
National Disability Insurance Scheme (Plan Management) Rules 2013

FRLI: F2013L01064

Portfolio: Social Services

Tabled: House of Representatives and Senate, 20 June 2013

PJCHR comments: First Report of 44th Parliament, tabled 10 December 2013

Response dated: 3 February 2014

Information sought by the committee

3.139 The committee sought clarification as to whether:

- a National Disability Insurance Scheme (NDIS) participant may seek a review of the CEO's decision regarding self-management of funding supports under a plan or may submit a subsequent request to vary the arrangements for management of funding supports under a plan; and
- the criteria to be considered in determining whether a payment will be made in a single payment or by instalments and in what circumstances the CEO should require the participant to provide information or a document relating to expenditure of previous instalments.

3.140 The committee's concerns were referred to the Assistant Minister for Social Services as they are matters falling within his portfolio responsibilities. The response appears as part of the overall response to the concerns raised by the committee in relation to the National Disability Insurance Scheme Legislation Amendment Bill 2013, the DisabilityCare Australia Fund Bill 2013 (and related bills) and a number of other legislative instruments relating to the NDIS. The relevant extract from the Assistant Minister's response is attached.¹

Committee's response

3.141 The committee thanks the Assistant Minister for his response.

3.142 The Minister's response notes that a participant may at any time request a review of his or her plan under the NDIS Act and that a refusal to grant such a request is a reviewable decision that may ultimately be taken to the Administrative Appeals Tribunal. The Minister's response also explains the requirements that apply before an NDIS amount will be released to the participant, in particular the provision of a completed plan purchases form.

1 Letter from Senator the Hon Mitch Fifield, Assistant Minister for Social Services, to Senator Dean Smith, Chair PJCHR, 3 February 2014, Attachment, p 5.

3.143 In light of the information provided, the committee makes no further comment on this instrument.

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2.187 The committee intends to write to the Minister for Social Services to seek clarification on whether an NDIS participant may seek a review of the CEO's decision regarding self-management of funding supports under a plan or may submit a subsequent request to vary the arrangements for management of funding supports under a plan. The committee also intends to seek clarification of the criteria to be considered in determining whether a payment will be made in a single payment or by instalments and in what circumstances the CEO should require the participant to provide information or a document relating to expenditure of previous instalments.

The management of supports is a matter included in a participant's plan. The NDIS Act provides for this in section 33(2)(d).

A participant may at any time request a review of his or her plan under section 48 of the NDIS Act. If the CEO (or delegate) refuses to grant such a request, the refusal is a reviewable decision under section 99(f) of the NDIS Act. The refusal is thereby reviewable by an NDIA review officer and then by the Administrative Appeals Tribunal if the participant remains dissatisfied.

For participants self-managing the funding of their supports, NDIS amounts are paid by regular instalments into the participant's nominated bank account or into the bank account of the person who receives NDIS amounts on behalf of the participant.

Participants self-managing the funding of their supports are required to provide details to the NDIA on a 'plan purchases claim form'. If a participant has not provided a completed plan purchases claim form, the delegate is to require the participant to provide the details of the previous period's expenditure in the form specified by the NDIA (this could include receipts, bank statement etc). The following period's details of expenditure can be provided by the participant to the NDIA electronically through the NDIA 'Participant Portal'. NDIS amounts are not released until the participant has provided this information in the manner requested by the NDIA.

