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

I, Jenny McAllister, Minister for the National Disability Insurance Scheme, make the following determination.

Dated 28 September 2026

Jenny McAllister
Minister for the National Disability Insurance Scheme

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Part 1—Preliminary

1 Name

This instrument is the *National Disability Insurance Scheme (High Support Needs Participants) Determination 2026*.

2 Commencement

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

Commencement information		
Column 1	**Column 2**	**Column 3**
Provisions	**Commencement**	**Date/Details**
1. The whole of this instrument	1 October 2026.	1 October 2026

Note: This table relates only to the provisions of this instrument as originally made.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

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

3 Authority

This instrument is made under subsection 47B(12) of the *National Disability Insurance Scheme Act 2013*.

4 Definitions

Note: A number of expressions used in this instrument are defined in the Act, including the following:
(a) CEO;
(b) funding component amount;
(c) participant;
(d) plan;
(e) supports.

In this instrument:

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

high needs groups of supports: 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.

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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:

(a) NDIS Pricing Schedule 2026-27;

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

Note: These documents could in 2026 be viewed on the Agency's website (http://www.ndis.gov.au).

relevant daytime supports: 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, expressed as *w*:*p* where:

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

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

Example: A support ratio of 1:3 represents one worker for 3 participants supported. A support ratio of 2:1 represents 2 workers for one 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.

Note: The cost of an NDIS support may depend in part on the support ratio for the provision of the support.

variation amount for a day: see subsection 7(3).

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Part 2—High support needs participants

5 Class of participants that are high support needs participants

(1) This section is made for the purposes of paragraph 47B(12)(a) of the Act.

(2) The specified class of participants for the purposes of subsection 47B(2) of the Act is the class consisting of each participant to whom both of the following paragraphs apply:

(a) the Agency's records show that, in preparing the participant's plan (or, if the plan is a renewed plan, in preparing the source plan for the participant's plan), amounts were allocated for NDIS supports in one or more high needs groups of supports so as to fund those NDIS supports covering continuous 24-hour care for the participant's disability support needs;

(b) the total of the funding component amounts stated in the participant's plan for those groups of supports is (disregarding the effect of subsection 34A(2) of the Act) at least equal to $215,030.

Note: Paragraph 34(1)(aa) of the Act requires that a support is necessary to address needs of the participant arising directly from an impairment or impairments in relation to which the participant meets the disability requirements (see section 24 of the Act) or the early intervention requirements (see section 25 of the Act).

(3) However, the specified class does not include a participant if:

(a) the participant's plan (the ***current plan***) is a renewed plan; and

(b) either of the following decisions was made in relation to a previous plan for the participant that was replaced, directly or through one or more renewed plans, by the current plan:

(i) a decision under subparagraph 47B(5)(a)(i) of the Act to vary the plan;

(ii) a decision under subparagraph 47B(5)(a)(ii) of the Act not to vary the plan.

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Part 3—Variations of high support needs participants' plans

6 Criterion to be applied

(1) For the purposes of subparagraph 47B(12)(b)(i) of the Act, 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.

(2) The criterion is that the CEO must vary the plan if, as a result of the application of the relevant determination under section 34A of the Act, the funding provided under the participant's plan is insufficient to maintain the provision of NDIS supports in one or more high needs groups of supports covering continuous 24-hour care for the participant's disability support needs.

7 Method to be applied

(1) For the purposes of subparagraph 47B(12)(b)(i) of the Act, this section specifies the method to be applied by the CEO in varying a participant's plan under subsection 47B(8) of the Act to increase the funding component amount stated in the plan for groups of supports covered by subsection 47B(9) of the Act.

(2) Subject to subsection (4), the total amount by which the funding is to be increased is the sum of the variation amounts for each day during the period:
  (a) starting on the day the plan comes into effect; and
  (b) ending on the plan's end date.

(3) The ***variation amount*** for a day is worked out using the following method statement:

Method statement

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

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

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

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.

(4) If the sum of the variation amounts referred to in subsection (2) is an amount that exceeds the difference between the 2 amounts mentioned in paragraph 47B(1)(b) of the Act, the total amount by which the funding is to be increased is an amount equal to that difference.

Note: Subsection 47B(8) of the Act prevents the CEO from varying a plan in a way that would result in funding component amounts stated in the plan for groups of supports being increased by an amount that, in total, would exceed the difference between the 2 amounts mentioned in paragraph 47B(1)(b) of the Act.

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