



National Disability Insurance Scheme Amendment (Management of Funding and Plan Management) Rules 2025

I, Amanda Rishworth, Minister for the National Disability Insurance Scheme, make the following rules.

Dated 27.02.2025

Amanda Rishworth
Minister for the National Disability Insurance Scheme

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1 Name

This instrument is the *National Disability Insurance Scheme Amendment (Management of Funding and Plan Management) Rules 2025*.

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.	

Note: This table relates only to the provisions of this instrument as originally made.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 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) CEO;
- (b) child;
- (c) funding amount;
- (d) funding component amount;
- (e) funding period;
- (f) managing the funding for supports;
- (g) participant;
- (h) plan;
- (i) plan management request;
- (j) statement of participant supports;
- (k) supports
- (l) total funding amount

In this instrument:

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

5 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

National Disability Insurance Scheme (Management of Funding) Rules 2024

1 After Part 2

Insert:

Part 3—Unreasonable risk

6 Considering whether there is an unreasonable risk to the participant—matters to which the CEO must, and must not, have regard

- (1) This section is made for the purposes of subsections 44(3) of the Act and 74(6) of the Act.

Matters to which the CEO must have regard – participant

- (2) The following are matters to which the CEO must have regard in considering, for the purposes of subsection 44(1) of the Act, whether a participant’s management of the funding for supports under a plan to a particular extent would present an unreasonable risk to the participant:
- (a) whether, and the extent to which, any identified risk could be mitigated by:
 - (i) particular supports, safeguards or strategies that are, or will be, included in the participant’s statement of participant supports to which the plan management request relates;
 - (ii) any informal, community or mainstream supports that the participant has in place;
 - (b) whether, and the extent to which, any identified risk has been mitigated in the past by:
 - (i) particular supports, safeguards or strategies that were included in the participant’s statement of participant supports;
 - (ii) any informal, community or mainstream supports that the participant had in place;
 - (c) the nature of the supports that are, or will be, included in the participant’s statement of participant supports to which the plan management request relates;
 - (d) whether, and the extent to which, the participant is at risk of experiencing:
 - (i) physical, mental or financial harm;
 - (ii) exploitation or undue influence;
 - (e) the participant’s ability or capacity to make decisions or to appropriately manage finances, taking into account any support or assistance the participant is likely to receive to do so;
 - (f) whether a court or tribunal has ordered another person to manage, wholly or partly, the property or finances of the participant;
 - (g) any matters raised by the participant that the CEO considers relevant;
 - (h) any other matters that the CEO considers relevant.

Matters to which the CEO must have regard – registered plan management provider

- (3) The following are matters to which the CEO must have regard in considering, for the purposes of subsections 44(2) and 74(4A) of the Act, whether a plan management provider's management of the funding for supports under a plan to a particular extent would present an unreasonable risk to a participant:
- (a) whether, and the extent to which, any identified risk could be mitigated by:
 - (i) particular supports, safeguards or strategies that are, or will be, included in the participant's statement of participant supports to which the plan management request relates; or
 - (ii) any informal, community or mainstream supports the participant has in place;
 - (b) whether, and the extent to which, any identified risk has been mitigated in the past by:
 - (i) particular supports, safeguards or strategies that were included in the participant's statement of participant supports;
 - (ii) any informal, community or mainstream supports that the participant had in place;
 - (c) whether, and the extent to which, the participant is at risk of experiencing:
 - (i) physical, mental or financial harm;
 - (ii) exploitation or undue influence;
 - (d) any matters raised by the following that the CEO considers relevant:
 - (i) the person;
 - (ii) if the person is not the participant—the participant;
 - (e) any other matters that the CEO considers relevant.

Matters to which the CEO must have regard – plan nominee

- (4) The following are matters to which the CEO must have regard in considering, for the purposes of subsection 44(2A) of the Act, whether a plan nominee's management of the funding for supports under a plan to a particular extent would present an unreasonable risk to a participant:
- (a) whether, and the extent to which, any identified risk could be mitigated by:
 - (i) particular supports, safeguards or strategies that are, or will be, included in the participant's statement of participant supports to which the plan management decision relates; or
 - (ii) any informal, community or mainstream supports the participant and the plan nominee have in place;
 - (b) whether, and the extent to which, any identified risk has been mitigated in the past by:
 - (i) particular supports, safeguards or strategies that were included in the participant's statement of participant supports;
 - (ii) any informal, community or mainstream supports that the participant or the plan nominee had in place;
 - (c) the nature of the supports that are, or will be, included in the participant's statement of participant supports to which the plan management decision relates;
 - (d) whether, and the extent to which, the participant is at risk of experiencing:

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- (i) physical, mental or financial harm;
 - (ii) exploitation or undue influence;
 - (e) the plan nominee's ability or capacity to make decisions or to appropriately manage finances, taking into account any support or assistance the plan nominee is likely to receive to do so;
 - (f) whether a court or tribunal has ordered another person to manage, wholly or partly, the property or finances of the plan nominee;
 - (g) any matters raised by the participant or the plan nominee that the CEO considers relevant;
 - (h) any other matters that the CEO considers relevant.

Matters to which the CEO must have regard – child representative

- (5) The following are matters to which the CEO must have regard in considering, for the purposes of subsection 74(4) of the Act, whether management of the funding for supports under a plan to a particular extent by a person mentioned in subsection 74(1) would present an unreasonable risk to a participant who is a child:
- (a) whether, and the extent to which, any identified risk could be mitigated by:
 - (i) particular supports, safeguards or strategies that are, or will be, included in the participant's statement of participant supports to which the plan management request relates; or
 - (ii) any informal, community or mainstream supports the participant and the person have in place;
 - (b) whether, and the extent to which, any identified risk has been mitigated in the past by:
 - (i) particular supports, safeguards or strategies that were included in the participant's statement of participant supports;
 - (ii) any informal, community or mainstream supports that the participant or the person had in place;
 - (c) the nature of the supports that are, or will be, included in the participant's statement of participant supports to which the plan management request relates;
 - (d) whether, and the extent to which, the participant is at risk of experiencing:
 - (i) physical, mental or financial harm;
 - (ii) exploitation or undue influence;
 - (e) the person's ability or capacity to make decisions or to appropriately manage finances, taking into account any support or assistance the person is likely to receive to do so;
 - (f) whether a court or tribunal has ordered another person to manage, wholly or partly, the property or finances of the person;
 - (g) any matters raised by the participant or the person that the CEO considers relevant;
 - (h) any other matters that the CEO considers relevant.

Note: Subsection 74(1) provides that if this Act requires or permits a thing to be done by or in relation to a child, the thing is to be done by or in relation to:

- (a) the person who has, or the persons who jointly have, parental responsibility for the child; or

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- (b) if the CEO is satisfied that this is not appropriate—a person determined in writing by the CEO.

Matters to which the CEO must not have regard – all decisions

- (6) However, the following are matters to which the CEO must not have regard in undertaking any of the considerations mentioned in subsections (2), (3), (4) and (5):
- (a) the nature of any of the participant’s impairments;
 - (b) any total funding amount or funding component amount under the plan;
 - (c) if applicable, the fact that the amount of funding provided under a plan for the participant for a funding period was less than the amount that could have been provided for that period.
- (7) Subsection (6) applies despite subsections (2), (3), (4) and (5) to the extent that those subsections would otherwise have the effect of requiring the CEO to have regard to a matter that is mentioned in subsection (6).

National Disability Insurance Scheme (Plan Management) Rules 2013

2 Part 3

Repeal the Part.

3 Paragraph 7.1 Repeal the paragraph, substitute:

- 7.1 These Rules may be cited as the *National Disability Insurance Scheme (Plan Administration) Rules 2013*.

National Disability Insurance Scheme (Specialist Disability Accommodation) Rules 2020

4 Section 5 (definition of in-kind support)

Omit “*National Disability Insurance Scheme (Plan Management) Rules 2013*”, substitute “*National Disability Insurance Scheme (Plan Administration) Rules 2013*”.

National Disability Insurance Scheme (Supports for Participants) Rules 2013

5 Paragraph 2.5

Omit “*National Disability Insurance Scheme (Plan Management) Rules 2013*”, substitute “*National Disability Insurance Scheme (Plan Administration) Rules 2013*”.