



# National Disability Insurance Scheme (Becoming a Participant) Amendment Rules 2018

*National Disability Insurance Scheme Act 2013*

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I, Dan Tehan, Minister for Social Services, make this Instrument for the purposes of sections 22, 23 and 209 of the *National Disability Insurance Scheme Act 2013*.

Dated: 20 February 2018

Dan Tehan  
Minister for Social Services

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**1 Name of Instrument**

This Instrument is the *National Disability Insurance Scheme (Becoming a Participant) Amendment Rules 2018*.

**2 Commencement**

This Instrument commences on the day after it is registered.

**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*.

## Schedule 1 Amendments

### Item 1 Paragraph 1.1

*Omit the paragraph, substitute:*

- 1.1 The NDIS is being implemented nationally, to enable persons seeking to become participants to be transitioned into the scheme, in accordance with the additional access requirements set out in in this Instrument.

### Item 2 Paragraph 1.2

*Omit the paragraph, substitute:*

- 1.2 This Instrument provides rules about becoming a participant in the NDIS, which is part of the process towards developing a personal goal-based plan, which may provide for supports for participants in the NDIS.

### Item 3 Paragraph 1.3

*Omit:*

these Rules

*Substitute:*

this Instrument

### Item 4 Paragraph 2.2

*Omit:*

These Rules assist

*Substitute:*

This Instrument assists

### Item 5 Paragraph 2.7

*Omit:*

these Rules

*Substitute:*

this Instrument

### Item 6 Paragraph 3.2

*Omit:*

these Rules

*Substitute:*

this Instrument

**Item 7 Paragraph 4.1 (c)**

*Omit:*

see paragraphs 4.3 to 4.12

*Substitute:*

see paragraphs 4.3 to 4.6

**Item 8 Paragraph 4.3**

*Omit:*

in a place other than Western Australia

**Item 9 Paragraph 4.6**

*Omit the paragraph, substitute:*

4.6 A person meets the additional residence requirements if, on or after 1 December 2017, they are an Existing WA NDIS Participant.

**Note:** *Existing WA NDIS Participant* is defined in paragraph 8.4 of this Instrument.

**Item 10 After paragraph 4.6**

*Omit paragraphs 4.7 – 4.12.*

**Item 11 Paragraph 8.1**

*Omit:*

These Rules

*Substitute:*

This Instrument

**Item 12 Paragraph 8.2**

*Omit the paragraph, substitute:*

8.2 This Instrument includes text that summarises provisions of the Act. The boxed notes identify such text, which does not form an operative part of this Instrument.

**Item 13 Paragraph 8.3**

*Omit the paragraph, substitute:*

8.3 Terms and expressions that are used in the Act have the same meaning in this Instrument unless this Instrument displays a contrary intention—see the *Acts Interpretation Act 1901* and the *Legislation Act 2003*, which include definitions and rules of interpretation that apply to all Commonwealth legislation. For convenience, the more important definitions from the Act are identified or reproduced in paragraph 8.4.

**Item 14 Paragraph 8.4**

*Omit, wherever occurring in this paragraph:*  
these Rules

*Substitute:*  
this Instrument

**Item 15 Paragraph 8.4 after definition of *child***

*Insert:*

***Existing WA NDIS Participant*** means a person who:

- (a) is a participant of the WA NDIS Model (whether or not that participant already has a plan prepared in accordance with the Disability Services Commission's requirements); and
- (b) resides, or resided at any time on or after 1 July 2014, in the area of Western Australia that comprises any of the following:
  - (i) Kimberley-Pilbara service region;
  - (ii) South Metro service region;
  - (iii) Augusta-Margaret River, Boyup Brook, Bridgetown-Greenbushes, Busselton, Donnybrook-Balingup, Manjimup, and Nannup districts of the South West service region;
  - (iv) Central South Metro service region;
  - (v) Wheatbelt service region; or
  - (vi) North East Metro service region.

**Note:** The Disability Services Commission is established under the *Disability Services Act 1993* (WA) and in the context of the WA NDIS Model, a 'participant' is a participant under that Act.

***Instrument*** (or ***Rules***) means these *National Disability Insurance Scheme (Becoming a Participant) Rules 2016*.

**Item 16 Paragraph 8.4 after the definition of *service systems***

*Insert:*

***Victorian Government*** means the State of Victoria.

***WA NDIS Model*** means the disability supports and services model designed to mirror the NDIS, funded or administered by the Department of Communities representing the State of Western Australia.

**Item 17 Schedule A after the table listed under Northern Territory**

*Insert:*

**Western Australia**

For persons who reside in Western Australia, additional residence requirements apply as set out below. The service regions and territories referred to in column 1 below are NDIS areas and are comprised of the districts and shires set out in Schedule B.

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 ...</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>
<p>Reside in the <b><i>Perth Hills NDIA trial area</i></b>, namely:</p> <p>(i) The Kalamunda, Mundaring and Swan districts in the North East Metro service region.</p> <p>Note: Persons who meet the above residence requirement are "Class 1" participants for the purposes of the <i>National Disability Insurance Scheme (Facilitating the Preparation of Participants' Plans – Western Australia) Rules 2017</i>.</p>	On or after 1 July 2014	no additional age requirements
<p>Reside in the <b><i>2017 expanded NDIA trial area</i></b>, namely:</p> <p>(i) The Bassendean and Bayswater districts in the North East Metro service region;</p> <p>(ii) Chittering, Northam, Toodyay and York districts in the Wheatbelt service region.</p> <p>Note: Persons who meet the above residence requirement are "Class 1" participants for the purposes of the <i>National Disability Insurance Scheme (Facilitating the Preparation of Participants' Plans – Western Australia) Rules 2014</i>.</p>	On or after 1 January 2017	no additional age requirements

<b>A person meets the additional residence requirements if they ...</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>
Reside in: <ul style="list-style-type: none"> <li>(i) Kimberley-Pilbara service region;</li> <li>(ii) South Metro service region;</li> <li>(iii) Augusta-Margaret River, Boyup Brook, Bridgetown-Greenbushes, Busselton, Donnybrook-Balingup, Manjimup, and Nannup districts of the South West service region;</li> <li>(iv) Central South Metro service region;</li> <li>(v) All other districts of the Wheatbelt service region except the Chittering, Northam, Toodyay, and York districts.</li> </ul>	on or after 1 January 2018	no additional age requirements
Reside in: <ul style="list-style-type: none"> <li>(i) Goldfields-Esperance service region;</li> <li>(ii) North Metro service region;</li> <li>(iii) All other districts of the South West service region except Augusta- Margaret River, Boyup Brook, Bridgetown-Greenbushes, Busselton, Donnybrook-Balingup, Manjimup, and Nannup districts.</li> </ul>	on or after 1 April 2018	no additional age requirements
Reside in: <ul style="list-style-type: none"> <li>(i) Midwest-Gascoyne service region;</li> <li>(ii) Great Southern service region;</li> <li>(iii) Central North Metro service region;</li> <li>(iv) South East Metro service region.</li> </ul>	on or after 1 January 2019	no additional age requirements

A person meets the additional residence requirements if they ...	at the following time (the day mentioned is the 'relevant date' for the area in column 1)...	The additional age requirements for the person are...
Reside in: (i) Christmas Island territory; (ii) Cocos (Keeling) Islands territory.	on or after 1 January 2020	no additional age requirements

**Note:** Existing WA NDIS Participants (including those aged 65 and over) may meet the NDIS access criteria if they meet the criteria prescribed in the *National Disability Insurance Scheme (Prescribed Program – Western Australia) Rules 2017*.

### Item 18 Schedule B after the table listed under “NDIS Areas - Northern Territory”

*Insert:*

#### **NDIS Areas – Western Australia**

Service region	Service regions are comprised of the following districts, as constituted under the <i>Local Government Act 1995 (WA)</i> as at 1 December 2017
<b>Central North Metro</b>	Cambridge Claremont Cottesloe Mosman Park Nedlands Peppermint Grove Perth Stirling Subiaco Vincent
<b>Central South Metro</b>	Cockburn East Fremantle Fremantle Kwinana Melville South Perth
<b>North Metro</b>	Joondalup Wanneroo
<b>North East Metro</b>	Bassendean Bayswater Kalamunda Mundaring Swan
<b>South East Metro</b>	Belmont Canning Gosnells

<b>Service region</b>	<b>Service regions are comprised of the following districts, as constituted under the <i>Local Government Act 1995 (WA)</i> as at 1 December 2017</b>
	Victoria Park
<b>South Metro</b>	Armadale Mandurah Murray Rockingham Serpentine-Jarrahdale
<b>Kimberley-Pilbara</b>	Ashburton Broome Derby – West Kimberley East Pilbara Halls Creek Karratha Port Hedland Wyndham – East Kimberley
<b>Midwest - Gascoyne</b>	Carnamah Carnarvon Chapman Valley Coorow Cue Exmouth Greater Geraldton Irwin Meekatharra Mingenew Morawa Mount Magnet Mullewa Murchison Northampton Perenjori Sandstone Shark Bay Three Springs Upper Gascoyne Wiluna Yalgoo
<b>Wheatbelt</b>	Beverley Boddington Brookton Bruce Rock Chittering Corrigin Cuballing Cunderdin Dalwallinu Dandaragan Dowerin Dumbleyung



<b>Service region</b>	<b>Service regions are comprised of the following districts, as constituted under the <i>Local Government Act 1995 (WA)</i> as at 1 December 2017</b>
	Gingin Goomalling Kellerberrin Kulin Kondinin Koorda Lake Grace Merredin Moora Mount Marshall Mukinbudin Narembeen Narrogin Northam Nungarin Pingelly Quairading Tammin Toodyay Trayning Victoria Plains Wagin Wandering West Arthur Westonia Wickepin Williams Wongan-Ballidu Wyalkatchem Yilgarn York
<b>South West</b>	Augusta-Margaret River Boyup Brook Bridgetown-Greenbushes Bunbury Busselton Capel Collie Dardanup Donnybrook-Balingup Harvey Manjimup Nannup Waroona
<b>Great Southern</b>	Albany Broomehill-Tambellup Cranbrook Denmark Gnowangerup

<b>Service region</b>	<b>Service regions are comprised of the following districts, as constituted under the <i>Local Government Act 1995 (WA)</i> as at 1 December 2017</b>
	Jerramungup Katanning Kent Kojonup Plantagenet Woodanilling
<b>Goldfields-Esperance</b>	Coolgardie Dundas Esperance Kalgoorlie-Boulder Laverton Leonora Menzies Ngaanyatjarraku Ravensthorpe
<b>Territory</b>	<b>Territories are comprised of the following shires as at 1 December 2017</b>
Christmas Island	Shire of Christmas Island
Cocos (Keeling) Islands	Shire of Cocos (Keeling) Island