

# NDIS self-management FAQs: employment and staff

## Introduction to In control: a guide to employing your own staff

CYDA's [In control: a guide to employing your own staff](#) has been developed to help self-managers understand their obligations as an employer and to employ their own staff if they choose. You can find the guide at [cyda.org.au/resources/ndis-self-management](http://cyda.org.au/resources/ndis-self-management)

### What is covered in this fact sheet

- Introduction to CYDA's In control: a guide to employing your own staff
- Hiring staff
- Paying staff
- Superannuation

### Hiring staff

#### Do I always have to directly employ support staff if I am self-managing?

You do not have to employ staff directly if you are self-managing. Directly employing staff is only one option you can use. You can also hire staff through recruitment agencies or find staff who are contractors or self-employed and will invoice you for services.

If you find someone you would like to work with but do not want to employ directly, you can ask them to join a recruitment agency or platform. This way, the agency takes care of all the employer requirements and you will just need to pay invoices for services.

#### What do I need to have in order to hire my own employees?

To hire your own staff, you will need to comply with the following legal requirements:

- Taxation
- Superannuation
- Insurance
- Workplace health and safety

The NDIS have a guide available: [Directly engaging your own staff](#)

## How do I hire support workers?

There are three ways to engage support workers:

- Recruitment agency or service provider: You can advertise or find a support worker through a recruitment platform. You can also find support workers in non-disability service providers, such as babysitting agencies. The agency will take care of all the employer requirements and you will receive invoices for the services provided.
- Contractors or independent workers: Self-employed workers who have their own ABN and pay their own tax, superannuation and insurance. Contractors will invoice you for services provided.
- Directly employing your support workers: As an employer, you will have legal requirements and will need to pay tax, superannuation, workers' compensation and insurance.

## Paying staff

### Can I pay support workers at a different price to the NDIS Price Guide?

Self-managers are not limited by the rates in the [NDIS Price Guide](#). You can pay above or below the Price Guide and negotiate rates with support staff. You can use the [Fair Work Ombudsman's Pay Calculator](#) to help you work out minimum wages according to the sector.

### Can I pay a support worker in cash?

You are free to pay support workers in cash and then claim your reimbursements from the NDIS portal. However, you will need to have an invoice for the service or support delivered with their ABN number. You can also ask your support worker to sign the invoice and signify they have been paid, or they can provide a receipt to you after payment. You should keep receipts and invoices for your records.

If you have employed a support worker directly, you cannot pay them in cash. Staff that you hire have their own legal requirements, including tax and superannuation.

## Do I need to pay travel time to support workers?

Support workers can charge for travel time if the NDIS Price Guide has an item that indicates providers can claim for travel. Support workers may also negotiate travel time with you and include it in the service agreement. You should discuss travel time and policies with service providers directly.

## Superannuation

### Do I always have to pay superannuation to my own employees?

If the employee earns at least \$450 a month before tax and works more than 30 hours per week, you will need to pay superannuation. If they don't meet both of those criteria, you do not need to pay superannuation.

### When do I need to pay superannuation to contractors?

The general rule is that you do not need to pay tax and superannuation to contractors as they have their own ABN and will organise their own payments. However, there are instances where you might need to pay superannuation to contractors. For example, if the work they are doing is their own physical and mental effort, known as "their own substantial labour", you may still need to pay superannuation. You can contact the Australian Taxation Office for support and further information.

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Disclaimer: CYDA's In Control Our Way resources have been created to support families of children and young people with disability to self-manage their NDIS plans. Information provided is intended as a general guide and may not contain the most recent information and updates. CYDA is not responsible for decisions made by the NDIA or its partners in the community. For the most current information on the NDIS, refer to the NDIS website. These fact sheets are current as of September 2020.

View the full set of In Control Our Way resources at: [cyda.org.au/](http://cyda.org.au/)



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