



# National Disability Insurance Scheme (Becoming a Participant) Amendment Rules 2016 (No. 3)

*National Disability Insurance Scheme Act 2013*

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I, MITCH FIFIELD, Acting Minister for Social Services, make these Rules for the purposes of sections 22, 23 and 209 of the *National Disability Insurance Scheme Act 2013*.

Dated: 14 December 2016

Senator the Hon Mitch Fifield  
Acting 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 (No. 3)*.

## **2 Commencement**

These Rules commence on the day after registration.

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

Schedule 1 amends the *National Disability Insurance Scheme (Becoming a Participant) Rules 2016*.

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## Schedule 1 Amendments

### Item 1 Paragraph 4.3

*Omit:*

other than Western Australia or the Northern Territory.

*Insert:*

other than Western Australia.

### Item 2 Paragraph 4.6, heading

*Omit the heading above the paragraph, and in its place insert:*

#### ***The additional residence requirements – Western Australia***

### Item 3 Paragraph 4.6

*Omit the paragraph, and in its place insert:*

- 4.6 A person also meets the ***additional residence requirements*** if on 1 July 2014, they resided in Perth Hills (as defined in paragraph 8.4), and they reside in Perth Hills at the time their access request is decided.

### Item 4 Paragraph 4.7

*Omit:*

if at any time after 1 July 2014, the person starts or started to reside in the Barkly Region or Perth Hills ('the relevant area') and:

*Substitute:*

if at any time after 1 July 2014 the person starts or started to reside in Perth Hills ('the relevant area') and:

### Item 5 Paragraph 4.8

*Omit the paragraph, and in its place insert:*

- 4.8 A child (that is, a person aged under 18) also meets the ***additional residence requirements*** if the child, or at least one of the child's parents, resides in Perth Hills at the time the child's access request is decided, and:
- (a) the child is born after 1 July 2014, and at least one of the child's birth parents who cares for the child resides in Perth Hills on the day the child is born; or
  - (b) at a time after 1 July 2014, the child comes to be in the care of a person who has ongoing parental responsibility for that child and who has

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- resided in Perth Hills since 1 July 2014, and Perth Hills will be the child's place of residence; or
- (c) in the case of a child whose parents are separated and who spends time with each parent:
- (i) at least one of the child's parents resided in Perth Hills on 1 July 2014; or
  - (ii) the following apply:
    - (A) at least one of the child's parents started to reside in Perth Hills 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
    - (B) 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 undermine significantly their wellbeing or social or economic participation, by reason of not being a participant.

**Item 6 Paragraph 4.9, heading above the paragraph**

*Omit:*

***or the Northern Territory***

**Item 7 Paragraphs 4.9 to 4.11**

*Omit the paragraphs, and in their place insert:*

4.9 Despite anything else in these Rules, but subject to paragraph 4.10, if an NDIS participant starts to reside in an area of Western Australia that is not an NDIS area, the person ceases to meet the additional residence requirements 12 months after starting to reside in that area.

4.10 Despite anything else in these Rules, in the case of a child whose parents are separated and who spends time with each parent, if:

- (a) the child (being an NDIS participant) starts to reside in an area of Western Australia that is not an NDIS area; and
- (b) neither of the child's parents resides in an NDIS area;

the child ceases to meet the additional residence requirements 12 months after starting to reside in the relevant area.

4.11 The effect of paragraphs 4.9 and 4.10 is that a person would generally cease to be an NDIS participant 12 months after moving to an area of Western Australia that is not an NDIS area.

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**Item 8 Schedule A**

*Below the text under the table regarding the Australian Capital Territory, but above the text box regarding the purpose of making Schedule A, insert:*

**Northern Territory**

For persons who reside in the Northern Territory, additional residence requirements apply as set out below. The Districts referred to in column 1 below have the meanings set out in Schedule B, other than the Barkly Region, which is defined in paragraph 8.4.

The effect of this table is that persons who reside in the areas specified in column 1 will meet the additional residence requirements from the dates specified in column 2.

<b>A person meets the additional residence requirements if they reside in...</b>	<b>at the following time (the day mentioned is the 'relevant date' for the area in column 1)...</b>	<b>The additional age requirements for the person are...</b>
<b>Barkly Region</b>	on or after 1 July 2014	<i>no additional age requirements (the person is under 65 on the day of the access request)</i>
<b>Darwin Urban supported accommodation services; or East Arnhem</b>	on or after 1 July 2016	<i>no additional age requirements (the person is under 65 on the day of the access request)</i>
<b>Darwin Remote; or Alice Springs supported accommodation services; or Katherine</b>	on or after 1 January 2017	<i>no additional age requirements (the person is under 65 on the day of the access request)</i>
Darwin urban, Alice Springs or any other part of <b>Central Australia</b>	on or after 1 January 2018	<i>no additional age requirements (the person is under 65 on the day of the access request)</i>

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**Item 12 Schedule B**

*At the end of the Schedule, after the section entitled 'NDIS Areas – Queensland', insert:*

**NDIS areas – Northern Territory**

<b>Region</b>	<b>Regions are comprised of the following local government areas of the Northern Territory as at 1 June 2016</b>
Alice Springs	Alice Springs
East Arnhem	East Arnhem
Central Australia	Alice Springs Central Desert MacDonnell
Darwin Urban	Belyuen Coomalie Darwin Litchfield Palmerston Wagait
Darwin Remote	Roper Gulf Tiwi Islands Victoria-Daly West Arnhem West Daly Region
Katherine	Katherine