

# 6. Legislation and Language



When preparing for your planning meeting it can be helpful to understand some of the language that is used by the NDIA and can be found in the NDIS Act 2013. Section 34 is a key part of the Act and is used to decide if the supports you are asking for are reasonable and necessary.

What does this mean?

Let's go through each section and have a look at how you can use the information in the Act to help you prepare your goals and support requests.

## **Section 34.1A Supports you ask for must relate to your current goals and aspirations.**

Everything you ask for must link directly back to your goals. For example, you may want to attend a sports club, which is local to you and you would like to ask for communication support. This would link to a goal about being able to attend and participate in local supports independently.

Another point to include here is ongoing assessment of review for therapies you request. So for example, if you wish to access speech therapy, your goal should include provision to reassess and review before your next plan is made. This means that you will request funding for a review and report, which will help you to access the same therapy services in your next plan.

## **Section 34.1B Supports you ask for must facilitate and support social and economic participation.**

This means that the supports that you have requested will work towards achieving the goal of being independent, being able to be socially engaged and if possible, get a job.

For younger clients, this may not seem relevant but remember that the NDIS is a long-term funding model so working towards independence can come under this section.

For example, you may request support for you to access the community in which you live independently.

You could ask for a support worker to accompany you to the local park or play area on the weekend.

You could also ask for a specific support worker to be with you at home to enable you to be independent on some of the evenings or weekends.

## **Section 34.1C Supports you ask for must represent value for money.**

To satisfy this criteria, it would help you to get quotes for pieces of technology you request and information about the specifications about particular items you have asked for. These do not need to be highly detailed or lengthy. They just need to show that they are the best fit for your needs.

## **Section 34.1 D Supports you ask for must be shown to be effective and represent current best practice.**

This means there is evidence which supports you asking for a particular support service or piece of equipment.

For example, if you use Auslan as your first language, your family may request funding to support the whole family having access to Auslan tutoring.

To show this request meets the criteria you could:

1. Collect research articles that show the importance of Auslan training for the family to support communication needs.
2. Find evidence of this way of working having been effective for you in the past

Or 3. Collect letters or reports from your speech therapist or other allied health professionals supporting your request.

Allied health professionals include doctors, specialists, speech therapists and other therapists.

**Section 34.1 E Supports you ask for extra to the supports family or a participant would expect to find themselves.**

This criteria is about the age and stage of the participant. For example, if you request communication support to be able to attend the local youth club, this may be seen as something that a family would not need to do for a hearing teenager who should be able to attend and participate in local clubs and activities themselves without a family member coming along to support them with communication. If you are older, support to attend clinics and appointments independently of family members would be another example of reasonable and necessary support.

**Section 34.1 F Supports you ask for must not be something that another mainstream service would be expected to provide.**

To meet this criteria, you need to show that the support you are asking for is not something that other services should routinely provide. Two key service providers here are health and education. So, for example, if you are asking for interpreters at school, the NDIS may ask why the Department of Education is not providing this support. If you are asking for interpreters during hospital procedures such as surgery, the NDIS may ask whether this could be funded under the health service.

However, if you are asking for an interpreter to allow access to community care-based psychology support, you may need to show that other funding options have not been available.