included in her old plan on the [myplace portal](#).

## What happens after you leave the NDIS?

When you leave the NDIS, you're no longer a participant and your plan will stop.<sup>29</sup> We can't fund any reasonable and necessary supports after you leave.<sup>30</sup>

We can help you sort out your final payment requests. If you want help, talk to your local area coordinator, early childhood partner or planner. You can also [contact us](#).

If you leave the NDIS, we'll help you transition by connecting you with other services in your community if you need them. You can also ask your [local area coordinator](#) or [early childhood partner](#) about the supports available in your community.

Under the law, we must keep your information on our records. Learn more about [your privacy and information](#).

## What happens when a participant dies?

We recognise the importance of supporting family, carers and support networks when a participant dies.

To provide the best support we can during this difficult time, we have specialist staff who can help you work through any remaining NDIS matters. Learn more about [how we can help after a participant dies](#).

When we say 'you' in this section, we mean someone who is a verified contact of the participant in our system and is looking after the participant's matters after they've died.

You might be a:

- spouse
- nominee
- parent or child representative



- court appointed trustee or guardian.

It's important you tell us when a person dies, as they're no longer an NDIS participant, and we'll need to finalise their NDIS record.<sup>31</sup>

You can [tell us](#) in person, or by phone, email or letter, when the participant dies. We also have a [form](#) you can fill in.

We'll ask for the participant's date of death. We'll also ask who the executor of the estate is, if you know this. This is the person who will be managing the participant's estate. We use this information to help us finalise the participant's NDIS record. This means we'll end the plan and stop their funded supports.

We know this is a difficult time. Where appropriate, we'll offer support to help you work out what you need to do to finalise matters relating to the participant's plan after they die. You can reach out to a local area coordinator, early childhood partner or planner. You can also [contact us](#).

Learn more about [what to do when someone dies](#).

## What happens to a participant's NDIS funded supports when they die?

The participant's plan ends the day they die. We can't fund any supports or services purchased or supplied after this date. If the participant's plan manager uses NDIS funds to purchase supports after this date, the plan manager will need to repay us.<sup>32</sup>

Also, an NDIS provider will need to repay us if they receive a payment they are not entitled to after the participant's death.<sup>33</sup>

For example, the participant may have funding for cleaning services in their NDIS plan. A provider can't claim this funding to purchase cleaning services after the participant dies. If the provider claims the funding, it will need to be repaid to the NDIS.

Sometimes we can pay for supports that were arranged or ordered in writing before the participant died that haven't been paid yet. For example:

- return and payment for rented assistive technology, where the costs are covered by a service agreement entered before the participant died
- assistive technology that has been purchased by the participant but not paid for or delivered – when it fits with the pre-payments guidance of the [Pricing Arrangements and Price Limits](#)
- home or vehicle modifications that have started but haven't finished
- services that were purchased and provided before the participant died



- cancellation fees covered by a service agreement.

We will make sure that access to the portal is available for a period of **90 days** from the participant's date of death. This is so that reasonable and necessary supports purchased before the participant's death can be claimed. When you contact us, we will talk to you about who the most appropriate person is to have access to the portal in order to make these claims.

The information in this section is general information only. You should always check the terms of the [service agreement](#) made with the provider. The service agreement can help you work out whether you need to pay providers, and who owns assistive technology, home or vehicle modifications, after a participant dies.

### **What happens to a participant's assistive technology?**

The person managing the estate will need to work with providers to manage the participant's assistive technology in line with the [service agreement](#) that is in place.

Generally, when we have funded assistive technology for the participant, the participant owns it, unless there is an arrangement in place where the participant must give it back to the provider. For example, the participant has a rental or leasing arrangement with a NDIS provider.

If the participant owns the item, the equipment becomes part of their estate when they die. The person managing the estate can choose what to do with the assistive technology.

If the participant was renting assistive technology with NDIS funding, you must return the equipment to the provider. This is because the provider still owns it. This includes if the participant rented a group of assistive technology items, such as through a loan pool or equipment library.

If the participant had a service agreement that includes the costs of returning equipment early, we'll cover costs such as:

- early return fees
- shipment or delivery costs.

### **What happens when assistive technology has been ordered but not delivered?**

If the participant dies before getting assistive technology that was in their plan, we'll pay any pre-payment fees that haven't been paid if:

- the fees are in line with our pre-payment's guidance in the [Pricing Arrangements and Price Limits](#), and
- the item was ordered before the participant died.

If full payment is made, the assistive technology is the property of the estate.

### **What if the participant had an assistance animal or dog guide?**

The person managing the estate may need to consider any service agreement and may wish to talk to the participant's provider. They can discuss with them what options are available for the assistance animal or dog guide.

### **What happens to a participant's home and vehicle modifications?**

The person managing the estate will need to work with the provider to manage the participant's home or vehicle modifications in line with the [service agreement](#) that is in place.

After the participant dies, you can usually still claim funding for home modifications or vehicle modifications if the modifications were purchased before the participant died. This is if the provider hasn't been paid the final payment.

If the participant dies before approved home or vehicle modifications are finished, the provider should discuss options with the nominee or executor within the scope of the [service agreement](#).

This may mean completing modifications to make the building or vehicle safe and suitable for more general use. But if the modifications continue, they shouldn't include specific features required by the participant who died.

Remember, we can help you work out what to do about the participant's plan after they die. You can reach out to a local area coordinator, early childhood partner or planner. You can also [contact us](#).

### **What can service providers claim?**

Service providers can claim for reasonable and necessary supports purchased before the participant's death under a service agreement. They have **90 days** from the participant's date of death to make a claim.

If the funding was [plan managed](#), the plan manager will need to claim any funding for supports purchased before the participant's death. Plan managers can claim the plan management fee for the month of the participant's death for this purpose, if this forms part of their service agreement.

### **When can providers claim cancellation fees?**

In some situations, providers can claim a cancellation fee if they had short notice of the participant's death. Providers can claim the fee according to the conditions in the [service agreement](#) and the [Pricing Arrangements and Price Limits](#).

If the participant lived in Specialist Disability Accommodation, the Specialist Disability Accommodation provider can claim vacancy costs in some circumstances. We have more information in the [SDA Pricing Arrangements and Price Limits](#).

## Do we disclose information about a participant's death?

There are some situations where we may disclose information about the participant's death. For example, we may need to disclose this information to:

- finalise outstanding service bookings
- help arrange removal or disposal of assistive technology
- stop delivery services.

We can only disclose information about the deceased participant in certain situations, where it's in the public interest to do so.<sup>34</sup>

We may disclose information when:

- there is no reason to think the deceased participant wouldn't want their information disclosed
- the information is needed for a genuine reason, such as to help administer the deceased participant's estate
- the information isn't available from another source.

The people we may talk to include:

- a family member, guardian or support person
- a correspondence nominee, plan nominee or child representative
- a service provider that was providing supports to the participant – they will need to know as soon as possible since they can't claim funding after the participant dies
- an executor administering the estate
- a Commonwealth, State or Territory department or authority
- a lawyer or legal representative that was supporting the participant.

If you have any questions about why we've disclosed details about the participant's death, you can always [contact us](#).

## Appendix A: New South Wales prescribed programs

We may have decided you were eligible because you had support from one of the following programs in New South Wales. If so, you will remain eligible for the NDIS even if your residency or citizenship status changes. This also includes if you were eligible under one of these programs, but now live in a different state or territory.

These programs were provided to residents of New South Wales, and were administered by the New South Wales Department of Family and Community Services for people younger than 65.

### New South Wales programs:

#### Large Residential Centres

- Large Residential Centre/Institution

#### Group Home

- Small Residential Centre/Institution
- Group Homes

#### Community High

- Hostels
- Attendant Care
- In-home Accommodation Support
- Alternative Family Placement
- Other Accommodation Support

#### Community Support

- Therapy Services for Individuals
- Early Childhood Intervention
- Behaviour/Specialist Intervention
- Counselling
- Regional Resource and Support Teams
- Case Management, Local Coordination and Development
- Other Community Support

## **Community Access**

- Learning and Life Skills Development
- Recreation/Holiday Programs
- Other Community Access

## **Respite**

- Own Home Respite
- Centre-based Respite/Respite Homes
- Host Family Respite/Peer Support Respite
- Flexible/Combination Respite
- Other Respite

## **Community Care**

- Domestic assistance
- Social support
- Nursing care received at home or at centre/other
- Allied health care received at home or at centre/other by intervention type
- Personal care
- Centre-based day care
- Other food services
- Respite care
- Assessment including screening (client)
- Assessment including screening (carer)
- Case management
- Client care coordination (client)
- Client care coordination (carer)
- Home maintenance
- Counselling/support, information and advocacy (client)
- Counselling/support, information and advocacy (carer)
- Meals received at home or at centre/other

- Goods and equipment (self-care aids, support and mobility aids, communication aids, aids for reading, medical care aids, car modifications, other goods/equipment)
- Formal linen services
- Transport - Client – number of one-way individual or group trips by purpose
- Home modification

### Commonwealth programs

- Better Start for Children with Disability
- Disability Employment Assistance: Australian Disability Enterprises
- Helping Children with Autism
- Younger Onset Dementia Key Worker Program
- Outside School Hours Care for Teenagers with Disability
- Remote Vision and Hearing Services

## Reference list

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- <sup>1</sup> NDIS Act s 29(1)(d).
- <sup>2</sup> NDIS Act s 29(1)(b).
- <sup>3</sup> NDIS Act s 29(1)(b).
- <sup>4</sup> NDIS Act ss 29(1)(c), 30.
- <sup>5</sup> NDIS Act s 29(1)(a).
- <sup>6</sup> NDIS Act s 29(1)(d).
- <sup>7</sup> NDIS Act ss 29(1)(d), 37(3)(b).
- <sup>8</sup> NDIS Act ss 30(1)(d), (2).
- <sup>9</sup> NDIS Act s 29(1)(d).
- <sup>10</sup> NDIS Act s 29(1)(b); Residential care service has the same meaning as in the Aged Care Act 1997.
- <sup>11</sup> NDIS Act s 29(1)(b).
- <sup>12</sup> NDIS Act s 29(1)(b); Residential care service has the same meaning as in the Aged Care Act 1997.
- <sup>13</sup> NDIS Act ss 29(1)(b), 99, 100.
- <sup>14</sup> NDIS Act s 29(1)(b).
- <sup>15</sup> NDIS Act s 29(1)(b).
- <sup>16</sup> NDIS Act s 29(1)(b).
- <sup>17</sup> NDIS Act ss 23(1)(a), 30(1)(a).
- <sup>18</sup> NDIS Act ss 23(1)(b), 30(1)(a).
- <sup>19</sup> NDIS Act ss 24, 25, 30(1)(b)(i)-(ii).
- <sup>20</sup> NDIS Act s 30(2).
- <sup>21</sup> NDIS Act ss 23(1)(a), 23(2), 30(1)(a).
- <sup>22</sup> NDIS Act ss 23(1)(a), 23(2), 30(1)(a).
- <sup>23</sup> NDIS Act s 40.
- <sup>24</sup> NDIS Act s 23(1)(b).
- <sup>25</sup> NDIS Act s 30(1)(b).
- <sup>26</sup> NDIS Act s 100.
- <sup>27</sup> NDIS Act s 100(2).
- <sup>28</sup> NDIS Act s 46(1).
- <sup>29</sup> NDIS Act ss 29, 37(3)(b).
- <sup>30</sup> NDIS Act s 29(2).
- <sup>31</sup> NDIS Act s 29(1)(a).
- <sup>32</sup> NDIS Act ss 46(1), 182(3).
- <sup>33</sup> NDIS Act ss 182(1)-(2).
- <sup>34</sup> NDIS Act s 66(1)(a) – Public Interest Certification For The Release Of Protected Agency Information Relating To Deceased Participants dated 28 April 2020.