



National Disability Insurance Scheme (Plan Management) Amendment Rules 2017

National Disability Insurance Scheme Act 2013

I, CHRISTIAN PORTER, make these Rules under section 209 of the *National Disability Insurance Scheme Act 2013*, for sections 33 and 35 of that Act.

Dated: 12 January 2017

Christian Porter
Minister for Social services

1 Name

These Rules are the *National Disability Insurance Scheme (Plan Management) Amendment Rules 2017*.

2 Commencement

These Rules commence on the day after they are registered.

3 Amendment of *National Disability Insurance Scheme (Plan Management) Rules 2013*

Schedule 1 amends the *National Disability Insurance Scheme (Plan Management) Rules 2013*.

Schedule 1 Amendments

Item 1 Paragraph 6.3

Omit, substitute:

- 6.3 In contrast, some supports may be specifically identified in the statement. Such supports will have to be purchased or provided in the way described in the statement.

Item 2 Text box at the end of paragraph 6.3

Omit, substitute:

<p><i>Paragraphs 6.1 to 6.3 summarise paragraphs 33(2)(a) and (b), and subsections 33(3) and 35(2) of the Act.</i></p>
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Item 3 After the text box at the end of paragraph 6.3

Insert:

Description of a support in a participant's statement

- 6.3A Paragraphs 6.4 to 6.7 and 6.9 set out rules that apply to the description of a support in a participant's statement.

Item 4 Paragraph 6.4

Omit:

- 6.4 When deciding whether the support should be described generally or more specifically in the statement, the CEO is to have regard to the following:

Insert:

- 6.4 When deciding whether the support should be described generally or more specifically in the participant's statement, the CEO is to have regard to the following:

Item 5 Paragraph 6.4

Omit:

- (e) whether a participant's disability requires a specialist, evidence-informed support provided by a qualified person or a particular delivery mode;

Insert:

- (e) whether the participant's disability requires a specialist, evidence-informed support provided by a qualified person or a particular delivery mode;

Item 6 Paragraph 6.6

Omit:

- (a) the CEO is considering approving a particular support for a particular participant; and
- (b) the Agency has entered into a funding arrangement with a provider to provide that support; and
- (c) the CEO considers that the support is most efficiently and effectively provided to the participant by that provider;

Insert:

- (a) the Agency has entered into a funding arrangement with a provider to provide the support; and
- (b) the CEO considers that the support is most efficiently and effectively provided to the participant by that provider;

Item 7 Paragraph 6.7

Omit:

- (a) the CEO considers that a participant's disability requires:

Insert:

- (a) the CEO considers that the participant's disability requires:

Item 8 Heading to paragraph 6.8, and paragraph 6.8

Omit, substitute:

Describing in-kind supports

- 6.8 Paragraph 6.9 applies if the support is an in-kind support. A support is an ***in-kind support*** if:

(a) the support is available to be provided to the participant by a provider (the ***in-kind provider***) who is:

- (i) the relevant jurisdiction; or
- (ii) the Commonwealth; or
- (iii) a provider under a service delivery mechanism operated by the relevant jurisdiction or the Commonwealth; or
- (iv) a person engaged or funded by the relevant jurisdiction or the Commonwealth; and

(b) the support is made available to the Agency on an in-kind basis as part of the contribution to the NDIS made by:

- (i) the relevant jurisdiction; or
- (ii) the Commonwealth;

whether or not the participant has previously been provided with the support.

6.9 Subject to paragraphs 6.10, 6.11 and 6.12, the statement is to record that the support will be provided by the in-kind provider.

6.10 Paragraph 6.9 does not apply if the CEO has received written notification from the in-kind contributor that:

(a) the in-kind provider is not available to be specified as an in-kind provider in the statement that is included in the plan for:

- (i) the participant; or
- (ii) a class of participants that includes the participant; or

(b) the in-kind provider is not available to be specified as the in-kind provider of:

- (i) the support; or
- (ii) a class of supports that includes the support.

6.11 Paragraph 6.9 does not apply if the CEO considers that the provision of the support to the participant by the in-kind provider would involve a serious threat to the participant's life, health or safety.

6.12 Paragraph 6.9 does not apply after 30 June 2019.

6.13 In this Part:

relevant jurisdiction, in relation to a participant and a support, means the State or Territory in which the participant is provided with the support.

in-kind contributor, in relation to a participant and a support, means:

- (a) if the support is made available to the Agency on an in-kind basis as part of the contribution to the NDIS made by the relevant jurisdiction—the relevant jurisdiction; and
- (b) if the support is made available to the Agency on an in-kind basis as part of the contribution to the NDIS made by the Commonwealth—the Commonwealth.