



Introducing changes to NDIS legislation



Acknowledgement of Country

Before we begin, I would like to acknowledge the Traditional Owners and Custodians of the Country on which we meet today, and their continuing connection to land, sea, and community. I pay my respects to their Elders, past and present.

I would like to extend that acknowledgement and respect to any Aboriginal and Torres Strait Islander peoples here today.

Accessibility



Auslan interpreters will be spotlighted



Live Captions are available



There will be questions and answers at the end



Easy Read resources will be linked

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If you wish to discuss a scenario involving a particular person, please contact the NDIA on: **1800 800 110** or email **enquiries@ndis.gov.au** for assistance.

Topics

- NDIS Supports – definition and support lists
- Replacement supports
- Budget amounts, funding components and funding periods
- Budget tracking and management
- Plan management
- Impairment notices
- Support needs assessments

Changes to NDIS legislation

- New NDIS laws came into effect on 3 October 2024.
- The changes deliver on the NDIS Review's vision to:
 - restore the NDIS to its original intent
 - deliver better outcomes for Australians with permanent and significant disability.



Visit the NDIS website for a [summary of legislation changes](#)

When the changes start

- The first changes have started.
- Other changes will start later. Most people won't experience much change until then.
- The purpose of the NDIS will not change. It will continue to provide participants with disability related supports.

NDIS Supports - definition

NDIS supports definition

- There is a new definition of NDIS supports.
- Participants can only spend their NDIS funding on things that are NDIS supports.
- The definition makes it clear what NDIS funding:
 - **can** be spent on
 - **can't** be spent on.
- **This change affects all participants.**
- We have published a list of what are and aren't NDIS supports on the NDIS website.



Visit Our Guidelines for the
[NDIS support lists](#)

NDIS supports – How we got here

The definition of NDIS supports has been developed based on:

- current guidance and practices
- consultation with the community.

This rule is temporary. The final rule will be decided after consultation with the disability community and agreement by state and territory governments.

This is expected by July 2025.

NDIS support lists

Changes to NDIS supports

We have published lists that make it clear what you can buy with your NDIS funding. These lists show:

- what is an NDIS support
- what is not an NDIS support
- what is a replacement support.



Visit the NDIS website for the [NDIS support lists](#)

Types of NDIS supports we fund

Types of NDIS supports we fund

We fund NDIS services, items, and equipment that relate to your disability.

Some examples include:

- Assistance with daily personal activities - eating and drinking, dressing and toileting.
- Evidence-based early childhood intervention supports for children 0-9 years - speech pathologists and occupational therapists.
- Supports to help prepare for, find or keep employment.



Visit the NDIS website for
[what the NDIS fund](#)

Types of NDIS supports we don't fund

What is not an NDIS support

- Under the new law, there are things we can't fund or provide.
- There are 15 categories of goods and services that are not NDIS supports.
- We can't fund services, items and equipment that are not NDIS supports.



You can download a copy of [supports that are not NDIS supports](#)

Types of supports we don't fund

The NDIS cannot fund a support that:

- is the responsibility of the state or local government or a community service
- is not related to your disability
- is not evidence-based
- relates to day-to-day living costs rather than your support needs, or
- is likely to cause harm to you or pose a risk to others.

We also **cannot** fund sexual services, alcohol or drugs.

Replacement supports

Replacement supports

- In some cases, we can fund supports that are not on the NDIS supports list.
- Participants can ask for an NDIS support to be replaced with non-NDIS supports. These are called **replacement supports**.
- A replacement support isn't an extra support. It replaces an existing NDIS support or supports on a participant's plan.
- Only some supports can be replaced. Replacement supports must be from the pre-approved **replacement supports list**.



Replacement supports criteria

A replacement support must meet certain criteria. It must:

- replace an NDIS support or supports in a participants plan
- help a participant the same or more than the NDIS support or supports it's replacing
- cost the same or less than the NDIS support or supports it's replacing
- be safe for a participant.

Replacement support items

Replacement supports are available for:

- standard commercially available household items
- smart watches, tablets, smart phones, apps for accessibility or communication purposes.

We will consider these supports if they:

- provide better outcomes
- cost the same or less than a NDIS support.

Applying for a replacement support

To apply for a replacement support we need to know how the replacement support may help a NDIS participant to:

- participate in community and social activities
- do tasks more independently
- keep doing the things they need to do.

The replacement support may mean a person needs less help from support workers or from specialised assistive technology for their disability.

What if you buy a non-NDIS support?

What if you buy a non-NDIS support (slide 1 of 2)

To give people time to adjust and understand the NDIS supports list, there is a 12-month transition period. The transition period is 30 days for providers.

For the next 12 months, we won't raise a debt if you make a mistake and buy a non-NDIS support:

- for the first or second mistakes
- if the support is worth less than \$1,500.

We will work with participants who make mistakes to make sure that they understand the NDIS supports lists.

What to do if you buy a non-NDIS support (slide 2 of 2)

If you accidentally spend your NDIS funding on something that is not a NDIS support:

- call us on **1800 800 110**; or
- email enquiries@ndis.gov.au.

We will work with you to understand the new rules and access supports.

Short Term Accommodation

Short Term Accommodation (STA)

STA is designed to help people providing informal supports to continue their caring role.

It's one option that provides participants and their informal supports time apart.

- It allows participants to stay away from their homes and informal supports for a short time.
- It can be funded for up to 14 days at a time to a maximum of 28 days per calendar year.
- STA funding can be used for assistance with self-care or community access and short-term accommodation.

How is STA funded?

- STA is funded in a participant's core budget if it relates to their disability support needs, and where it is reasonable and necessary.
- It does not need to be stated in a participant's plan.
- The NDIS funds standard rates for STA, which are available in the NDIS Pricing Arrangements and Price Limits.
- Generally funding for STA is for a group price, unless there is evidence that a participant needs individual support.



What can't STA fund?

STA can't be used for:

- any items on the list of non-NDIS supports
- Day-to-day living costs such as food and groceries
- transport to short term accommodation
- holidays or tourist travel.

STA also can't be used by participants living alone or in a supported independent living arrangement as they already have time apart from family and informal supports



Find out more about STA
in our [Frequently Asked Questions](#)

Budget amounts and funding periods

What's changing

From 3 October 2024, new NDIS plans will include more detailed information about how the plan's funding is structured, and how long it needs to last.

Before these changes came into place, an NDIS plan included:

- the total amount of funding available
- supports grouped into categories, along with the total funding for each category
- funding periods that match the length of the plan.

What will an NDIS plan include

New plans will look similar for now. New and approved NDIS plans on or after 3 October 2024, will include:

- a total funding amount for all funded supports in a participant's plan, shown as the **total budget amount**.
- funding details for supports during specific time periods. These are called **funding periods**.
- a clear funding amount for specific groups of supports within the plan. These are called **funding component amounts**.

Plan and funding period lengths

For now, all new plans created will be for 12 months, and will have a 12-month funding period.

Later on, there will be options for longer plans (for example, 2, 3 or 5 years) with shorter funding periods (for example, 3, 6 or 12 months) within them.

Any unused funds at the end of a funding period will roll over to the next funding period within the same plan.

Plans approved before 3 October 2024 can continue if they are longer than 12 months.

Why are these changes happening?

The change helps participants understand:

- their budgets by clearly showing the total funding available
- how much funding is available for specific supports
- how long the funding needs to last.

Participants can't spend more funding than what's available in their plan.

Payments over your plan

For new and approved plans after 3 October, funding amounts cannot be exceeded for:

- the total funding amount in the plan
- a funding component amount
- and the amount provided within a funding period.

When exceptions can be made

A payment exceeding the amount in the plan may be made in four specific circumstances:

1. The payment is needed because the participant has experienced fraud or financial exploitation.
2. The payment is necessary to prevent or lessen an imminent threat to someone's life, health or safety.

When exceptions can be made

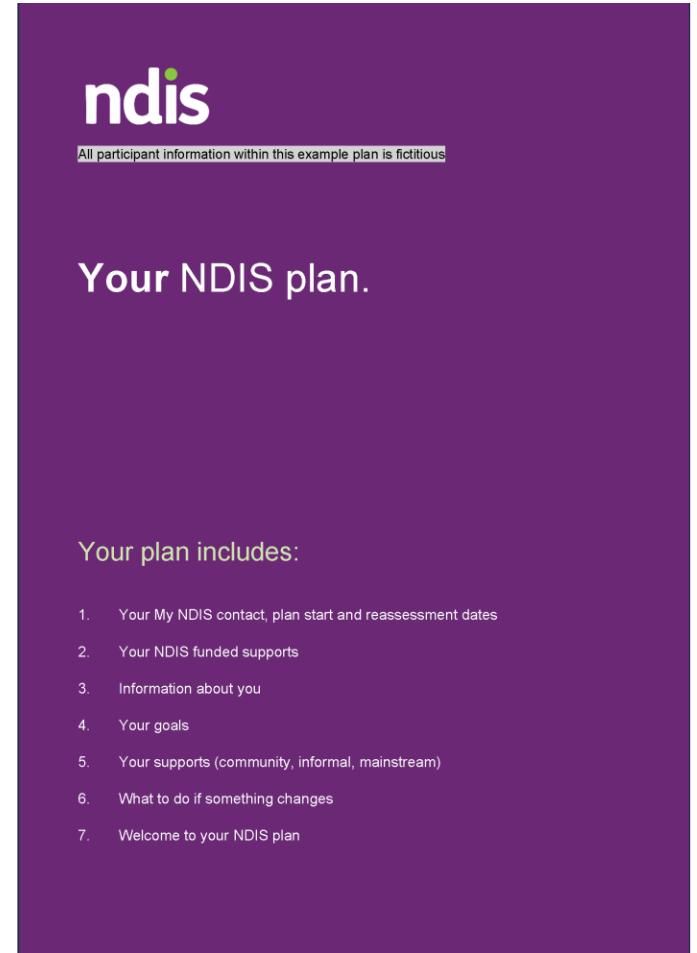
3. The participant cannot request a variation or reassessment of their plan because of their impairments or lack of decision making support
4. Pending change requests:
 - The participant has requested crisis or emergency funding.
 - The CEO hasn't made a decision on the request within 21 days.

New look plan example

Visit the NDIS website to see an [example of a new look plan](#).

This example plan includes examples of:

- your My NDIS contact, plan start and reassessment dates
- your NDIS funded supports
- information about you
- your goals
- your supports (community, informal, mainstream)
- what to do if something changes
- welcome to your NDIS plan.



Budget management

Tracking plan funding

Funding should last for the full length of a participant's NDIS plan.

No matter how a participant chooses to manage their funding, they are responsible for making sure their budget is on track.

Participants can see their plan and budget in the my NDIS portal or my NDIS app.

Participants can also use our [budget calculator and support organiser](#) to help them use their funding.



Find the budget calculator and support organiser on the [NDIS website](#).

Budget calculator case study: Sammy

Sammy wants to know how much funding is available fortnightly for their physiotherapy

- They have \$12,000 in their plan for Capacity Building Therapy Supports for a year.
They decide they want to use half of it for physiotherapy - \$6,000
- They have already spent \$1,000.00 on first assessments and a couple of appointments
- Their plan started on 4 October 2024
- Their plan review date is 4 October 2025

The calculator tells Sammy that they have approx. \$192.00 available per fortnight for physiotherapy for the rest of their plan.

Support organiser

- Participants can use a support organiser to help them make the best use of their funding.
- It is a ready-made spreadsheet to enter information.
- It helps participants stay within the amount of NDIS funding they have.
- The support organiser is available on the NDIS website with the [Budget calculator](#).



Find the budget calculator and support organiser on the [NDIS website](#).

About the my NDIS participant portal

The **my NDIS participant portal** is an accessible and user-friendly way for participants to:

- view their budget
- see their plan information and personal details
- make and manage claims (for self-managing participants)
- see all claims against their budget
- see messages and correspondence from the NDIA.

Participants with a plan built in our new computer system can access the my NDIS participant portal through myGov.

Plan Management

Plan management rule changes

- There are new plan management rules being developed.
- Plan management rules say who can manage an NDIS plan.
- These rules are being developed in consultation and co-design with the disability community.
- The new rules will be based on current NDIA policy and practice.
- The new rules say what the NDIA can and can't take into consideration when deciding who can manage a plan.



Plan management rule changes

- These new rules will make sure that everyone in the NDIS:
 - gets the right supports to help manage their plan
 - spends their funding on the supports in their NDIS plan
 - does not run out of funding.
- Participants will have the same review rights for plan management decisions as they do now.



What the NDIA must consider

The NDIA must think about:

- how well a person looked after an NDIS plan before
- whether the person has been involved in fraud, or used funds or assets inappropriately
- if a person is pressured or threatened to spend NDIS funding in a certain way
- if a person has the skills to look after an NDIS plan
- if managing a plan would risk the participant's safety or wellbeing.

What the NDIA must not consider

The NDIA must not think about:

- the type of disability a person has
- how much funding is in an NDIS plan or part of an NDIS plan
- if a participant did not spend all their funding in the past
- if a person has gone bankrupt and been discharged, meaning they're no longer considered bankrupt.

Impairment notices

Impairment notices

From 1 January 2025, new participants will receive a document that says the participant has a permanent disability or significant impairment when they access the NDIS.

This document is called an 'impairment notice'.

- An impairment notice might have more than one category listed.
- Participants may have multiple impairments that meet the disability or early intervention requirements.
- People with disability who have the same diagnosis may have different impairments and support needs.

This change means participants will have a clear information about the impairments they meet access for.

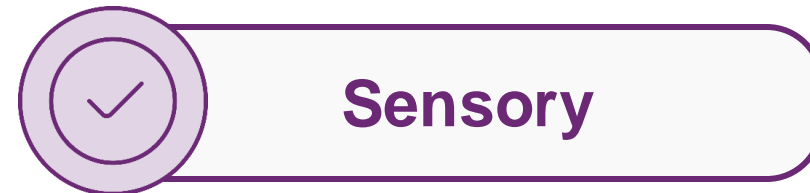
If a participant disagrees with a decision about their impairment, or impairments, they can ask for an independent review.

Participants can ask to add or remove impairments at any time.

Impairment categories

There are 6 impairment categories in the NDIS Act.

Participants will be told which impairment categories they meet access for:



Support needs assessment

What is a support needs assessment

- A support needs assessment is a new process being introduced to evaluate a participant's disability-related support needs.
- The assessment process will be co-designed with the disability community to ensure it meets participants' needs.
- The specific methods and tools for assessments will evolve based on feedback from participants and stakeholders.
- This change won't come into effect until the process has been co-designed.

What is a support needs assessments

- Assessments will evaluate all of a person's supports needs, not just their primary disability.
- Focus will be on strengths and real-life situations.
- The outcomes of these assessments will inform how funding is allocated to better match individual needs.
- Participants will receive tailored support based in their unique circumstances.

More information

Understanding the new rules

- Read our [summary of legislation changes](#), [frequently asked questions](#) and [NDIS supports lists](#). These are available via the NDIS website homepage.
- Subscribe to the [NDIS Newsletter](#).
- Visit the [Department of Social Services website](#).
- Speak to your Local Area Coordinator, Early Childhood Partner or Support Coordinator
- If you're still unsure, call us on **1800 800 110**.

National Disability Insurance Agency

 1800 800 110

 ndis.gov.au

 enquiries@ndis.gov.au

 Find us on Facebook/NDISAus


 Follow us on Twitter @NDIS

For people with hearing or speech loss



 Voice Relay: 1800 555 727

For people who need help with English

 TIS: 131 450