

National Disability Insurance Scheme

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Introduction

This chapter gives an overview of the Australian National Disability Insurance Scheme (NDIS), in the context of its aim to assist individuals who meet the threshold level of disability by means of ‘supports’. The NDIS is not means tested. In order to benefit from the NDIS, a person must make an access request.¹ That request must be made when the person is aged under 65, as further discussed below.

The Scheme does not replace the Age Pension nor does it replace the funding of medical services under Medicare or the public hospital systems.² It does not cover all disabilities, only those that give rise to a substantially reduced functional capacity to engage in certain activities, as discussed below. When available, the supports may assist a person to maintain his or her independent living circumstances.

The rollout of the NDIS across Australia, since 2013, has been gradual and at the time of writing remains incomplete. Ultimately, the Scheme is expected to cover about 450,000 people. In some jurisdictions, the rollout has been by way of geographic area.³ In New South Wales, for example, the Scheme began in the Newcastle area. Other jurisdictions, such as Tasmania, began the rollout by reference to the age of eligible persons. The NDIS is expected to be in full operation by July 2020.

Scope of this chapter

This chapter describes relevant aspects of the NDIS as at August 2018. It includes a description of the three key criteria relevant to persons seeking to become an NDIS participant and a general discussion of the supports which may be provided. The

1 On occasion, the Scheme has given rise to the need for appointment of a guardian. *NZO* [2014] NSWCATGD 9 saw the tribunal consider the need for a guardian to be appointed for a 68-year-old woman with intellectual disability to make decisions for her in certain areas of her life, primarily due to the implementation of the NDIS.

2 See, eg, *Fear v National Disability Insurance Agency* [2015] AATA 706. The tribunal concluded that a pulse oximeter was more closely related to health needs and so was not most appropriately funded by the NDIS. Similarly, while suctioning equipment allowed the applicant to be cared for at home, that did not change its essential nature and health related purpose. See also *Young v National Disability Insurance Agency* [2014] AATA 401.

3 The NDIS website provides information as to the rollout of the Scheme in each jurisdiction <<https://www.ndis.gov.au/index.html>>.

This is a preview. Not all pages are shown.