



# National Disability Insurance Scheme (Becoming a Participant) Amendment Rules 2016

*National Disability Insurance Scheme Act 2013*

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I, CHRISTIAN PORTER, Minister for Social Services, make these Rules for the purposes of sections 22, 23, 25, 27 and 209 of the *National Disability Insurance Scheme Act 2013*.

Dated: 15 March 2016

Christian Porter  
Minister for Social Services

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**1 Name of Rules**

These Rules are the *National Disability Insurance Scheme (Becoming a Participant) Amendment Rules 2016*.

**2 Commencement**

These Rules commence on the day after this instrument is registered.

**3 Amendment of *National Disability Insurance Scheme (Becoming a Participant) Rules 2013***

Schedule 1 amends the *National Disability Insurance Scheme (Becoming a Participant) Rules 2013*.

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## Schedule 1 Amendments

### Item 1 Paragraph 3.2

*Omit:*

“However, additional age requirements apply to persons in South Australia, Tasmania and the 2015 NDIS launch areas of New South Wales as set out below.”

*Substitute:*

“However, additional age requirements apply to persons in South Australia, Tasmania, the 2015 NDIS launch areas of New South Wales, and the 2016 NDIS early transition areas of Townsville and Charters Towers as set out below.”

### Item 2 After Paragraph 3.5

*Insert:*

“3.6 A person who resides in Townsville or Charters Towers (as defined in paragraph 4.4C – **2016 NDIS early transition areas**) will **meet the age requirements** only if the person was, or will be, aged under 18 on 1 April 2016 (this includes children born on or after that day).

<p><i>This is made for the purposes of paragraph 22(1)(b) of the Act.</i></p>
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### Item 3 Paragraph 4.3

*After:*

“NDIS launch area”

*Insert:*

“or 2016 NDIS early transition area”

### Item 4 After Paragraph 4.4B

*Insert:*

“4.4C The following areas are the **2016 NDIS early transition areas**:

(a) the areas that comprise the following local government areas pursuant to column 1 of Schedule 1 to the *Local Government Regulation 2012* (Qld) as at the commencement of the *National Disability Insurance Scheme (Becoming a Participant) Amendment Rules 2016*:

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- (i) Townsville;
  - (ii) Charters Towers;
  - (iii) Palm Island.”

**Item 5 Paragraph 4.6**

*Omit:*

“(c) on or after 1 July 2015, the person resides in a 2015 NDIS launch area.”

*Substitute:*

“(c) on or after 1 July 2015, the person resides in a 2015 NDIS launch area; or

(d) on or after the 2016 NDIS early transition date, the person resides in a 2016 NDIS early transition area.”

**Item 6 Paragraph 4.8**

*Omit:*

“(ba) the child is born after 1 July 2015, and at least one of the child’s birth parents who cares for the child resides in a 2015 NDIS launch area on the day the child is born; or”

*Substitute:*

“(ba) the child is born after 1 July 2015, and at least one of the child’s birth parents who cares for the child resides in a 2015 NDIS launch area on the day the child is born; or

(bb) the child is born on or after 1 April 2016, and at least one of the child’s birth parents who cares for the child resides in a 2016 NDIS early transition area on the day the child is born; or”

**Item 7 Subsubsubparagraph 4.8(e)(ii)(A)**

*Omit:*

“(A) except where the NDIS launch area is one of the 2015 NDIS launch areas, at least one of the child’s parents started to reside in a 2013 NDIS launch area after 1 July 2013, or in a 2014 NDIS launch area after 1 July 2014, for the dominant purpose of the child accessing supports that are not provided under the Act (for example, education, employment, health care or family support); and”

*Substitute:*

“(A) except where the relevant area is one of the 2015 NDIS launch areas or one of the 2016 NDIS early transition areas, at least one of the child’s parents started to reside in a 2013 NDIS launch area after 1 July

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2013, or in a 2014 NDIS launch area after 1 July 2014, for the dominant purpose of the child accessing supports that are not provided under the Act (for example, education, employment, health care or family support); and”

**Item 8 Subsubsubparagraph 4.8(e)(ii)(B)**

*Omit:*

“(B) except where the NDIS launch area in which a parent who satisfies subparagraph (A) starts to reside is the Australian Capital Territory or one of the 2015 NDIS launch areas, exceptional circumstances apply—for example, the child would suffer significant personal hardship (including because of financial hardship to the parent), which could reasonably be expected to significantly undermine their wellbeing or social or economic participation, by reason of not being a participant.”

*Substitute:*

“(B) except where the relevant area in which a parent who satisfies subparagraph (A) starts to reside is the Australian Capital Territory, one of the 2015 NDIS launch areas or one of the 2016 NDIS early transition areas, exceptional circumstances apply—for example, the child would suffer significant personal hardship (including because of financial hardship to the parent), which could reasonably be expected to significantly undermine their wellbeing or social or economic participation, by reason of not being a participant.”

**Item 9 Paragraph 4.9**

*After:*

“NDIS launch area”

*Insert:*

“or 2016 NDIS early transition area”

**Item 10 Paragraph 4.10**

*Omit:*

“If a person who is a participant stops residing in an NDIS launch area, the person continues to satisfy the ongoing residence requirement for a period of 12 months.”

*Substitute:*

“If a person who is a participant stops residing in an NDIS launch area or 2016 NDIS early transition area, the person continues to satisfy the ongoing residence requirement for a period of 12 months.”

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**Item 11 Paragraph 4.11**

*After each mention of:*

“NDIS launch area”

*Insert:*

“or 2016 NDIS early transition area”

**Item 12 Paragraph 8.4 after the definition of “NDIS”**

*Insert:*

**“2016 NDIS early transition area** – see paragraph 4.4C.”

**“2016 NDIS early transition date** – the day on which the *National Disability Insurance Scheme (Becoming a Participant) Amendment Rules 2016* commence.”