

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

*National Disability Insurance Scheme Act 2013*

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:

1. ***Existing WA NDIS Participant*** means a person who:
	1. 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
	2. resides, or resided at any time on or after 1 July 2014, in the area of Western Australia that comprises any of the following:
		1. Kimberley-Pilbara service region;
		2. South Metro service region;
		3. Augusta-Margaret River, Boyup Brook, Bridgetown-Greenbushes, Busselton, Donnybrook-Balingup, Manjimup, and Nannup districts of the South West service region;
		4. Central South Metro service region;
		5. Wheatbelt service region; or
		6. North East Metro service region.
2. **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.

| **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 the ***Perth Hills NDIA trial area***, namely:1. The Kalamunda, Mundaring and Swan districts in the North East Metro service region.

Note: Persons who meet the above residence requirement are “Class 1” participants for the purposes of the *National Disability Insurance Scheme (Facilitating the Preparation of Participants’ Plans – Western Australia) Rules 2017*.  | On or after 1 July 2014 | no additional age requirements |
| Reside in the ***2017 expanded NDIA trial area***, namely:1. The Bassendean and Bayswater districts in the North East Metro service region;
2. Chittering, Northam, Toodyay and York districts in the Wheatbelt service region.

Note: Persons who meet the above residence requirement are “Class 1” participants for the purposes of the *National Disability Insurance Scheme (Facilitating the Preparation of Participants’ Plans – Western Australia) Rules 2014*.  | On or after 1 January 2017 | no additional age requirements  |
| Reside in:1. Kimberley-Pilbara service region;
2. South Metro service region;
3. Augusta-Margaret River, Boyup Brook, Bridgetown-Greenbushes, Busselton, Donnybrook-Balingup, Manjimup, and Nannup districts of the South West service region;
4. Central South Metro service region;
5. All other districts of the Wheatbelt service region except the Chittering, Northam, Toodyay, and York districts.
 | on or after 1 January 2018 | no additional age requirements  |
| Reside in:1. Goldfields-Esperance service region;
2. North Metro service region;
3. All other districts of the South West service region except Augusta- Margaret River, Boyup Brook, Bridgetown-Greenbushes, Busselton, Donnybrook-Balingup, Manjimup, and Nannup districts.

  | on or after 1 April 2018  | no additional age requirements  |
| Reside in:1. Midwest-Gascoyne service region;
2. Great Southern service region;
3. Central North Metro service region;
4. South East Metro service region.
 | on or after 1 January 2019 | no additional age requirements |
| Reside in:1. Christmas Island territory;
2. 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 *Local Government Act 1995* (WA) as at 1 December 2017** |
| --- | --- |
| **Central North Metro** | CambridgeClaremont CottesloeMosman ParkNedlandsPeppermint GrovePerthStirlingSubiacoVincent |
| **Central South Metro** | CockburnEast FremantleFremantleKwinanaMelvilleSouth Perth |
| **North Metro** | JoondalupWanneroo |
| **North East Metro** | BassendeanBayswaterKalamundaMundaringSwan |
| **South East Metro** | BelmontCanningGosnellsVictoria Park |
| **South Metro** | ArmadaleMandurahMurrayRockinghamSerpentine-Jarrahdale |
| **Kimberley-Pilbara** | AshburtonBroomeDerby – West KimberleyEast PilbaraHalls CreekKarrathaPort HedlandWyndham – East Kimberley |
| **Midwest - Gascoyne** | CarnamahCarnarvonChapman ValleyCoorowCueExmouthGreater GeraldtonIrwinMeekatharraMingenewMorawaMount MagnetMullewaMurchisonNorthamptonPerenjoriSandstoneShark BayThree SpringsUpper GascoyneWilunaYalgoo |
| **Wheatbelt** | BeverleyBoddingtonBrooktonBruce RockChitteringCorriginCuballingCunderdinDalwallinuDandaraganDowerinDumbleyungGinginGoomallingKellerberrinKulinKondinin KoordaLake GraceMerredinMooraMount MarshallMukinbudinNarembeenNarroginNorthamNungarinPingellyQuairadingTamminToodyayTrayningVictoria PlainsWaginWanderingWest ArthurWestoniaWickepinWilliamsWongan-BalliduWyalkatchemYilgarnYork |
| **South West** | Augusta-Margaret RiverBoyup BrookBridgetown-GreenbushesBunburyBusseltonCapelCollieDardanupDonnybrook-BalingupHarvey ManjimupNannupWaroona |
| **Great Southern** | AlbanyBroomehill-TambellupCranbrookDenmarkGnowangerupJerramungupKatanningKentKojonupPlantagenet Woodanilling |
| **Goldfields-Esperance** | CoolgardieDundasEsperanceKalgoorlie-BoulderLavertonLeonoraMenziesNgaanyatjarrakuRavensthorpe |

|  |  |
| --- | --- |
| **Territory** | **Territories are comprised of the following shires as at 1 December 2017** |
| Christmas Island | Shire of Christmas Island |
| Cocos (Keeling) Islands | Shire of Cocos (Keeling) Island |