



NDIS Participants with Compensation

The National Disability Insurance Scheme (NDIS) does not replace existing compensation arrangements for personal injury.

If you have received, or will receive compensation money that is intended to pay for supports you may have reduced NDIS supports available to you.

You need to tell the National Disability Insurance Agency (NDIA) if:

- you have received compensation or
- you are in the process of receiving or applying for compensation

Have I received compensation?

You may have received compensation if you have been awarded money or entitlements in recognition of some type of loss or injury such as:

- a work injury
- a motor vehicle accident injury
- an injury resulting from medical negligence
- an injury caused by an event like a fall in a public place

What happens when I have compensation?

To find out if your compensation affects the supports that the NDIS may provide, we will need information from you.

You may need to provide information that shows:

- the type of compensation you have received or that you are seeking
- when you received the compensation
- the amount of compensation you received
- what the compensation money has been spent on
- how much compensation is left

Talk to your local NDIS office about how you can provide this information or if you have trouble finding these records.

If the compensation is intended for supports that the NDIS covers like personal care, the NDIA will need to calculate the effect the compensation has on those supports. The NDIS refers to this amount as the Compensation Reduction Amount (CRA) and it is documented to ensure that there is no duplication of funding for the supports you are eligible for.

There are some types of compensation that will not affect any supports you may be entitled to under the NDIS. This normally includes compensation received for pain and suffering, or loss of income. It is important that you still tell us about your compensation, even if you think it is a type of compensation that will not affect your supports.

Which part of my compensation is relevant to the NDIS?

It is possible that only certain parts of your compensation are relevant to the NDIS for the purpose of calculating the CRA. Generally, if the purpose of the compensation is to provide or fund supports for daily living (this is what the NDIS calls reasonable and necessary supports), then the compensation will be considered by the NDIS. As mentioned above, compensation for pain and suffering or income replacement will not affect any support the NDIS provides.

How do I tell the NDIA?

If you are applying to join the NDIS, please tell us when you meet with us. If you are already in the NDIS and haven't told the NDIA about your compensation you need to talk to your local NDIS office.

What happens if I don't tell the NDIA about my compensation?

If you make false or misleading statements regarding your compensation and you receive supports funded by the NDIS, you may have to pay back the cost of those supports under the *National Disability Insurance Scheme Act 2013*.

What happens to my NDIS plan while I am seeking compensation?

You will continue to receive any supports you are entitled to from the NDIS.

Will my plan be reviewed?

Yes. The NDIA will review your plan to take into account compensation arrangements and CRA.

The NDIS does not replace existing compensation arrangements for personal injury.

How will the NDIA tell me about its decision on compensation?

The NDIS will communicate with you throughout the process of determining the impact of your compensation on the supports you are entitled to receive. We will be in contact with you in person or over the phone, as well as in writing.

What can I do if I think the decision by the NDIA on compensation is wrong?

You can request an internal review of the decision. If you are still unhappy with the decision, you have additional review options. For more information talk to your local NDIS office or see www.ndis.gov.au

What is the legal and policy framework that the NDIA must follow in calculating compensation reductions?

The *National Disability Insurance Scheme Act 2013* (the Act) allows for the creation of a set of Rules called the National Disability Insurance Scheme (Supports for Participants - Accounting for Compensation) Rules. The Rules are intended to complement the Act, by including detail about how compensation payments for personal injury are taken into account.

In addition to the Act and the Rules, there are also documents called Operational Guidelines which are available at www.ndis.gov.au. The Guidelines outline how we calculate the CRA and how the Act and the Rules translate into instructions that help NDIA staff to make decisions.

More information

ndis.gov.au

1800 800 110*

8am to 5pm (AEST) Monday to Friday

For people with hearing or speech loss
TTY 1800 555 677

Speak and listen
1800 555 727

For people who need help with English
TIS 131 450

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*1800 calls from fixed lines are free.
Calls from mobiles may be charged.

