

Frequently Asked Questions



Reasonable and necessary supports

What are reasonable and necessary supports?

To fund supports the NDIA needs evidence that all the criteria in [section 34 of the NDIS Act](#) are satisfied. These criteria are often referred to as the 'reasonable and necessary' support criteria.

The criteria are:

- a Support your goals:** The support must help you achieve your goals
- b Facilitate participation:** The support must help you with activities that facilitate your social and economic participation
- c Value for money:** The cost of the support must be reasonable, when compared to the benefits achieved and the cost of alternative supports
- d Effective and beneficial:** The support must be likely to be effective and beneficial for you
- e Account for reasonable support from informal supports:** The support must not be something that could be reasonably expected to be provided by your family or friend
- f Responsibility of the NDIS:** The support must be most appropriately funded by the NDIS and not more appropriately funded through a mainstream service system, for example by the health or education systems.



In this fact sheet we refer to the [Supports for Participants Rules](#), which provide more information about the meaning of these criteria, so you can know the rules the NDIA must follow.

All of the reasonable and necessary support criteria must be met for the NDIA to approve funding for a support.

What does value for money mean?

The 'value for money' criterion is commonly used by the NDIA to refuse a support. The NDIA must consider whether the cost of the support is reasonable, considering its benefits and any less-expensive alternatives. Value for money does not mean that a support must be the cheapest option or that a support which is necessary for you to live independently cannot be funded because it is too expensive.

The value for money criterion is particularly important where there are two supports which both have a similar benefit for you, but one is significantly more expensive. In those circumstances, unless there is some clear reason why the more expensive support is required, the NDIA should only fund the lower cost support.

More expensive supports may be value for money if they are more beneficial, including if they reduce the need for support for a person over the longer term.

It is helpful to provide cost benefit comparisons with alternative less-expensive supports. The Tribunal has made some decisions which help us understand 'value for money':

- In the case of [PPFQ and National Disability Insurance Agency \[2019\] AATA 1092](#), the Tribunal approved funding for more expensive hearing aids after the participant provided evidence of the additional benefits of the hearing aids to them.
- A participant won't always need to cost every alternative support. In [Mazy and National Disability Insurance Agency \[2018\] AATA 3099](#), the Tribunal noted "it should not fall to the participant to fully explore alternative supports which may be less expensive".

See rule 3.1 of the [Supports for Participants Rules](#) for more detail about the value for money criterion.



What is effective and beneficial?

The NDIA can only fund supports that have been proven to be both:

- Effective (it will do what it is intended to do)
- Beneficial (it will help a participant to maintain or improve their function)

Evidence that can help demonstrate a support is effective and beneficial includes:

- medical journal articles about the effectiveness of the requested support
- professional reports
- statements by participants and/or their carers about the benefits experienced by, and/or expected for, the participant.

An example is [SCHW and National Disability Insurance Agency \[2021\] AATA 591](#) where the participant sought funding for an assistance dog. The Tribunal considered academic articles about the benefits of assistance dogs for persons with psychiatric conditions and evidence of the Applicant's treating professionals. In this case, the Tribunal found that the assistance dog was effective and beneficial, taking into account this evidence.

See rule 3.2-3.3 of the [Supports for Participants Rules](#) for more detail about the effective and beneficial criterion.

What is reasonable to expect of family, carers and other supports?

To determine what is reasonable to expect from the family, friends and other unpaid supporters of a person with disability, the risks and benefits to the person with disability and their supporters must be considered.

- Evidence needed may include a statement from the person on whom the participant relies the most, including details of the support they provide and any difficulties they experience in being relied on to provide that support.
- Parents are expected to provide substantial care and support for their children; however, if a child's needs are substantially greater than their peers because of the child's disability, it is not reasonable to expect parents to meet all these needs. A detailed carer statement is important to demonstrate the level of care a parent is providing for a child
- For example, in [JQT and National Disability Insurance Agency \[2016\] AATA 478](#) the Tribunal approved funding for transport to take the child participant to and from respite, despite transport generally being a parental responsibility, as not doing so would reduce the benefit of the respite support already funded.



See rule 3.4 of the [Supports for Participants Rules](#) for more detail about the reasonable expectations criterion.

When will a support be most appropriately funded by the NDIS?

The NDIA cannot fund a support if it is more appropriate for another mainstream system, like health or education, to provide the support. For example, the NDIS will not be responsible for funding the diagnosis and treatment of a participant's health conditions by an allied health practitioner but may fund allied health therapy where that therapy is needed to help a person with disability participate in their community.

Mainstream systems are also required by disability discrimination law to make adjustments for a person with disability and the NDIS will not be responsible for funding supports when the mainstream system should instead adjust their services to meet the needs of a person with disability. For example, schooling is generally the responsibility of the State Education system and that system has an obligation to make reasonable adjustments for a student with disability.

- It can sometimes be difficult to agree on funding responsibilities. For example, in [Burchell and National Disability Insurance Agency \[2019\] AATA 1256](#) the Tribunal noted "there were difficulties in drawing the line between the disability service system and other mainstream service systems", and it was possible that a health-related need might be funded by the NDIS in some circumstances.

See Schedule 1 of the [Supports for Participants Rules](#) for more detail about the supports the NDIS is generally responsible for funding and what mainstream service systems will generally be responsible for funding.

When will the NDIS fund day-to-day living costs?

Generally, day-to-day living costs like rent, food or petrol cannot be funded by the NDIA, unless there are circumstances where day-to-day living costs are incurred solely and directly as a result of a person's disability support needs.

While many people may choose to pay for items such as air-conditioning, an iPad or gym membership, if a person with disability can show they need the support because of their disability, it may be funded through the NDIS.



This happened in the following Tribunal cases:

- In [McKenzie and National Disability Insurance Agency \[2019\] AATA 3275](#) the Tribunal approved funding for ducted air-conditioning for a participant with Multiple Sclerosis living in Mackay who had provided evidence that his disability made him unable to regulate his body temperature.
- In [Gelzinnis and National Disability Insurance Agency \[2021\] AATA 3970](#) the Tribunal approved funding for an internet service package for a participant with psychosocial disability who required a reliable internet connection in her home to access assistive technology supports and interventions to lessen her experience of social isolation due to her psychosocial disability.
- In [Milburn and National Disability Insurance Agency \[2018\] AATA 4928](#) the Tribunal approved funding for a gym membership for a participant with arthritis and fibromyalgia as the participant's need to attend the gym on a regular basis was directly related to her disabilities and not merely a discretionary expense as it is for non-disabled people.

See rule 5.1 and 5.2 of the [Supports for Participants Rules](#) for more detail.

What if the NDIA offer to pay for part of the support and ask me to contribute to the cost?

Generally, once you have demonstrated that a support meets the reasonable and necessary support criteria, it should be fully funded by the NDIS.

- In [McGarrigle v National Disability Insurance Agency \[2017\] FCA 308](#) the NDIA offered to pay only a portion of the participant's requested transport costs, but the Federal Court said this support should be "wholly or fully funded."

However, this issue may be more complicated where a certain expense is a day-to-day living cost but is more expensive because of a person's disability. For example, extra-curricular activities are an expense that may be incurred for all children. However, where the cost of the activity is more expensive due to a child's disability, (e.g. where a child must have individual lessons rather than group sessions as a result of their disability) the NDIA may fund the gap.

- In [PMCP and National Disability Insurance Agency \[2022\] AATA 1062](#) at [40] the Tribunal approved funding the difference between group music lessons and private music lessons required as a result of the participant's disability.



About the Tribunal cases mentioned in this fact sheet

Case references are included to help you understand how the law (the criteria and rules) is applied. Each case is determined based on the participant's circumstances and available evidence. Although it may help you to refer to these cases, the NDIA and Tribunal are not required to follow them. Only Federal Court cases create legal precedents that must be followed.

Where can I get help?

You can seek advice from an advocate or Legal Aid lawyer.

You can find an advocate using [Ask Izzy's disability advocacy finder](#).

