

## 12. Transport

Transport supports include supports that enable participants to build capacity to independently travel, including through personal transport-related aids and equipment, or training to use public transport.

A participant's transport supports may also include the reasonable and necessary costs of taxis or other private transport options for participants who are not able to travel independently, as well as transport to and from school for students.

Transport supports only relate to participants and do not relate to travel for families, carers or providers of supports. However, providers of supports may claim reasonable travel time when delivering reasonable and necessary supports in the home, or when accompanying participants to access the community.

When considering whether transport is a reasonable and necessary support, the NDIA *must* consider, amongst other matters, whether the support is related to the participant's disability (see [what are the general criteria for supports](#)).

A support will not be provided or funded under the NDIS if it relates to day-to-day living costs (rule 5.1(d) of the Supports for Participants Rules).

Day-to-day living costs may include rent, groceries or utility fees, however, this is not an exhaustive list. Transport is an incidental cost of everyday life for most people and, therefore, can also be considered to be a day-to-day living cost.

However, the NDIS may fund day-to-day living costs that are incurred by a participant solely and directly as a result of their disability support needs (rule 5.2(a) of the Supports for Participants Rules).

These additional living costs (i.e. those incurred by a participant solely and directly as a result of their disability support needs) may be funded under the NDIS if they relate to reasonable and necessary supports.

Before including any transport support in a participant's plan, the NDIA *must* also be satisfied that the support will [assist the participant to pursue their goals, objectives and aspirations](#).

In addition, the NDIA must take into account [what is reasonable for families, carers, informal networks and the community to provide](#). In relation to transport, this consideration may be different for participants who are children as compared to participants who are adults.

When considering whether a proposed transport support represents [value for money](#), the NDIA will compare the costs of transport to the overall costs of alternative supports which may provide a

similar level of independence or reduce a participant's future needs for supports. For example, [vehicle modifications](#) .

The NDIA may also consider what options may be available for the participant in their local community, or whether funding other supports has the potential to build a participant's capacity to engage in local community activities.

Transport should only be funded where it has been determined to be reasonable and necessary, where it is an additional cost incurred solely and directly as a result of a participant's disability support needs and, where ancillary to another funded support, it is a cost which the participant would not otherwise incur.

It does not follow, merely because transport is ancillary to a funded support, that it should be funded. The circumstances in which transport may be funded are strictly limited. Transport *must*:

- relate to a support that has been determined to be reasonable and necessary; and
- be an additional cost and incurred solely and directly as a result of disability support needs; and
- where transport is ancillary to another funded support, it must be a cost which the participant would not otherwise incur (see [JQJT and NDIA \[2016\] AATA 478 at \[35\]](#) ).

The NDIS will *not* be responsible for:

- ensuring that public transport options are accessible to a person with disability, including through the funding of concessions to people with disability to use public transport;
- compliance of transport providers and operators with laws dealing with discrimination on the basis of disability, including the *Disability Standards for Accessible Public Transport 2002*;
- transport infrastructure, including road and footpath infrastructure, where this is a part of a universal service obligation or reasonable adjustment (including managing disability parking and related initiatives); or
- support to compensate for the lack of a public transport system.

See also is [the support most appropriately funded or provided through the NDIS?](#) In particular, [transport](#).

## 12.1 Transport and considerations relating to children

Parents of NDIS participants aged under 18 years have a responsibility to meet their child's daily transportation requirements. However, some children may require additional assistance, for example children who cannot use public transport or their parent's vehicle, even if modified, due to their disability.

The NDIS will generally not fund day to day living costs associated with caring for children, including transport costs, as parents are expected to meet a child's everyday transport requirements (see [JQJ and NDIA \[2016\] AATA 478 at \[35\]](#) ).

When considering whether transport is a reasonable and necessary support for a child, the NDIA *must* take into account [what is reasonable for families, carers, informal networks and the community to provide](#) (section 34(1)(e)).

What is reasonable for a family to provide in respect of a particular support should be considered in light of the support they have to provide the child generally because of his or her disability (see [JQJ and NDIA \[2016\] AATA 478 \[39\]](#) ).

When considering whether funding for transport for a [participant](#) who is a child takes account of what it is reasonable to expect families, carers, informal networks and the community to provide, the NDIA will consider:

- that it is normal for parents to provide substantial care and support for children;
- whether, because of the child's disability, the child's care needs are *substantially* greater than those of other children of a similar age;
- the extent of any risks to the wellbeing of the participant's family members or carer or carers; and
- whether the funding or provision of the support would improve the child's capacity or future capacity, or would reduce any risk to the child's wellbeing. (rule 3.4(a) of the Supports for Participants Rules).

The NDIS will be responsible for supports that a student requires that are associated with the functional impact of the student's disability on their daily living activities, such as transport to and from school (rule 7.13 of the Supports for Participants Rules).

When considering if specialist transport to and from school for a participant who is a child is a reasonable and necessary support the NDIA will consider:

- if any other transport option is available and appropriate; and
- whether providing the supports would substitute for parental responsibility.

## 12.2 Transport and considerations relating to adults

A participant will generally be able to access funding through the NDIS for transport assistance if the participant cannot use public transport without substantial difficulty due to their disability.

The funding the NDIS provides will take into account any relevant taxi subsidy schemes available to the participant and does not cover transport assistance for carers or family members to transport the participant for everyday commitments.

There are generally three levels of funding support for transport. The levels are used to provide a transport budget for participants. In exceptional circumstances, participants may receive higher funding if the participant has either general or funded supports in their plan that enable their participation in employment.

## Level 1

- the NDIS may provide \$1,784 per year for participants who are not working, studying or attending day programs but are seeking to enhance their community access.

## Level 2

- the NDIS may provide \$2,676 per year for participants who are currently working or studying part-time (up to 15 hours per week), participating in day programs and for other social, recreational, or leisure activities.

## Level 3

- the NDIS may provide \$3,456 per year for participants who are currently working, looking for work, or studying, at least 15 hours per week, and are unable to use public transport because of their disability.

When considering whether funding for transport for a participant who is an adult takes account of [what it is reasonable to expect families, carers, informal networks and the community to provide](#), the NDIA will consider:

- the extent of any risks to the wellbeing of the participant arising from the participant's reliance on the support of family members, carers, informal networks and the community; and
- the suitability of family members, carers, informal networks and the community to provide the supports that the participant requires, include such factors as:
  1. the age and capacity of the participant's family members and carers, including the extent to which family and community supports are available to sustain them in their caring role;
  2. the intensity and type of support that is required and whether it is age and gender appropriate for a particular family member or carer to be providing that care; and
  3. the extent of any risks to the long-term wellbeing of any of the family members or carers (for example, a child should not be expected to provide care for their parents, siblings or other relatives or be required to limit their educational opportunities); and
- the extent to which informal supports contribute to or reduce a participant's level of independence and other outcomes;

- for all participants – the desirability of supporting and developing the potential contributions of informal supports and networks within their communities.
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