



# **National Disability Insurance Scheme (Old Framework Plans) Determination 2024**

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I, Bill Shorten, Minister for the National Disability Insurance Scheme, make the following determination.

Dated 7 October 2024

Bill Shorten  
Minister for the National Disability Insurance Scheme

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## Part 1—Preliminary

### 1 Name

This instrument is the *National Disability Insurance Scheme (Old Framework Plans) Determination 2024*.

### 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	9 October 2024

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

### 3 Authority

This instrument is made under subsection 33(2E) of the *National Disability Insurance Scheme Act 2013*.

### 4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:

- (a) Agency;
- (b) CEO;
- (c) funding component amount;
- (d) funding period;
- (e) old framework plan;
- (f) total funding amount.

In this instrument:

*Act* means the *National Disability Insurance Scheme Act 2013*.

**price-limited:** a support item is **price-limited** if the pricing document that specifies the support item provides that the support item is subject to price limits.

**pricing document** means any of the following documents published by the Agency, as existing from time to time:

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- (a) the document titled *Pricing Arrangements and Price Limits*;
- (b) the document titled *Assistive Technology, Home Modifications and Consumables Code Guide*;
- (c) the document titled *Pricing Arrangements for Specialist Disability Accommodation*;

and a support item's pricing document is the document mentioned in paragraph (a), (b) or (c) that specifies the support item.

Note: These documents could in 2024 be viewed on the Agency's website ([www.ndis.gov.au](http://www.ndis.gov.au)).

**quotable:** a support item is **quotable** if:

- (a) the pricing document that specifies the support item provides that the support item is subject to quotation or otherwise indicates that a quote is required for the support item; or
- (b) the support item is specified in the document titled *Pricing Arrangements for Specialist Disability Accommodation* (as existing from time to time).

**support item** means a support item specified in a pricing document.

## Part 2—Requirements for statements of participant supports for old framework plans

### 5 Categorising reasonable and necessary supports into groups of supports

- (1) A decision-maker must take into account the matters mentioned in subsection (2) in deciding for the purposes of paragraph 33(2A)(b) of the Act whether one or more reasonable and necessary supports (the *relevant supports*) should be categorised:
  - (a) into a group with one or more other reasonable and necessary supports; or
  - (b) as a separate group.
- (2) The matters are as follows:
  - (a) the nature of the relevant supports;
  - (b) the cost of the relevant supports (having regard to any quotes provided for the supports);
  - (c) any requirements relating to the provision of the relevant supports to the participant, including requirements relating to who may provide the supports;
  - (d) whether the relevant supports are necessary to address needs of the participant arising from an impairment in relation to which the participant meets the early intervention requirements;
  - (e) whether categorising the relevant supports in a particular way would present a risk to the participant;
  - (f) the proposed management of the funding for the relevant supports under the plan;
  - (g) whether section 46 of the Act has not been complied with in relation to any of the participant's plans.
- (3) The decision-maker may also take into account any other matter the decision-maker considers relevant.
- (4) Supports that are recurring transport supports must not be categorised into a group with supports that are not recurring transport supports.

### 6 Working out the funding component amount for a group of supports

#### *Supports other than recurring transport supports*

- (1) For the purposes of paragraph 33(2A)(c) of the Act, the funding component amount for a group of reasonable and necessary supports (other than a group of recurring transport supports) is worked out using this method statement.

#### *Method statement*

- Step 1. Identify the supports in the group by reference to the support items that cover the supports and then follow steps 2 and 3 for each support item.

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- Step 2. Identify the number (which may be a decimal number) of units of supports covered by the support item that the decision-maker is satisfied are reasonable and necessary for the participant for the period of the plan, according to the unit of measure specified for the support item in the support item's pricing document.
- Step 3. Multiply that number by:
- (a) for a price-limited support item—the amount specified in that pricing document for the delivery of supports covered by the support item at the participant's usual place of residence; or
  - (b) for a quotable support item—the amount of the quote approved by the decision-maker for the purposes of the plan for supports covered by the support item; or
  - (c) for any other support item—the amount, not exceeding \$15,000, that the decision-maker considers appropriate, taking into account only the matters in relation to which the decision-maker is required to be satisfied as mentioned in subsection 34(1) of the Act.
- Step 4. The funding component amount is the total of the amounts worked out in step 3 for support items for the group, with the total rounded to the nearest cent (rounding 0.5 cents upwards).

*Recurring transport supports*

- (2) For the purposes of paragraph 33(2A)(c) of the Act, the funding component amount for a group of reasonable and necessary supports consisting of recurring transport supports is, subject to subsection (3) of this section, the amount worked out by multiplying:
- (a) the number (which may be a decimal number) of units of the supports that the decision-maker is satisfied are reasonable and necessary for the participant for the period of the plan (where the unit of measure is 1 year); by
  - (b) whichever of the following is applicable:
    - (i) unless subparagraph (ii) or (iii) applies—\$1,784;
    - (ii) if subparagraph (iii) does not apply and the participant is working or studying (or both) for less than 15 hours each week, is attending day programs, or requires the supports for social, recreational or leisure activities—\$2,676;
    - (iii) if the participant is working or studying (or both) for at least 15 hours each week—\$3,456.
- (3) The amount is to be rounded to the nearest cent (rounding 0.5 cents upwards).



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## 7 Specifying funding periods

### *Matters to be taken into account*

- (1) A decision-maker must take into account the matters mentioned in subsection (2) in specifying for the purpose of paragraph 33(2C)(b) of the Act when funding periods are to start and end.
- (2) The matters are as follows:
  - (a) whether section 46 of the Act is unlikely to be complied with in relation to the plan;
  - (b) whether the participant is at risk of experiencing fraud or financial exploitation;
  - (c) whether a funding period of a particular duration would likely result in the participant experiencing physical, mental or financial harm;
  - (d) whether any of the following is an insolvent under administration:
    - (i) the participant;
    - (ii) the participant's nominee (if any);
    - (iii) if the participant is a child—a person who may do a thing in relation to the participant because of section 74 of the Act;
  - (e) whether there is a risk of an event mentioned in paragraph 45(4)(c) of the Act occurring in relation to the plan;
  - (f) the total funding amount for the plan;
  - (g) the nature and cost of the reasonable and necessary supports specified in the plan;
  - (h) any preference the participant has expressed as to the duration of the funding periods;
  - (i) whether the participant has requested the CEO to vary or conduct a reassessment of any of the participant's plans on more than one occasion without giving the CEO information or documents demonstrating a change in the participant's circumstances;
  - (j) whether section 46 of the Act has not been complied with in relation to any of the participant's plans.

### *Working out start of first funding period*

- (3) For the purposes of subparagraphs 33(2D)(d)(i) and (e)(i) of the Act, the following periods must start on the day the plan comes into effect:
  - (a) if funding periods are specified as mentioned in subparagraph 33(2C)(a)(i) of the Act—the first funding period for all reasonable and necessary supports funded under the plan, taken as a whole;
  - (b) if funding periods are specified as mentioned in subparagraph 33(2C)(a)(ii) of the Act—the first funding period for a group of supports identified under paragraph 33(2A)(b) of the Act.
- (4) Subsection (3) does not apply if the period is specified in varying the plan.