

Senate Community Affairs Committee
ANSWERS TO ESTIMATES QUESTIONS ON NOTICE
SOCIAL SERVICES PORTFOLIO
2017-2018 Budget Estimates Hearings

Outcome: National Disability Insurance Agency

Question No: NDIA SQ17-000124

Topic: Justice system

Hansard Page: Written

Senator Kakoschke-Moore, asked:

If a client is on an NDIS package and enters the justice system, does that package continue?

Answer:

If a client is on an National Disability Insurance Scheme (NDIS) package and enters the justice system, their NDIS package will continue.

Where a participant is on bail, parole or a community based order and is not serving a custodial sentence or custodial order (i.e. they are not incarcerated), they can still access all reasonable and necessary supports in their NDIS plan.

Where a participant is serving a custodial sentence or custodial order (i.e. they are incarcerated), they will generally be unable to access the core and capacity building supports in the NDIS plan due to their incarceration. Other support above reasonable adjustment may be funded by the NDIA and accessed by the participant during their incarceration. For example, if a participant uses a wheelchair, their NDIA plan would continue to fund the maintenance and repair of that item, and their plan would be revised as required in order to maintain their equipment. Where a participant has limited assistance to remain engaged with their community, support coordination can be funded while a participant is incarcerated for periods of less than 12 months to maintain their informal and community connections.

The NDIS does not fund supports that may be required during periods of custodial orders served in secure mental health facilities; these remain the responsibility of health and mental health systems which are primarily treatment focussed.

Where a participant is incarcerated, the NDIS will recommence planning with them and their nominated support person approximately six weeks prior to their release date. This will assist in developing a plan that will support the participant's transition back into the community and reengage with mainstream, community and NDIS funded supports (if required) to achieve their goals. Support to transition from a custodial situation into the community (life transition planning) with support coordination can also be funded.