



Plan usage and additional funding – Lessons from the AAT

A recent case before the AAT – Chau and the NDIS – demonstrates the importance of using one's plan effectively before asking for additional funding.

You can [read the full description of the case](#) online; we have provided a summary below.

The case

Ms Chau is a 50-year-old NDIS participant. She lives with the effects of stroke, schizophrenia, bipolar affective disorder, hypertension and glaucoma.

As part of her rehabilitation, Ms Chau attends Cabramatta Leisure Centre for hydrotherapy classes and to go to the gym. Most of the time, her brother, Mr Chau, attends the Leisure Centre with her and assists her when necessary.

The hydrotherapy classes have been effective, and Ms Chau can now attend classes on her own. Her exercise physiologist has recommended continuation of her exercise rehabilitation program 2 days per week (2 x 30 min sessions), and additional independent exercise and hydrotherapy sessions 5 days per week.

In her current NDIS plan Ms Chau has various supports, including:

- two hours per week assistance with domestic duties by a support worker
- ten hours per week assistance by a support worker for social and community participation
- \$1,606.00 being 'a contribution towards any transport related costs'
- 28 hours per year for exercise physiology, recreational therapy, occupational therapy, or hydrotherapy at the therapy rate.

Ms Chau is seeking additional funding for a total of \$3,744.00 per annum for transport. This is calculated on the basis of three return trips to the Leisure Centre each week for 48 weeks per year.

Ms Chau regularly attends local clubs for recreational and social activities, including for cash draws, and tea and snacks. This is a large part of her community participation; however, the AAT also noted that Ms Chau has had a history of gambling. Evidence from the director of the company providing Ms Chau's support workers stated that support workers transported Ms Chau a couple of times for work to and from these clubs, often alongside other activities, e.g. lunch at McDonalds.

The decision

The AAT affirmed the NDIS's decision to refuse the additional supports.

The AAT noted the 'reasonable and necessary' criteria, and while it agreed that support to attend the Leisure Centre is reasonable, it concluded that this transport could be managed with supports already in place – that



is, Ms Chau could use her support workers to take her to the Leisure Centre, but is instead choosing to use this funding to visit clubs.

What can we learn from this case?

This case shows the importance of using plan supports fully, effectively and appropriately, before requesting further NDIS supports, as well as clearly satisfying the 'reasonable and necessary' criteria.

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