# EXPLANATORY STATEMENT

Issued by the authority of the Minister for the National Disability Insurance Scheme

*National Disability Insurance Scheme Act 2013*

*National Disability Insurance Scheme (High Support Needs Participants) Determination 2026*

## Purpose

The *National Disability Insurance Scheme (High Support Needs Participants) Determination 2026* (the Determination) is made under subsection 47B(12) of the *National Disability Insurance Scheme Act 2013* (the Act).

Section 47B provides a safeguard for high support needs participants whose plans are affected by a support determination made under section 34A of the Act. It creates a new plan variation pathway for high support needs participants to request a variation of their plan in certain circumstances after a support determination has been applied. The purpose of this Determination is to operationalise this new plan variation pathway.

The new plan variation pathway will help ensure that high support needs participants who require continuous 24-hour disability support can continue to receive it, if those supports are impacted by a support determination.

In particular, the Determination specifies:

- the class of participants that are high support needs participants,
- the criterion to be met in considering whether to vary a high support needs participant's plan,
- the method for calculating the variation amount if a plan is to be varied.

## Background

The *National Disability Insurance Scheme Amendment (Securing the NDIS for Future Generations) Act 2026* (Amendment Act) introduced a range of reforms intended to support the long-term sustainability of the NDIS and ensure the NDIS remains available to current and future generations of participants.

As part of those reforms, the Amendment Act inserted section 34A into the Act, which enables the Minister to make a support determination. A support determination is a legislative instrument that may be used to reduce funding component amounts for specified groups of supports in specified classes of old framework plans.

The Amendment Act also inserted section 47B into the Act, which establishes a mechanism for varying a high support needs participant's plan, after a support determination made under section 34A takes effect. Section 47B provides that the details and operationalisation of this variation pathway are set out in a legislative instrument.

The matters in this instrument are provided for in subsection 47B(12) of the Act, which provides that the Minister may make a determination specifying a class of participants who may be considered a high support needs participant, as well as prescribing matters for the operation of section 47B. These matters include methods or criteria to be applied in



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decision-making, circumstances in which particular matters are taken to exist or not exist, and groups of supports for which a funding component amount may be increased following a decision to vary a plan. Subsection 47B(13) of the Act provides that a class of participants who may be considered a high support needs participant may be specified by reference to matters relating to participants' plans, or participants, or both, including matters identified by reference to information in records held by the National Disability Insurance Agency (Agency).

A participant may request a variation of their plan if they are a high support needs participant. The Chief Executive Officer (CEO) of the Agency must first decide whether the participant is a high support needs participant and then, if so, whether their plan should be varied.

Where the criteria in this Determination are met, the CEO may vary the participant's plan by increasing funding amounts for the assistance with daily living, and home and living groups of supports. Subsection 47B(9) of the Act provides that funding component amounts may only be increased for these groups of supports. Funding cannot be increased for assistance with social, economic and community participation or improved daily living skills groups of support, which are the groups of supports to which a support determination applies.

The decisions about whether a participant is a high support needs participant, and whether to vary, or not vary a participant's plan are reviewable decisions under section 99 of the Act. A participant may seek both internal and external review of these decisions.

**Commencement**

The Determination commences on 1 October 2026.

**Consultation**

Extensive consultation informed the development of the Determination.

The provisions establishing the support determination framework in section 34A was subject to significant public and community engagement and parliamentary scrutiny during the consideration and passage of the Amendment Act. The new variation pathway in section 47B was added to the Amendment Act in response to feedback, evidence and engagement during parliamentary consideration of the National Disability Insurance Scheme Amendment (Securing the NDIS for Future Generations) Bill 2026 (Bill).

The Bill, that became the Amendment Act, was referred to the Senate Community Affairs Legislation Committee (Committee) for inquiry and report. The Committee invited public submissions and held public hearings, providing an opportunity for the disability community, key stakeholders and organisations as well as the broader Australian community to provide views on the proposed reforms. The Committee received approximately 4,202 submissions, reflecting significant stakeholder and community interest in the proposed changes.

During the inquiry, stakeholders raised concerns regarding the operation of the support determination under section 34A of the Act and its potential adverse impact on participants, particularly those with high support needs. Feedback focused on the circumstances in which funding reductions could responsibly occur, the need for safeguards to protect participants who may be disproportionately affected, and ensuring continuity of supports where a



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participant's circumstances required ongoing or increased funding. Stakeholders also emphasised the importance of clear mechanisms to review and adjust plans where support needs warranted a different outcome. These issues were considered through the parliamentary process, including in the Committee's interim report of 23 June 2026 and final report of 14 August 2026.

A number of parliamentary amendments were subsequently made to the Bill. Significantly, section 47B was introduced to provide a plan variation pathway for high support needs participants, reflecting concerns and feedback raised during consultation and parliamentary scrutiny regarding the need for an additional safeguard within the support determination framework.

Following passage of the Amendment Act, the Department of Health, Disability and Ageing undertook targeted engagement with the Reform Advisory Committee, Disability Representative Organisations, provider peak bodies and states and territories to support implementation of the plan variation pathway for high supports needs participants. Given the significant stakeholder engagement undertaken during development and passage of the Bill, including consideration of stakeholder feedback through parliamentary processes and subsequent amendments to the legislation, these targeted consultations focused on the practical operation of the plan variation pathway. Feedback received through this engagement informed the development and finalisation of the Determination and associated implementation arrangements.

The National Disability Insurance Agency was also closely consulted in the development of the Determination.

All feedback received through these consultation processes and stakeholder engagements has been considered in finalising the Determination. Where relevant, it has also informed the way the Agency will implement the plan variation pathway for high support needs participants.

**Documents incorporated by reference**

This section defines Act and NDIS pricing document. An NDIS pricing document is either the *NDIS Pricing Schedule 2026-27* or the *NDIS Pricing Schedule for Specialist Disability Accommodation 2026-27*, as in force or existing at the time this Determination commences. The documents are published on the Agency's website (www.ndis.gov.au).

The documents are incorporated as in force at commencement of this Determination. As the documents are not incorporated from time to time, the Determination does not contravene subsection 14(2) of the *Legislation Act 2003.*

**Sunsetting**

Part 4 of Chapter 3 of the *Legislation Act 2013*, relating to sunsetting, does not apply to the Determination. This is due to the *Legislation (Exemptions and Other Matters) Regulation 2015* (LEOMR) which provides that instruments made under the Act are exempt from sunsetting (see table item 42AC in section 12 of the LEOMR).

The LEOMR was amended to exempt legislative instruments made under the Act from sunsetting by the *National Disability Insurance Scheme Amendment (Getting the NDIS Back*



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*on Track No. 1) Act 2004*. It is appropriate for all legislative instruments made under the Act to be exempt from sunsetting as they form part of an intergovernmental scheme, as provided in the Attorney-General's Department's *Guide to managing sunsetting of legislative instruments*.

**Impact Analysis Statement**

The Impact Analysis is set out in **Attachment C**.

**Details**

The Determination is a legislative instrument for the purposes of the *Legislation Act 2003*. The Determination is not an NDIS rule within the meaning of section 209 of the Act.

Details of the Determination are set out in **Attachment A**.

The Determination is compatible with the human rights and freedoms recognised or declared under section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*. A full statement of compatibility is set out in **Attachment B**.

The Impact Analysis is set out in **Attachment C**.

A summary of the method for calculating a variation amount is at **Attachment D**.



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**Attachment A**

**Explanation of the provisions**

**Part 1 – Preliminary**

Section 1 - Name

Section 1 provides that the Determination is titled the *National Disability Insurance Scheme (High Support Needs Participants) Determination 2026*.

Section 2 – Commencement

Section 2 provides that the whole of the Determination commences on the 1 October 2026.

Section 3 – Authority

Section 3 provides that the Determination is made under subsection 47B(12) of the *National Disability Insurance Scheme Act 2013*.

Section 4 – Definitions

Section 4 provides the definitions for terms used in the Determination.

A legislative note provides that a number of expressions used in the Determination are defined in section 9 of the Act, including:

- meets the disability requirements;
- meets the early intervention requirements;
- participant;
- plan;
- supports.

Section 4 also provides that in the Determination, a reference to the following terms, have the following meanings:

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

***high needs groups of supports*** means each of the following groups of supports is a ***high needs group of supports***:

(a) assistance with daily living;

(b) home and living;

(c) assistance with social, economic and community participation.

***maximum pricing amount*** for a support item, means the maximum amount specified for the support item in the NDIS pricing document that specifies the support item.

***NDIS pricing document*** means either of the following documents published on the National Disability Insurance Agency's website, as in force or existing at the time this instrument commences:



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(a) NDIS Pricing Schedule 2026-27;

(b) NDIS Pricing Schedule for Specialist Disability Accommodation 2026-27.

A legislative note to this definition states that these documents could be viewed in 2026 on the Agency's website (http://www.ndis.gov.au).

This definition is consistent with the definition of pricing document set out in the *National Disability Insurance Scheme (Pricing Arrangements) Determination 2026*.

***relevant daytime supports*** has the following meaning: NDIS supports funded under a plan are relevant daytime supports if the supports are:

(a) in the assistance with daily living group of supports or the home and living group of supports; and

(b) provided to the participant between 6 am and 8 pm.

***renewed plan*** means a plan that, by force of section 50A of the Act, is renewed as a new plan.

***source plan*** for a renewed plan, means the most recent plan for a participant that:

(a) was made otherwise than by renewal by force of section 50A of the Act; and

(b) was replaced, directly or through one or more renewed plans, by the renewed plan.

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

***support ratio*** for the provision of a support, means the ratio of workers to participants supported in a group setting, expressed as *w:p* where:

(a) *w* is the number of workers; and

(b) *p* is the number of participants supported.

An example to this definition assists the reader to understand how the definition works in practice. It provides that a support ratio of 1:3 represents one support worker for 3 participants supported. A support ratio of 2:1 represents 2 support workers for 1 participant supported. A support ratio of 1:2 is higher than a support ratio of 1:3. A support ratio of 2:1 is higher than a support ratio of 1:2.

A legislative note to this definition assists the reader and explains that the cost of a support will depend in part on the support ratio for the provision of the support. This is because the cost of a support for a particular participant will depend on the support ratio at which the support is delivered. Pricing documents state the maximum amount that can be charged for a support item at a 1:1 support ratio. Where a support is delivered at a 1:3 support ratio, the cost of the support for one participant is a third of the amount stated in the pricing document. Where a support is delivered at a 2:1 support ratio, the cost of the support for the participant is twice the amount stated in the pricing document.

***variation amount*** for a day, has the meaning given by subsection 7(3).



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## Part 2 – High support needs participants

This part deals with the definition of high support needs participants.

Paragraph 47B(12)(a) of the Act provides that the Minister may, by legislative instrument, make a determination specifying a class of participants who may be considered a high support needs participant.

Subsection 47B(13) of the Act provides that a class of participants who may be considered a high support needs participant may be specified by reference to matters relating to participants' plans, or participants, or both, including matters identified by reference to information in records held by the Agency. The note to subsection 47B(13) explains that high support needs participants are participants who require continuous 24-hour care to meet disability-related care needs arising from impairments that satisfy the disability or early intervention requirements under the Act.

A decision that a participant is not a high supports needs participant is subject to internal and external merits review.

Section 5 – Class of participants that are high support needs participants

Section 5 specifies the class of participants who are high support needs participants.

Subsection 5(1) provides that this section is made for the purposes of paragraph 47B(12)(a) of the Act.

Subsection 5(2) specifies the conditions that must be met for a participant to be a high support needs participants:

- the participant is funded for continuous 24-hour disability supports
- the participant meets the minimum plan value.

*Funded NDIS supports for continuous 24-hour care*

Paragraph 5(2)(a) requires that, when the participant's plan was prepared, amounts were allocated for NDIS supports in one or more of the defined 'high needs groups of supports' to fund NDIS supports covering continuous 24-hour disability supports. If the current plan is a renewed plan, the test looks back to the source plan (defined in section 4 of the Determination).

A person is funded for 24-hour disability supports where they have NDIS funded disability supports that are available throughout the day and night to meet a participant's ongoing support needs related to their disability. Such support may include a combination of shared supports, individual supports and overnight assistance. While the type and intensity of the funded NDIS supports may vary across the 24-hour period, those funded supports together provide continuous 24-hour care.

The continuous 24-hour care must be required to meet the participant's disability-related care needs that arise directly from impairments in relation to which the participant meets the disability requirements under section 24 of the Act or meets the early intervention requirements under section 25 of the Act.



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A legislative note to subsection 5(2) points the reader to paragraph 34(1)(aa) of the Act which provides that that reasonable and necessary supports must address needs arising directly from an impairment that meets the disability requirements or early intervention requirements.

**Example – James**

When the Agency made the reasonable and necessary supports decision for James' plan, it funded supports to meet disability-related care needs arising from impairments in relation to which James meets the disability requirements under section 24 of the Act. The funded supports included assistance with daily living, home and living, and assistance with social, economic and community participation. This funding covered shared supports during the day, individual supports for personal care and transfers, and overnight assistance to respond to James' support needs during the night. Together, these supports are available on a continuous basis throughout the 24-hour period and provide continuous 24-hour care.

*Total funding for high needs groups of support is at least $215,030*

Paragraph 5(2)(b) requires that the combined funding component amounts in the participant's plan for high supports needs groups of supports is at least $215,030. The amount stated in the participant's plan does not take into account the impact of determination made under subsection 34A(2) of the Act (a support determination).

The amount of $215,030 is combined funding allocated across assistance with daily life, home and living, and assistance with social, economic and community participation groups of supports in a participant's plan. The amount is equivalent to the level of funding required to provide continuous 24-hour support on a shared basis, at a support ratio of at least 1:3.

Participants whose funding for these high needs groups of supports exceeds $215,030 are likely to have significant and ongoing disability-related support needs requiring support throughout the day and night.

This threshold amount will be updated annually to take into account any increase in maximum amounts for NDIS supports and plan indexation. The threshold amount will be calculated each year on the basis of the cost of 24-hours of high support needs groups of supports at a 1:3 ratio.

**Example – Morgan**

Morgan receives funding for Supported Independent Living (SIL) services. The combined funding in her plan for assistance with daily living, home and living, and assistance with social, economic and community participation is $360,000. This funding provides support throughout the day and night. During some parts of the day, support is provided on a shared basis at a support ratio of 1:3. At other times, support is provided at a support ratio of 1:2, and overnight assistance is also funded. The amount of $360,000 is equivalent to the funding required to provide continuous 24-hour support at these support ratios.

Subsection 5(3) specifies the conditions under which a participant is not a high supports needs participant:



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- where the participant's current plan is a renewed plan; and
- a prior decision has been made by the CEO about whether to vary, or not vary, the participant's plan.

The conditions ensure that a participant is excluded from the class of high support needs participants where the participant's current plan is a renewed plan and a decision has previously been made to vary, or not vary, a previous plan following the application of a support determination. This avoids repeated consideration of the same matter each time the support determination applies following a plan renewal. A person is not excluded from the class of high support needs participants if there was a deemed decision not to vary the plan. This ensures that the pathway remains open until the CEO has made a definitive decision which was open to internal and external review.

A variation made under section 47B will be carried forward through successive renewals as an alteration to the participant's plan.

**Part 3 – Variations of high support needs participants' plans**

Part 3 deals with how the CEO makes a decision to vary, or not to vary, a high support needs participant's plan.

Subparagraph 47B(12)(b)(i) of the Act provides that the determination may specify methods or criteria for the purposes of paragraph 47B(5)(a) in relation to the decision whether to vary a plan under subsection 47B(8). Paragraph 47B(5)(a) provides that, when deciding whether to vary the plan of a high support needs participant, the CEO must have regard to any methods or criteria, matters or circumstances specified in the determination.

Section 6 – Criterion to be applied

Section 6 sets out the criterion to be applied by the CEO when deciding whether to vary a high support needs participant's plan.

Subsection 6(1) provides that this section specifies a criterion to be applied by the CEO in making a decision under subsection 47B(5) of the Act to vary a participant's plan under subsection 47B(8) of the Act.

Subsection 6(2) establishes the criterion that must be satisfied for the CEO to decide to vary a high support needs participant's plan.

The CEO must be satisfied that, after a support determination is applied, the participant no longer has enough funding to maintain the supports that provide their continuous 24-hour disability care. This will usually be assessed using information in the participant's plan.

If the funding reduction affects supports that form part of the participant's 24-hour care and creates a gap in those supports, the criterion is met. If enough funding remains to maintain the participant's 24-hour care, the criterion is not met.

**Example – Daniel (criterion met)**

Daniel receives SIL and his plan includes approximately $360,000 in funding for assistance with daily living, home and living, and assistance with social, economic



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and community participation supports. Together, these supports provide Daniel's continuous 24-hour care.

A support determination reduces funding for Daniel's assistance with social, economic and community participation supports by $75,000, reducing the combined funding for his assistance with daily living, home and living, and assistance with social, economic and community participation supports to approximately $285,000.

Although the support determination applies only to Daniel's assistance with social, economic and community participation supports, those supports form part of his continuous 24-hour care arrangement. Following the reduction, the funding remaining in Daniel's plan is no longer sufficient to maintain the combination of supports that provide his continuous 24-hour care. The Agency is satisfied that the reduction in funding has created a gap in the supports required to maintain Daniel's continuous 24-hour care.

**Example – Amina (criterion not met)**

Amina is a participant with complex needs who has 24-hour disability support needs. Her plan includes $300,000 in funding for assistance with daily living, home and living, and assistance with social, economic and community participation groups of supports, which together provide continuous 24-hour care. All of Amina's social, economic and community participation funding is used for high intensity supports. As this is a subgroup of support excluded from a support determination, these supports are not impacted by the funding changes.

The funded NDIS supports that make up Amina's continuous 24-hour care arrangement are unaffected, and sufficient funding remains to continue providing those supports. As no support gap arises in Amina's continuous 24-hour care arrangement, the criterion is not met.

Section 7 – Method to be applied

Section 7 sets out the method to be applied by the CEO in varying a participant's plan.

Subsection 7(1) provides that this section specifies a method that the CEO must apply when varying a participant's plan to increase the funding component amount for the assistance with daily living and/or the home and living groups of supports.

Subsection 7(2) provides that, subject to subsection 7(4), the total increase in funding for a plan is calculated by adding together the variation amounts for each day during the period starting on the day the plan comes into effect and ending on the end date for the plan.

Subsection 7(3) provides the variation amount for a day is to be worked out using the method statement.

Subsection 7(4) caps the variation amount that can be provided. If the total amount worked out under subsection 7(2) exceeds the reduction made under the support determination, the increase is limited to the amount of that reduction. This ensures that the variation amount does not exceed the reduction in funding resulting from the support determination.



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A legislative note to subsection 7(4) reminds the reader that subsection 47B(8) of the Act prevents the CEO from varying a plan in a way that would increase the funding component amounts by more than the amount by which the participant's total funding was reduced under a support determination.

In short, the method works out the amount that must be added back to a participant's plan for each day affected by a support determination. It first identifies the participant's original funded hours for social, economic and community participation supports, then compares that with the hours still funded after the support determination applies. The difference is the gap number. The method then identifies the main relevant daytime support item and applicable price for the day, adjusts that price by the main support ratio, and multiplies the resulting cost amount by the gap number. The final rounded amount is the variation amount for that day, and the total plan increase is the sum of those daily variation amounts.

If the method results in an amount that is higher than the amount reduced under the support determination, that amount will be reduced so that the variation amount is equal to the amount reduced under the support determination. This ensures that the variation pathway cannot be used to increase the overall value of a participant's plan. A participant would be able to use their plan flexibly to access their preferred supports.

The method statement is as follows:

*Step 1*

> *Work out, from the Agency's records, the total number of hours for which funding was allocated for NDIS supports in the assistance with social, economic and community participation group of supports for the day in preparing the participant's plan (or, if the plan is a renewed plan, in preparing the source plan).*

Step 1 establishes the baseline number of hours of SECP supports. It requires the CEO to identify how many hours of SECP supports were originally funded for each day of a plan. This must be based only on the Agency's records for the participant's plan. If the current plan is a renewed plan, the records for the source plan are used to work out the number of hours. This step is not about calculating a dollar amount, but about working out the original funded hours for the day.

*Step 2*

> *Work out, from the Agency's records, the total number of hours that would, immediately after the relevant section 34A determination started to apply in relation to the plan, be funded under the plan for the same supports.*

Step 2 works out the number of funded hours for the same SECP supports after a support determination is applied to the plan. This will be based on the Agency's records and the amount of funding available to a participant for SECP supports after the application of the support determination. The outcome is the number of hours funded for the day for SECP supports. The application of the support determination will not necessarily result in a 50 per cent reduction in funded hours, as certain support subgroups, such as supports in employment, are excluded from the determination and funding for those supports remains unaffected.



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*Step 3*

> *Deduct the number worked out at step 2 from the number worked out at step 1. The result is the **gap number.***

Step 3 requires the CEO to calculate the gap number, which is the difference between the participant's baseline number of SECP hours funded and the hours that are funded after the application of the support determination. This difference represents the number of hours where the participant does not have funded support.

The gap number is calculated by subtracting the number of funded support hours remaining after the support determination applies (step 2) from the number of funded support hours originally allocated under the plan (step 1).

*Step 4*

> *Identify the support item that covers the highest number of hours of relevant daytime supports funded for the participant on the day. If 2 or more different support items each cover the same highest number of hours of relevant daytime supports, identify which of those support items has the highest maximum pricing amount. The support item identified in accordance with this step is the **main support item**.*

Step 4 requires the CEO to identify the participant's main support item. The main support item is generally the support item that covers the greatest number of hours of relevant daytime supports on the day. If two or more support items cover the same highest number of hours, the support item with the highest maximum pricing amount is the main support item.

Section 4 of the Determination provides that supports are relevant daytime supports if the supports are:

- in the assistance with daily living group of supports or the home and living group of supports; and
- provided to the participant between 6 am and 8 pm.

For example, Table 1 illustrates a participant who is provided with 6 hours of relevant daytime supports under the support item *Assistance With Self-Care Activities - Standard - Weekday Daytime* at a support ratio of 1:3, and 3 hours of relevant daytime supports under the support item *Assistance With Self-Care Activities - High Intensity - Weekday Daytime* at a support ratio of 1:2.

The participant's main support item is *Assistance With Self-Care Activities - Standard - Weekday Daytime* as it covers the greatest number of hours of relevant daytime supports. The support items *Assistance With Self-Care Activities - Standard - Weekday Evening* and *Assistance With Self-Care Activities - Standard - Weekday Night* are not relevant daytime supports and are therefore not taken into account when determining the main support item.

**Table 1 – Identify main support item**

| Time of day | Hours per day | Supports funded for the day in activities for daily living (ADL) and/or home and living (H&L) group of supports | Support Ratio | Pricing amount for 2026-27 |
|---|---|---|---|---|



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| | | | | |
|---|---|---|---|---|
| During 6am to 8pm | 6 | Assistance With Self-Care Activities - Standard - Weekday Daytime | 1:3 | **$73.58** |
| During 6am to 8pm | 2 | Assistance With Self-Care Activities - High Intensity - Weekday Daytime | 1:2 | **$79.60** |
| From 8pm to 12am | 4 | Assistance With Self-Care Activities - Standard - Weekday Evening | 1:2 | **$81.07** |
| From 12pm to 6am | 6 | Assistance With Self-Care Activities - Standard - Weekday Night | 1:3 | **$82.57** |

For example, Table 2 illustrates a participant who is provided with 5 hours of relevant daytime supports under the support item *Assistance With Self-Care Activities - Standard - Weekday Daytime*, and 5 hours of relevant daytime supports under the support item *Assistance With Self-Care Activities - High Intensity - Weekday Daytime*. The *National Disability Insurance Scheme Pricing Schedule for 2026-27* states a maximum pricing amount of $73.58 per hour for support item *Assistance With Self-Care Activities - Standard - Weekday Daytime* and a maximum pricing amount of $79.60 per hour for support item *Assistance With Self-Care Activities – High Intensity - Weekday Daytime*.

The participant's main support item is *Assistance With Self-Care Activities - High Intensity - Weekday Daytime*. This is because the same highest number of hours of relevant daytime supports is provided. In these circumstances, the support item with the higher maximum pricing amount, being $79.60, is the main support item.

**Table 2 – Identify main support item where equal daytime hours (highest maximum pricing amount)**

| Time of day | Hours per day | Support items funded in participant's plan | Support Ratio | Pricing amount for 2026-27 |
|---|---|---|---|---|
| During 6am to 8pm | 5 | 'Assistance With Self-Care Activities - Standard - Weekday Daytime' | 1:2 | **$73.58** |
| During 6am to 8pm | 5 | 'Assistance With Self-Care Activities – High Intensity - Weekday Daytime' | 1:1 | **$79.60** |
| During 8pm to 12am | 4 | 'Assistance With Self-Care Activities - Standard - Weekday Evening' | 1:3 | **$81.07** |
| From 12am to 6am | 6 | 'Assistance With Self-Care Activities - Standard - Weekday Night' | 1:3 | **$82.57** |

*Step 5*

> *Identify, in the NDIS pricing document that specifies the day's main support item, the amount specified for the delivery on the day of supports covered by the main support item at the participant's usual place of residence. This is the* ***applicable pricing amount*****.**

Step 5 requires the CEO to identify the applicable pricing amount for the participant's main support item from the relevant NDIS pricing document (as defined in section 4 of the Determination). The applicable pricing amount is the amount specified in the pricing document for the delivery of supports covered by the main support item.



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For example, if the main support item is *Assistance With Self-Care Activities - Standard - Weekday Daytime*, the *National Disability Insurance Scheme Pricing Schedule for 2026-27* states a pricing amount of $73.58 per hour for that support item. The applicable pricing amount for step 5 is therefore $73.58.

*Step 6*

> *Identify each support ratio at which relevant daytime supports are funded for the participant on the day, and the number of hours of relevant daytime supports for which each ratio applies. The* ***main ratio*** *is:*
>
> *(a) unless paragraph (b) applies—the support ratio at which the highest number of hours of relevant daytime supports is funded; or;*
> *(b) if 2 or more different support ratios apply for the same highest number of hours of relevant daytime supports—the lowest of those support ratios.*

Step 6 requires the CEO to identify the main ratio. The CEO must identify the support ratios used for the participant's relevant daytime supports, and the number of hours provided at each ratio. The main ratio is the ratio that applies for the greatest number of relevant daytime support hours. If two or more ratios apply for the same highest number of hours, the lowest ratio is used.

For example, Table 3 illustrates where a participant has 10 hours of assistance with daily living (ADL) and home and living (H&L) supports provided during the day at a support ratio of 1:2, 10 hours of ADL and H&L supports provided in the evening and at night at a support ratio of 1:3, and 4 hours of SECP supports provided at a support ratio of 1:1.

The participant's main ratio is 1:2. This is because the 1:2 support ratio applies for the greatest number of hours of relevant daytime supports. The 1:3 support ratio is not taken into account because the supports are provided at night, and the SECP supports are not taken into account because they are not relevant daytime supports.

**Table 3 – Identify main ratio for most daytime hours**

| Group of supports | Time of day | Hours per day | Support items funded in participant's plan | Support Ratio |
|---|---|---|---|---|
| ADL and / or H&L | During 6am to 8pm | 10 | 'Assistance With Self-Care Activities - Standard - Weekday Daytime' | 1:2 |
| | During 8pm to 12am | 4 | 'Assistance With Self-Care Activities - High Intensity - Weekday Evening' | 1:3 |
| | From 12am to 6am | 6 | 'Assistance With Self-Care Activities - Standard - Weekday Night' | 1:3 |
| SECP (prior to support determination being applied) | During 6am to 8pm | 4 | Access Community Social and Rec Activ - Standard - Weekday Daytime | 1:1 |

For example, Table 4 illustrates where a participant has 5 hours of ADL and H&L supports provided at a support ratio of 1:2 and 5 hours provided at a support ratio of 1:1 during the



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day, 10 hours of ADL and H&L supports provided in the evening and at night at a support ratio of 1:3, and 4 hours of SECP supports provided at a support ratio of 2:1.

The participant's main ratio is 1:2. This is because the same highest number of hours of relevant daytime supports is provided at both the 1:2 and 1:1 support ratios. In these circumstances, the lower support ratio, being 1:2, is the main ratio. The 1:3 support ratio is not taken into account because the supports are provided at night, and the SECP supports are not taken into account because they are not relevant daytime supports.

**Table 4 – Identify main ratio where equal daytime hours (lowest daytime support ratio)**

| Group of supports | Time of day | Hours per day | Support items funded in participant's plan | Support Ratio |
|---|---|---|---|---|
| ADL and / or H&L | During 6am to 8pm | 5 | 'Assistance With Self-Care Activities - Standard - Weekday Daytime' | 1:2 |
| | During 6am to 8pm | 5 | 'Assistance With Self-Care Activities – High Intensity - Weekday Daytime' | 1:1 |
| | During 8pm to 12am | 4 | 'Assistance With Self-Care Activities - Standard - Weekday Evening' | 1:3 |
| | From 12am to 6am | 6 | 'Assistance With Self-Care Activities - Standard - Weekday Night' | 1:3 |
| SECP (prior to support determination being applied) | During 6am to 8pm | 4 | Access Community Social and Rec Activ - Standard - Weekday Daytime | 2:1 |

*Step 7*

> *Multiply the applicable pricing amount by the main ratio (expressed as w divided by p). The result is the* ***cost amount****.*

Step 7 requires the CEO to calculate the cost amount by multiplying the applicable pricing amount by the participant's main ratio, expressed as w divided by p. This adjusts the applicable pricing amount to reflect the support ratio at which the participant's supports are provided.

For example, as the applicable pricing amount for the main support item is $73.58 and the main ratio is 1:3, the cost amount is $24.53 ($73.58 × 1 ÷ 3). This reflects that the cost of providing the support is shared across three participants.

*Step 8*

> *Multiply the cost amount by the gap number and round the result of the multiplication to the nearest whole cent (rounding 0.5 cents upwards). The result is the variation amount for the day.*

Step 8 calculates the variation amount for the day. It takes the cost amount worked out in step 7 and multiplies it by the gap number worked out in step 3. The result is then rounded to the nearest cent.

*Full method statement*



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Figure 1 provides a worked example showing how the method statement in steps 1 to 8 are applied to calculate the variation amount for a day in the plan.

In this example, a support determination reduces the participant's funded SECP supports from 6 hours to 3 hours. The participant's main ratio is 1:3 and the main support item is *Assistance With Self-Care Activities - Standard - Weekday Daytime*. Applying steps 1 to 8 results in a daily variation amount of $73.58.

**Figure 1 – Worked example of the method for calculating the variation amount**

| **Participant's plan** | | **For the day** | | | |
|---|---|---|---|---|---|
| **Supports in plan** | | **Hours** | **Support item** | **2026-27 Price limit** | **Ratio** |
| **Supports for assistance with daily living or home and living support** | • from 6am to 8pm | 6 | 'Assistance With Self-Care Activities - Standard - Weekday Daytime' | **$73.58** | 1:3 |
| | | 2 | 'Assistance With Self-Care Activities - High Intensity - Weekday Daytime' | **$79.60** | 1:2 |
| | • from 8pm to 12am | 4 | 'Assistance With Self-Care Activities - Standard - Weekday Evening' | **$81.07** | 1:2 |
| | • from 12am to 6am | 6 | 'Assistance With Self-Care Activities - Standard - Weekday Night' | **$82.57** | 1:3 |
| **Social, Economic and Community Participation (SECP) supports** | ❶ **Prior to support determination being applied** | 6 | Access Community Social and Rec Activ - Standard - Weekday Daytime | **$73.58** | 1:2 |
| | ❷ **After the support determination** | 3 | Access Community Social and Rec Activ - Standard - Weekday Daytime | **$73.58** | 1:2 |

| **Steps 3 to 6. Identify:** | ❸ **Gap number** 6-3 =3 | ❹ **Main relevant daytime support item** 'Assistance With Self-Care Activities - Standard - Weekday Daytime' | ❺ **Applicable pricing** **$73.58** | ❻ **Main ratio** = 1÷3 |
|---|---|---|---|---|
| **Step 7. Calculate the cost amount for the day** | ❼ | **$24.53** = $73.58 × (1÷3) | | |
| **Step 8. Calculate the variation amount for the day** | ❽ | **$73.58** = $24.53 × 3 hours | | |

Step 1: Before support determination applies, the plan funded 6 hours of SECP supports.

Step 2: After the support determination applies, the plan funds 3 hours of SECP supports.

Step 3: The gap number is calculated by subtracting the step 2 hours from the step 1 hours: 6 − 3 = 3

Step 4: The participant's main support item is *Assistance With Self-Care Activities - Standard - Weekday Daytime*, as it covers the greatest number of hours of relevant daytime supports.

Step 5: The applicable pricing amount for the main support item is $73.58 per hour, as specified in the relevant NDIS pricing document.

Step 6: The participant's main ratio is 1:3, as this is the support ratio that applies to the greatest number of hours of relevant daytime supports.

Step 7: The cost amount is calculated by multiplying the applicable pricing amount by the main ratio expressed as w ÷ p: $73.58 × (1 ÷ 3) = $24.53



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Step 8: The variation amount is calculated by multiplying the cost amount by the gap number: $24.53 × 3 = $73.58. This means the variation amount for the day is $73.58.

The same method is applied for each day of the plan period, and the resulting daily variation amounts are added together to determine the total increase in funding.

**Example – Greg**

Greg is a participant who lives in Supported Independent Living. Greg's plan provides funding for assistance with daily living, home and living, and social, economic and community participation (SECP) supports. He has an NDIS plan totalling $600,000 per year. His plan provides $360,000 to ensure he has 24-hour disability supports. This includes $210,000 for home and living and assistance with daily living supports and $150,000 for social, economic and community participation supports.

Greg's home and living and daily living support budget covers his support needs for the time he spends at home. For example, this includes assistance with personal care, meal preparation and medication management. Greg's funding for home and living and daily living supports typically covers 18 hours of his 24-hour care:

- 6 hours per day at a support ratio of 1:3
- 2 hours per day at a support ratio of 1:2
- 10 hours per night at a support ratio of 1:3.

Greg's SECP budget helps him participate in the community. This includes support to engage in community activities for an average of 6 hours per day across 7 days per week at a support ratio of 1:1. Greg does not receive funding for any excluded subgroups of supports.

A support determination is applied to Greg's plan, reducing funding for his social, economic and community participation supports from $150,000 to $75,000. This changes Greg's combined budget for assistance with daily living supports, home and living supports, and social, economic and community participation supports from $360,000 to $285,000.

Before the support determination applies, Greg's plan funds 6 hours of SECP supports per day. After the support determination applies, the plan funds 3 hours of SECP supports per day. This results in a gap number of 3 hours.

Greg's plan funds 6 hours of relevant daytime supports under the support item *Assistance With Self-Care Activities - Standard - Weekday Daytime* at a support ratio of 1:3, and 2 hours of relevant daytime supports under the support item *Assistance With Self-Care Activities - High Intensity - Weekday Daytime* at a support ratio of 1:2. As the greatest number of hours of relevant daytime supports are provided at a support ratio of 1:3, Greg's main ratio is 1:3. As *Assistance With Self-Care Activities - Standard - Weekday Daytime* covers the greatest number of hours of relevant daytime supports, it is Greg's main support item.

The relevant NDIS pricing document specifies a maximum price of $73.58 per hour for *Assistance With Self-Care Activities - Standard - Weekday Daytime* provided at



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the participant's usual place of residence. This is the applicable pricing amount. Applying Greg's main ratio to this amount results in a cost amount of $24.53 per hour ($73.58 × 1÷3).

The variation amount is then calculated by multiplying the cost amount by the gap number. For Greg, this results in a variation amount of $73.58 for that day ($24.53 × 3). As Greg has a 12-month plan, this would result in an increase of approximately $22,000 to help address the 3 hour gap in supports created by the support determination. This would factor in higher applicable pricing amounts on weekends and public holidays.

Greg's plan now provides $307,000 to ensure he has 24-hour disability supports. The variation amount was $22,000, which is less than the $75,000 initial reduction.



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**Attachment B**

## STATEMENT OF COMPATIBILITY WITH HUMAN RIGHTS

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

**National Disability Insurance Scheme (High Support Needs Participants) Determination 2026**

The *National Disability Insurance Scheme (High Support Needs Participants) Determination 2026* (the Determination) is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

### Overview of the Instrument

The purpose of the Determination is to support the operation of plan variation pathway for high support needs participants under section 47B of the *National Disability Insurance Scheme Act 2013* (Act) whose plans are affected by a support determination made under section 34A of the Act.

Section 47B provides a safeguard for high support needs participants whose plans are affected by a support determination made under section 34A of the Act. It enables a high support needs participant to request a variation of their plan where a support determination has been applied to their plan in accordance with the support determination framework in section 34A.

The Determination supports the rights of people with disability by supporting the operation of the safeguard in section 47B of the Act for high support needs participants affected by a reduction in funding under a support determination. The plan variation pathway will help ensure that high support needs participants affected by a funding reduction under a support determination can access a plan variation where the reduction affects their ability to safely maintain continuous 24-hour care for their disability support needs. This helps ensure participants continue to have sufficient funding to support their 24-hour disability care needs.

In particular, the Determination specifies:

- the class of participants that are high support needs participants; and
- the criterion and method to be applied when determining whether and how to vary a high support needs participant's plan.

### Human rights implications

This Determination engages the following human rights:

- Rights of people with disability – Articles 3 and 4(3) of the Convention on the Rights of Persons with Disabilities (CRPD)
- Right to equality and non-discrimination – Articles 2 and 5 of the CRPD and Articles 2 and 26 of the International Covenant on Civil and Political Rights (ICCPR)
- Right to social security – Article 9 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and Article 28 of the CRPD



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- Right to habilitation and rehabilitation – Article 26 of the CRPD
- Right to live independently and be included in the community – Article 19 of the CRPD.

Rights of people with disability – Articles 3 and 4(3) of the CRPD

Article 4(3) of the CRPD requires States Parties to closely consult with and actively involve people with disability, including through their representative organisations, in the development and implementation of legislation and policies concerning issues relating to people with disability. This obligation reflects the principles in Article 3 of the CRPD, including respect for individual autonomy and the full and effective participation and inclusion of people with disability in decisions that affect them.

The Determination engages these rights as part of the support determination framework established under sections 34A and 47B of the Act. The provisions establishing that framework were subject to significant public consultation and parliamentary scrutiny during consideration of the National Disability Insurance Scheme Amendment (Securing the NDIS for Future Generations) Bill 2026. This included a Senate inquiry that invited public submissions and held public hearings, providing opportunities for people with disability, Disability Representative Organisations (DROs), providers and other stakeholders to contribute their views. Feedback received through those processes informed parliamentary consideration of the framework and contributed to amendments to the legislation, including the introduction of section 47B to provide a plan variation pathway for high support needs participants.

Following passage of the legislation, the Department of Health, Disability and Ageing undertook targeted consultation with the NDIS Reform Advisory Committee, DROs, provider peak bodies, states and territories, and the Agency on the practical operation and implementation of the plan variation pathway for high support needs participants. These consultations focused on the operation of the Determination. Feedback received through these consultations informed the planned implementation of and communication about the Determination.

Accordingly, the Determination promotes the rights reflected in Article 4(3) and the principles in Article 3 of the CRPD.

Right to equality and non-discrimination – Articles 2 and 5 of the CRPD and Articles 2 and 26 of the ICCPR

The right to equality and non-discrimination is recognised in articles 2 and 5 of the CRPD, and articles 2 and 26 of the ICCPR. This is a fundamental human right that underpins the protection and enjoyment of all other human rights. It provides that every person is entitled to enjoy their human rights without discrimination, including on the basis of disability, and that all persons are entitled to the equal protection of the law without discrimination.

The Determination engages the right to equality and non-discrimination as it establishes a safeguard for a specific class of participants, namely high support needs participants whose plans are affected by a funding reduction under a support determination made under section 34A of the Act. The Determination promotes substantive equality by recognising that participants with high support needs may be disproportionately affected by funding



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reductions and may require additional protections to ensure their disability support needs continue to be met.

By enabling eligible participants to access a plan variation pathway where a support determination affects their ability to safely maintain continuous 24-hour care, the Determination helps ensure that participants with high support needs are not disadvantaged compared with other participants and can continue to access supports that are responsive to their individual circumstances.

The availability of review mechanisms also promotes the right to equality and non-discrimination by providing participants with the opportunity to seek review of decisions about whether the participant is a high supports needs participant, and whether to vary or not to vary a participant's plan under section 99 of the Act. The availability of internal and external review of decisions that affect access to this plan variation pathway supports transparency, accountability and procedural fairness.

Right to social security – Article 9 of the ICESCR and Article 28 of the CRPD

The right to social security is recognised in article 9 of the ICESCR and article 28 of the CRPD. The right to social security requires the establishment of a social protection system and access to benefits that assist individuals to secure an adequate standard of living and to address circumstances that may limit their capacity to participate fully in society.

The Determination promotes the right to social security by supporting the operation of the safeguard in section 47B of the Act. The safeguard enables a high support needs participant to seek a variation of their plan where a reduction in funding under a support determination affects their ability to safely maintain continuous 24-hour care for their disability support needs. By supporting continued access to appropriate funding for essential disability supports, the Determination promotes the right to social security and the right of persons with disability to social protection.

Right to live independently and be included in the community, and the right to habilitation and rehabilitation – Articles 19 and 26 of the CRPD

The right to live independently and be included in the community is recognised in article 19 of the CRPD. This right recognises the equal right of people with disability to live in, and participate fully in, the community, with choices equal to others.

The right to habilitation and rehabilitation is recognised in article 26 of the CRPD and requires appropriate measures to enable people with disability to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life by strengthening habitation and rehabilitation services and programmes.

The Determination engages these rights by supporting continued access to funded disability supports that assist participants to attain and maintain independence, functioning and participation in all aspects of life.

The availability of sufficient funding for continuous 24-hour disability support may be critical to maintaining a participant's health, independence and ability to participate in the community. By providing a mechanism through which funding arrangements can be



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reconsidered where a funding reduction affects the high support needs participant's ability to safely maintain necessary supports, the Determination promotes the rights to habilitation and rehabilitation and to live independently.

**Conclusion**

The *National Disability Insurance Scheme (High Support Needs Participants) Determination 2026* is compatible with human rights because it advances and promotes the rights of people with disability, including by protecting the safety of high support needs participants whose ability to safely maintain continuous 24-hour care for their disability support needs may be affected by a support determination.

**Minister for the National Disability Insurance Scheme, the Hon Jenny McAllister MP**



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# Dashboard Impact Analysis: Implementation of Support Determinations in NDIS old framework plans – exclusions and safeguards for NDIS participants

*Department of Health, Disability and Ageing*

## Proposed approach

In the 2026-27 Budget, the Australian Government announced it would reset funding for some National Disability Insurance Scheme (NDIS) supports from 1 October 2026 through a 'support determination'.

The impacts of the support determination measure as announced in the 2026-27 Budget was assessed in a previous Impact Analysis published on 14 May 2026[1]. This Dashboard Impact Analysis complements that assessment and should be read alongside it; it does not assess the impacts of the original measure. The focus of this analysis is the impacts of:

- targeted exclusions for specific support types to ensure the original policy intent is achieved, and
- the safeguards for high support needs participants who require continuous 24-hour care for their disability support needs.

### 2026-27 Budget Support Determination Measure

The original support determination measure announced in the 2026-27 Budget will impact budget allocations in participants' old (current) framework plans for:

- social economic and community participation[2] (SECP), and
- improved daily living skills[3] (IDLS) supports.

Funding amounts of SECP and IDLS in participants' plans will be reset by 50 per cent and 10 per cent respectively. Funding for other support categories in participants' plans will not be impacted.

[1] Accessible at https://oia.pmc.gov.au/published-impact-analyses-and-reports/national-disability-insurance-scheme-reforms

[2] Previously referred to as 'social, civic and community participation supports'.

[3] Previously referred to as 'capacity building daily activities'.



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The support determination measure will be applied to participant plans progressively over a 12-month period. The measure will apply to participants whose plans are created or reassessed from 1 October 2026, and to participants with renewed plans from 1 February 2027. The intent is that all participants who receive funding for SECP and IDLS supports will have their funding reset by 30 September 2027.

**Safeguards for participants – focus of this impact analysis**

To implement this measure, the Minister for the National Disability Insurance Scheme (the Minister) will make two disallowable legislative instruments to:

1. Implement the 50 per cent reduction to SECP and 10 per cent reduction to IDLS. This will also set out the excluded subgroups of supports within these support categories that the reduction will not apply to.
2. Make a new plan variation pathway for high support needs participants with 24-hour disability support needs.

Both instruments will commence on 1 October 2026.

**Targeted exclusions for specific support types**

Implementation of the support determination will ensure subgroups of supports in the SECP and IDLS support categories that protect participants' health, safety, and employment arrangements are excluded from funding resets. These exclusions encompass employment supports, high intensity supports, intensive and complex behaviour supports, disability-related health supports, supports for customised and wearable technology and hearing services.

The National Disability Insurance Agency (NDIA) will review claims and payments data to identify participants who may have these subgroups of supports in their plans and triage participants that require further analysis.

- Where funding allocations to the excluded subgroups can be reliably determined, the NDIA will limit the application of the support determination to the funding of SECP and IDLS supports within scope.
- Where records confirm a participant's plan has excluded supports, but the funded amounts cannot be accurately determined, a CEO-initiated plan reassessment will be undertaken by the NDIA.
- Where there is no evidence that excluded supports are funded, the support determination will apply in full.
- Participants who were not funded for an excluded subgroup of support, but have purchased support in an excluded subgroup through flexible use of their plan funding, may seek a reassessment where they have had a significant and ongoing change to their circumstances since their last plan approval.

A legislative framework has been established to implement the proposed approach. The *National Disability Insurance Scheme Amendment (Securing the NDIS for Future Generations)*



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*Act 2026* (the Amending Act), passed Parliament on 19 August 2026 and received Royal Assent on 20 August 2026. The Amending Act contains amendments agreed to by Parliament to ensure that a support determination can only apply to the SECP and IDLS support categories, consistent with the original policy intent. A legislative note confirms that excluded support subgroups in these support categories include supports in employment and disability-related health supports. Additional support subgroups will also be excluded including:

- high intensity supports
- intensive and complex behaviour supports
- customised and wearable technology supports
- hearing supports.

**Safeguards for high support needs participants**

The Amending Act also provides high support needs participants with a mechanism to apply to the NDIA to have plan funding increased through a plan variation after the support determination is applied to their plan.

High support needs participants with 24-hour disability support needs will be able to apply for a plan variation after a support determination has taken effect. A participant cannot apply for a plan variation until after a support determination has taken effect.

Participants, or their nominee, will be able to apply for a plan variation within 90 days of a support determination being applied to their plan; that is, after their plan is created, reassessed or renewed. The NDIA may extend this period by written notice in exceptional circumstances. If a participant does not have a nominee, they can be assisted by someone such as a provider, support worker or advocate. The NDIA cannot initiate a plan variation on behalf of a high support needs participant in relation to the impact of a support determination.

A plan variation, if approved by a delegate, may increase funding for specific supports[4] to ensure a participant's 24-hour disability supports are safely maintained at a support ratio necessary for their disability support needs.

To ensure consistency in eligibility requirements and decision making, a participant is defined as having high support needs if they:

- receive 24-hour funded NDIS support, and
- have a total budget in their plan for Assistance with Daily Life, Home and Living, and Assistance with Social Economic and Community Participation of $215,030 or more (combined) before a support determination was applied.

[4] Funding can be reinserted into the support categories Assistance with Daily Life and Home and Living.



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24-hour disability support means NDIS funded disability supports that are funded through the day and night to meet a participant's ongoing disability-related support needs. This can include a combination of shared supports, individual supports and overnight assistance.

Participants can request a review of decisions made under the high support needs new plan variation pathway. This includes decisions about whether a participant meets the definition of a high support needs participant for the purposes of the pathway, and whether a plan variation under the pathway is approved.

## Policy problem

The policy problem under consideration in this Impact Analysis is how to implement support determinations in a way that delivers the intended funding resets while preventing unintended impacts on other funded supports and the safety of participants with high support needs. This requires consistent, safe and administratively workable approaches to excluding specified supports from reductions and ensuring 24-hour disability care arrangements are maintained.

When the National Disability Insurance Scheme Amendment (Securing the NDIS for Future Generations) Bill 2026 (the Bill) was introduced to Parliament, it did not provide for specified subgroups of supports to be excluded from the support determination. The Bill also did not provide for additional safeguards for participants with high support needs affected by a support determination to maintain 24-hour support arrangements.

A series of amendments to the Bill were supported by the Government and agreed by Parliament. These are included in the Amending Act and establish a legislative framework for these protections, which are consistent with the Government's original policy intent. The amendments make it clear that subgroups of supports within the SECP and IDLS categories can be excluded from the impact of the support determination. Amendments also establish a new plan variation pathway for high support needs participants.

Implementation planning is focused on accurately identifying and preserving funding for excluded subgroups of supports while limiting unnecessary plan reassessments and ensuring the high support needs new plan variation pathway is clear, objective and accessible for eligible participants.

## Summary of impacts and methodology

The proposed approach preserves critical supports from the impact of a support determination, and the variation pathway provides a safeguard for high support needs participants to maintain 24-hour care. It supports Scheme sustainability while preventing or correcting unintended reductions to supports that are critical to participant health, safety and employment.



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The support determination is part of the NDIS reforms announced in the 2026-27 Budget, which were projected to reduce NDIS expenses by $38.1 billion over four years from 2026-27 to 2029-30.

Based on the Scheme Actuary's latest June 2026 projections, the exclusion of subgroups of supports and high support needs variation pathway could increase NDIS expenses by $0.8 billion over four years from 2026-27, compared to the policy parameters used in 2026-27 Budget. This does not include costs for implementation.

Status quo

The status quo would be that the support determination applied funding resets without any exclusions or safeguards.

Proposed option (part A) – Targeted exclusions of support subgroups from support determination

Implementation of this option will require high administrative effort, including additional NDIA workforce to undertake manual plan analysis and data transposition activities. Participants claiming excluded support subgroups would have their plans manually checked to identify funding allocated to the relevant subgroups. The funding identified through this process would then be excluded from the support determination after it is applied. Participants would not be required to take any action in most cases. Where the amount of funding allocated is unable to be determined, a plan reassessment may be required, and the NDIA will initiate a plan reassessment with affected participants.

Proposed option (part B) – New plan variation pathway for participants with high support needs

This option defines the cohort with 'high support needs' as participants who:

- receive 24-hour funded NDIS supports, and
- have a total budget in their plan for Assistance with Daily Life, Home and Living, and Assistance with Social Economic and Community Participation of $215,030 or more (combined) before a support determination was applied.

It enables participants to apply for a plan variation to increase the funding for certain groups of supports in their plan to ensure 24-hour disability supports can be maintained after a support determination has been applied. This option is open to all participants who believe they are eligible to apply. There are two decisions to be made by the NDIA as part of the variation pathway:

1. Does the participant meet the high support need definition
2. Does the participant require a plan variation to maintain safe 24-hour disability supports.



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Both of these decisions are reviewable.

Alternative option (part A) – Plan reassessment for all participants with identified excluded subgroups and self-managed participants

The alternative option would require the NDIA to conduct plan reassessments for approximately 300,000[5] participants. This would include those participants where claiming data and manual analysis by the NDIA of planning documents identify excluded supports that are funded or being utilised, and all self-managed participants (as data is not available to determine their use of excluded supports)[6]. Due to the significant resource requirements and inefficiency of this option it is not feasible for the NDIA to implement.

Alternative option (part B) – Exclude high support needs participants from the support determination

The alternative option considered would exclude all high support needs participants from the support determination.

However, given that some high support needs participants might still have their 24-hour disability support needs met even if the support determination was applied in full, this option was considered to be disproportionate to the safeguarding risk. Participants have a variety of different support and funding arrangements and some may be able to use their plans flexibly to maintain their 24-hour disability supports even with the support determination in place.

Given this, a variation pathway was considered to be more suitable than a broad carve-out of participants with high support needs. A broad carve-out would risk poorly targeted funding adjustments, and inconsistent application of the support determination across all participants in the Scheme who are funded for SECP and IDLS. The variation pathway is a more equitable approach to delivering on the Government's intent to establish safeguards for high support needs participants who require continuous 24-hour care for their disability support needs, while maintaining policy intent of restoring SECP and IDLS funds to more sustainable levels.

Analysis and methodology

The analysis considered those affected, the likely scale and direction of impacts, the reliability of available data, and implementation risks. The analysis distinguishes between exclusions that can be applied using objective administrative data and those requiring participant-level assessment.

The analysis draws on:

[5] This represents all participants who utilised an excluded SECP or IDLS subgroup and all self-managed participants.



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- administrative and claims data to identify affected support subgroups and participant cohorts
- planning records and approved planning tools to assess whether excluded supports can be reliably identified
- operational advice on system, workforce and delivery impacts
- stakeholder feedback on participant, provider and market risks.

This qualitative multi-criteria analysis compares the proposed approach with the status quo. The methodology to assess the options prioritises the core consideration of participant risk and preservation of essential supports that safeguard participant health, safety and wellbeing. This is balanced with consideration of the cost to Government to implement the policy and what is legally and operationally feasible.

| Option | Benefits | Other costs | Net impact | Regulatory burden |
|---|---|---|---|---|
| **Proposed option (part A) - Targeted exclusions from support determinations**<br>Indicative impact*:<br>**Category of spending: total participants (88,000) who claimed. Note: this does not include participants self-managing SECP and IDLS supports.*<br><br>Supports in employment: 21,000 participants<br>High intensity supports: 29,000 participants<br>Intensive & complex behavioural supports: 2,000 participants<br>Disability-related health supports: 31,000 participants<br>Customised and wearable | Reduced risk of participant harm, clearer safeguards and reduced risk of unintended consequences of the original support determination measure announced in the 2026-27 Budget. | Moderate increased Scheme costs. High implementation cost for manual data analysis, quality assurance processes, and communications to participants. Some delay and escalation handling costs are likely. These costs would be incurred by the NDIA. There is also a potential cost to participants if they need to undergo reassessment or seek further review. | Positive overall impact if exclusions can be applied consistently and accurately. | Expected minor increase to regulatory burden compared to the status quo on participants who have exclusions applied to their plan. These participants will require some additional communication and will need to spend approximately 2 hours understanding any exclusions applied to their plan. Where participants have been using funding flexibly to access excluded supports they will experience an increased regulatory burden of approximately 3 hours if they choose to apply for a reassessment to |



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| Option | Benefits | Other costs | Net impact | Regulatory burden |
|---|---|---|---|---|
| technology supports: 14,000 participants<br>Hearing services: 2,000 participants | | | | access the exclusions. Providers will need to understand how support determination exclusions are applied and may need to adjust service agreements to align to supports available. |
| **Proposed option (part B) - New plan variation pathway for high support needs cohort**<br><br>Total high support needs participants in 2025: 72,000*<br><br>**Total participants with funded 24-hour disability support needs who had a payment in 2025.* | This approach ensures 'high support needs' participants can apply for a variation to have plan funding increased (and backdated) after the support determination is applied to ensure their 24-hour disability support needs are met. | Moderate increase to Scheme costs, high implementation cost for the NDIA workforce to undertake plan variations. Other costs are dependent on the number of participants who apply for the variation. There will also be an increase in costs to the Administrative Review Tribunal for matters related to reviewable decisions for plan variations. Providers may also face costs or moderate cashflow challenges when delivering unfunded services to participants who are awaiting the outcome of a variation. | Positive safeguard for participants with 24-hour disability support needs. Will reduce the risk of unintended impacts from funding resets. | Expected increase in regulatory burden on participants seeking a plan variation. The burden will be immediate for participants who have a gap in 24-hour paid disability supports after the application of the support determination. Participants seeking a variation to increase plan funding after a support determination has been applied will need to submit a plan variation application. It may take approximately 2 hours to complete, submit and provide relevant evidence in support of the application. There |



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| Option | Benefits | Other costs | Net impact | Regulatory burden |
|---|---|---|---|---|
| | | | | may also be an increased burden on nominees to support participants to prepare and apply for a new plan variation. Providers may face increased administrative costs to manage rostering changes and supporting participants while awaiting the outcome of a variation. The level of impact on providers will vary depending on how many high support needs participants they deliver support to. |
| **Alternative option (part A) – Plan reassessment for all participants with identified excluded subgroups and self-managed participants (approx. 300,000)** | Reduced risk of unintended consequences of funding resets. Strong mitigation of safeguarding risk to participants. High accuracy of amounts to be excluded from support determination as the current support needs of participants will be considered during the reassessments. | Significant implementation cost to Government through increased workforce requirements for NDIA to complete the reassessments. High impact on NDIA's ability to implement other reform priorities and support effective engagement with participants and providers. | Positive safeguarding approach for participants. High regulatory burden for participants, providers and the NDIA. | Expected increase in regulatory burden on approximately 300,000 participants who would undergo a plan reassessment. This may take approximately 3 hours required for plan reassessment plus preparation and other correspondence activities. Increased burden on service providers due to support required for participants in preparation for plan |



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| Option | Benefits | Other costs | Net impact | Regulatory burden |
|---|---|---|---|---|
| | | | | reassessments and uncertainty regarding ongoing service arrangements pending the outcome of the plan reassessment. Additional burden for participants and providers related to the need to update any service agreements. |
| **Alternative option (part B) – Exclude high support needs participants from the support determination** | Reduced risk of unintended consequences of funding resets. Strong mitigation of safeguarding risk to participants. | Higher Scheme costs and minor implementation costs associated with NDIA ICT builds to identify and exclude participants with 24-hour disability support needs from the support determination. | Positive safeguarding approach for excluded participants. However, given that some high support needs participants might still have their 24-hour disability support needs met even if the support determination was applied in full, this option was considered to be disproportionate to the safeguarding risk. Participants have a variety of different support and funding arrangements, and some may be able to use their plans flexibly to maintain their 24-hour disability supports. A broad carve-out | Lower regulatory burden compared to proposed option. However, a broad carve-out would risk poorly targeted funding adjustments, and inconsistent application of the support determination across all participants in the Scheme who are funded for SECP and IDLS. The variation pathway is a more equitable approach to delivering on the Government's intent to establish safeguards for high support needs participants who require continuous 24-hour care for their disability |



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| Option | Benefits | Other costs | Net impact | Regulatory burden |
|---|---|---|---|---|
| | | | may result in inconsistent and inequitable application of the support determination. | support needs, while maintaining policy intent of restoring SECP and IDLS funds to more sustainable levels. |

## Economic and social impacts

| Status quo | Proposed option |
|---|---|
| **People:** Without clear exclusions, participants may experience unintended reductions to supports that Government intends to preserve. Participants with high support needs may face disruption of critical supports. Participants who are using SECP supports to enable them to work may need to cease work or reduce work hours. | **People:** The proposed exclusions and new plan variation pathway would reduce the risk of unintended impacts on participants. They would preserve specified supports from the operation of a support determination and allow high support needs participants to pursue the variation pathway who have 24-hour funded disability support needs to ensure those supports are maintained. Exclusions and the new plan variation pathway protect critical supports linked to health, safety, employment, and continuity of care. |
| **Businesses:** Providers may face uncertainty about whether supports remain funded. This may affect service continuity, especially for providers delivering employment supports or disability-related health supports. There will be a reduction in demand for services from providers which may impact staff hours and workforce numbers.<br><br>Businesses employing participants requiring employment supports may face uncertainty about their employee's ability to remain in work or their hours of work. | **Businesses:** Providers would benefit from clearer rules on which supports are affected by a support determination. Some providers may still face uncertainty where participant plans require manual analysis or reassessment or where there is an application for a plan variation. There will be an impact on workforce numbers (increased workforce demand) compared to the status quo. |
| **Others:** Informal carers may experience increased pressure if support changes disrupt participant routines or service access. Stakeholders have raised concerns about participant harm, provider viability and the need for clear safeguards. Informal caregivers will be likely to have increased caring responsibilities when supports are reset. | **Others:** Informal carers benefit from improved continuity of funded supports. The proposal may reduce avoidable complaints, review activity and service disruption if exclusions are applied accurately. Informal caregivers will be likely to experience less impacts on the amount of care they need to provide as the exclusions will limit funding reductions. Stakeholders are likely to support safeguards, but may seek greater transparency on the cohorts, supports |



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| Status quo | Proposed option |
|---|---|
| | and evidence used to apply exclusions and methodology used to consider new plan variation applications. |

## Regulatory burden

| Status quo | Proposed option |
|---|---|
| **People:** Participants would have the full support determination applied. They can apply for a plan variation or reassessment if they meet the relevant requirements. With no exclusions to the support determination, participants would have to explore other options outside the NDIS to access the support they need. | **People:** There will be some burden on participants to understand which supports have been excluded and which have not. In some circumstances, participants may need to undergo a reassessment which would involve discussing their current needs with a planner – a process which takes approximately 3 hours. There will also be added burden on a cohort of high support needs participants with 24-hour disability support needs, to prepare and apply for a variation of their plan. |
| **Businesses:** Providers may incur time costs explaining changes, supporting participants, adjusting service bookings or responding to uncertainty about funding. There would be a material impact on the number of hours of support providers are able to deliver. | **Businesses**: Providers may face minor to moderate burden in understanding the exclusions, understanding criteria for the new plan variation pathway, responding to participant queries and adjusting service arrangements accordingly. Burden is lower than if there were no exclusions, or if reassessment was required for all participants to implement the exclusions. There will still be a reduction in the number of hours of support providers are funded to deliver but this impact is reduced due to the exclusions. |
| **Others:** Informal carers may need to help participants understand changes, gather information or engage with the NDIA. They would face moderate burden associated with seeking other supports. | **Others:** Informal carers and nominees may face some information and engagement costs. These costs should reduce if communications are clear about the changes. Additionally, there will be more support hours available in participant plans compared to the status quo as a result of the exclusions and variation pathway, which should positively impact the care and support workforce which delivers NDIS services. |

## Other considerations and implementation

### What success looks like



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Success means the exclusions and new plan variation pathway are implemented in a way that:

- preserves supports that Government has determined be unaffected by support determinations, including supports critical to participant health, safety and employment,
- ensures high support needs participants with 24-hour disability support needs are able to have this level of support maintained,
- applies exclusions and assessment of new plan variations consistently and transparently across participants, providers and NDIA decision-makers,
- minimises avoidable reassessments, complaints and escalation activity, and
- is legally robust and supported by objective and auditable exclusion criteria wherever possible.

Indicators of success may include:

- the proportion of in-scope plans where exclusions are applied correctly at reassessment or renewal, measured through quality assurance, sampling, complaints and reassessment requests,
- the number and proportion of participants identified as potentially meeting the high support needs criteria who submit a plan variation request,
- the number and proportion of high support needs participants who have plan variations approved, and
- number and proportion of plan variation requests processed within statutory timeframes.

Monitoring by the department, NDIA and NDIS Quality and Safeguards Commission would assess whether exclusions and assessments of plan variations are operating as intended, protecting identified supports and participant cohorts while avoiding unnecessary administrative burden and implementation risk.

**Implementation approach**

Implementation will require coordination between the department and the NDIA on policy, operational, data, system and communication activities to give effect to the support determination exclusions and new plan variation pathway.

Key implementation activities include:

- develop data markers, approved data sources and exception processes,
- prepare operational guidance, training and quality assurance processes for NDIA staff,
- deliver communications for participants, providers and other stakeholders, and
- monitor implementation outcomes, including complaints, review activity, market impacts and participant safety indicators.

**Identifying and mitigating implementation risks**



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The proposed approach has been designed to anticipate implementation risks with clear mitigations embedded from the outset. The NDIA's implementation will prioritise participant safeguards and continuity of critical supports, ensuring the measure is delivered consistent with the Government's original policy intent.

Preserving funding for excluded subgroups of supports

The key implementation risk is that some participants with critical supports, such as employment supports, lose access to these supports after a support determination is applied. To address this risk, the implementation approach needs to:

- reliably identify participants who are funded for excluded subgroups of supports, and
- ensure these funds are excluded from the impact of the support determination.

Residual risks associated with implementing the proposed approach include:

- NDIA ICT systems do not reliably distinguish funding for excluded support subgroups within participant plans, therefore participants may have funding for excluded supports incorrectly impacted by a support determination,
- participants and providers may experience delays, uncertainty or the need for plan reassessments where available information is insufficient to identify excluded supports,
- large-scale manual reassessment activity may exceed operational capacity, and
- implementation outcomes may vary where decisions rely on proxy data, incomplete records or interpretation of historical planning information.

These risks will be mitigated through the following:

**Manual NDIA processing using multiple data sources**: manual processes will draw on claims, payments, historical planning records and participant information to identify excluded supports and preserve the associated funding. Using multiple data sources provides a stronger evidence base where no single source contains sufficient information.

**Opportunities for reassessment:** participants may remain eligible to seek a plan reassessment where the support determination has reset their funding because they have not claimed for an excluded subgroup of support. This also applies where a participant has been flexibly claiming for an excluded subgroup of support without specific funding for that subgroup. In both cases, the participant must be able to demonstrate a significant and ongoing change to their needs or circumstances since their last planning decision.

**Operational readiness**: clear operational guidance and streamlined assessment processes will support timely identification of excluded supports and resolution of cases involving incomplete or unclear information. This will minimise delays and reduce the need for unnecessary plan reassessments. Nationally consistent operational guidance, staff training and



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quality assurance arrangements will support accurate and consistent decision-making. These controls will help identify errors, manage judgement-based decisions and promote consistent implementation.

**Dedicated resourcing and triage**: targeted identification and prioritisation arrangements will focus manual reviews on participants most likely to be affected. This will limit unnecessary reviews and direct operational resources to cases requiring detailed delegate consideration.

Ensuring high support needs participants who require 24-hour disability supports can maintain support arrangements

The key implementation risk is that some participants with 24-hour disability support needs may experience a funding shortfall after the support determination is applied, creating a risk to continuity of essential support arrangements.

To address this, the variation pathway must:

- identify eligible participants consistently, and
- determine whether the support determination has created a shortfall in the funding needed to maintain necessary 24-hour disability supports.

This targeted approach avoids automatically excluding all high support needs participants from the impact of a support determination, while providing a safeguard where the support determination would otherwise affect the participant's ability to maintain 24-hour disability supports.

Residual risks associated with implementing the proposed approach include:

- participants with high levels of informal supports may not meet the definition because they do not receive funded 24-hour supports,
- participants may experience delayed access to additional funding where demand for plan variations exceeds operational capacity,
- participants may not apply for a variation despite being eligible,
- providers deliver unfunded services while awaiting the outcome of the decision, and
- a high volume of review requests may occur where participants disagree with delegate decisions.

These risks are mitigated through the following:

**Ongoing monitoring of the impacts on informal supports:** this risk will be monitored through implementation, including feedback from participants, carers and providers. Participants with significant and ongoing changes to their circumstances, including changes to informal supports, can continue to seek a plan reassessment.

**Operational readiness:** the NDIA is establishing dedicated resources to implement the plan variation pathway. Where possible, the NDIA will also proactively identify and engage participants who may be eligible for the variation pathway.



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**Clear communications and support**: proactive NDIA communications and engagement will support high support needs participants to be aware of the variation pathway. These participants can also be assisted by a nominee, support worker, advocate or provider to apply for the variation. The NDIA will also be closely monitoring implementation and has the capacity to undertake a CEO-initiated plan reassessment if required.

**Objective criteria:** the use of objective eligibility criteria and a set calculation method reduces uncertainty for participants, providers and decision-makers, and supports more consistent outcomes. It may also provide greater confidence to providers where they continue providing supports while an eligible participant's variation request is being assessed.

These safeguards and mitigations are intended to ensure the pathway operates consistently and remains focused on high support needs participants whose support arrangements would otherwise be at risk.

**Planned evaluation**

The Amending Act includes a statutory review requirement to ensure the reforms are subject to independent evaluation following implementation. The review will assess the operation, effectiveness and impacts of the reforms. This includes whether they are achieving their intended objectives of improving the sustainability, integrity and administration of the NDIS while maintaining appropriate support for participants. The review will take place in 2029.

The statutory review is intended to strengthen transparency and accountability by providing Government, Parliament and stakeholders with an evidence-based assessment of the reforms. The review will draw on administrative data, evaluation activities and stakeholder feedback, providing an important mechanism to assess whether support determinations are delivering on the intended objectives while maintaining appropriate safeguards.

The statutory review is not expected to impose any material regulatory burden on participants, providers or other stakeholders. Any consultation undertaken as part of the review will be voluntary and limited in duration. Accordingly, the review is expected to have a negligible regulatory burden while supporting effective oversight of the broader reform package.

In addition to the requirement for a statutory review, an evaluation is planned for the NDIS reforms announced in the 2026-27 Budget. This was noted in the NDIS Reforms Impact Analysis published on 14 May 2026. It is anticipated to involve a full evaluation in 2030-31, with an interim evaluation in 2028-29. Work is being undertaken to consider handling of the planned evaluation alongside the requirement for the statutory review and an additional statutory review associated with the *National Disability Insurance Scheme Amendment (Getting the NDIS Back on Track No.1) Act 2024*.



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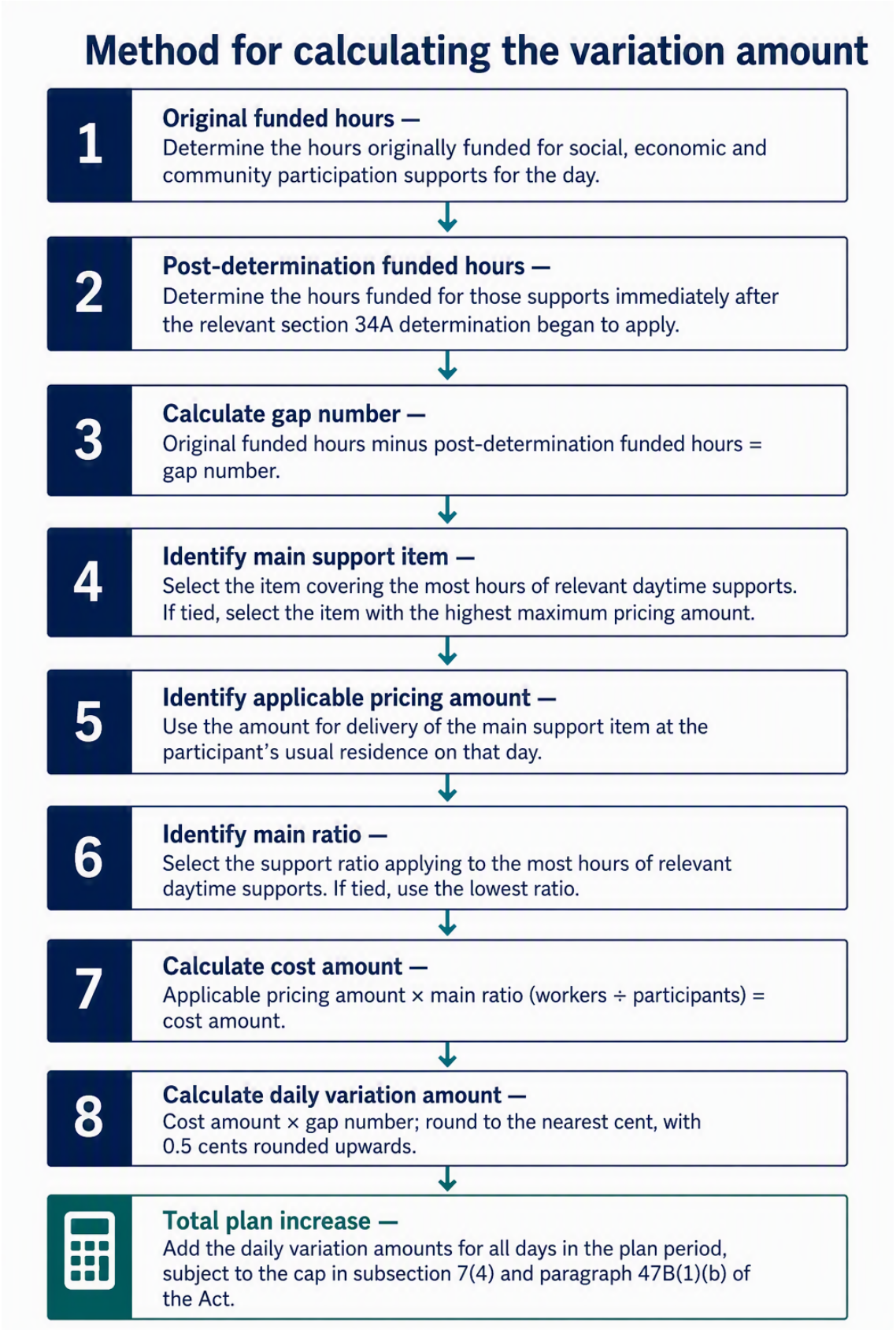




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