



National Disability Insurance Scheme (Provider Registration and Practice Standards) Amendment (2019 Measures No. 1) Rules 2019

I, Graeme Head, as delegate of the Minister for Social Services, make the following rules.

Dated 2 December 2019

Graeme Head
Commissioner of the NDIS Quality and Safeguards Commission

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1 Name

This instrument is the *National Disability Insurance Scheme (Provider Registration and Practice Standards) Amendment (2019 Measures No. 1) Rules 2019*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 January 2020.	1 January 2020

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *National Disability Insurance Scheme Act 2013*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018

1 Section 4

Insert:

transitioned provider has the same meaning as in the *National Disability Insurance Scheme (Quality and Safeguards Commission and Other Measures) Transitional Rules 2018*.

2 Section 4 (definition of worker)

Repeal the definition, substitute:

worker means any of the following:

- (a) a person employed or otherwise engaged by a registered NDIS provider;
- (b) a partner (of a partnership that is a registered NDIS provider) whose role is of the kind mentioned in paragraph (b) or (c) of the definition of *risk assessed role* in the *National Disability Insurance Scheme (Practice Standards—Worker Screening) Rules 2018*;
- (c) an individual (who is a registered NDIS provider) whose role is of the kind mentioned in paragraph (b) or (c) of the definition of *risk assessed role* in the *National Disability Insurance Scheme (Practice Standards—Worker Screening) Rules 2018*.

3 Subsection 5(2)

Repeal the subsection, substitute:

- (1A) The assessment must be proportionate to:
 - (a) the size of the provider or applicant; and
 - (b) the scale of the provider or applicant, having regard to:
 - (i) the geographical area or areas in which the provider or applicant provides, or is to provide, supports or services; and
 - (ii) the number of locations at or from which the provider or applicant provides, or is to provide, supports or services; and
 - (c) the scope and complexity of the supports or services provided or to be provided.
- (2) The assessment may be conducted by an appropriate sampling method.

4 Paragraph 9(2)(d)

After “administration”, insert “or a Chapter 5 body corporate (within the meaning of the *Corporations Act 2001*)”.

5 Subparagraph 9(2)(f)(i)

Omit “Investment”, substitute “Investments”.

6 Paragraph 10(2)(e)

Omit “following an investigation”.

7 Subparagraph 10(2)(e)(i)

Omit “Investment”, substitute “Investments”.

8 Section 13

Repeal the section, substitute:

13 Giving Commissioner notice of certain changes

- (1) The registration of each registered NDIS provider is subject to the condition that the provider must give the Commissioner notice of any of the following changes:
 - (a) a change to any of the provider’s contact details that have been provided to the Commissioner;
 - (b) a change in the scale of the provider relating to the supports or services the provider is registered to provide, including the following:
 - (i) a change to the geographical area or areas in which the provider provides a support or service;
 - (ii) a change to the locations at or from which the provider provides a support or service;
 - (iii) a significant increase or decrease in the number of participants being provided with a support or service;
 - (iv) a significant increase or decrease in the number of workers providing a support or service on behalf of the provider.
- (2) Notice of such a change must be given to the Commissioner:
 - (a) in the form approved by the Commissioner; and
 - (b) as soon as practicable after the earlier of the following times:
 - (i) when the provider becomes aware that the change will occur;
 - (ii) when the change occurs.

13A Giving Commissioner notice of certain events

- (1) The registration of each registered NDIS provider is subject to the condition that the provider must give the Commissioner notice of any of the following events:
 - (a) an event that significantly affects the provider’s ability to comply with any of the provider’s conditions of registration;
 - (b) a change that adversely affects access by a person with disability to the supports or services the provider is registered to provide;
 - (c) an adverse change in the provider’s financial capacity to provide any of the supports or services the provider is registered to provide;
 - (d) a significant change in the organisation or governance arrangements of the provider;
 - (e) an event, relating to the suitability of the provider to provide supports or services to people with disability, to which the Commissioner would be required to have regard under any of paragraphs 9(2)(c) to (h) if the provider were an applicant for registration as a registered NDIS provider;
 - (f) an event, relating to the suitability of the provider’s key personnel to be involved in the provision of supports or services that the provider is

registered to provide, to which the Commissioner would be required to have regard under any of paragraphs 10(2)(b) to (g) if the provider were an applicant for registration as a registered NDIS provider.

- (2) Notice of such an event must be given to the Commissioner:
 - (a) in the form approved by the Commissioner; and
 - (b) as soon as practicable after the event occurs.

13B Mid-term audit for certain providers

- (1) This section applies in relation to a registered NDIS provider that is registered to provide a class of supports for which, under the table in subsection 20(3), the assessment method for the applicable standards is certification.

Note: This section does not apply in relation to certain registered NDIS providers (see subsection (7)).

- (2) The registration of the provider is subject to the condition that the provider must undergo an audit in accordance with this section.
- (3) The audit must be carried out by an approved quality auditor using certification.
- (4) The audit must commence no later than 18 months after the beginning of the period for which the provider's registration is in force.
- (5) For each class of supports mentioned in subsection (1) that the provider is registered to provide, the audit must assess whether the provider has met, and is meeting, the following applicable standards for the class of supports:
 - (a) the standards in Part 3 of Schedule 1;
 - (b) any standard for which a previous assessment by an approved quality auditor identified a need for the provider to implement a corrective action plan;
 - (c) any standard specified in relation to the audit, for the purposes of this paragraph, by the Commissioner in a written notice given to the provider.
- (6) A report of the audit must be given to the Commissioner as soon as practicable after the audit is completed.
- (7) Despite subsection (1), this section does not apply in relation to a registered NDIS provider if:
 - (a) both:
 - (i) the provider is a partnership or individual; and
 - (ii) the only class of supports mentioned in subsection (1) that the provider is registered to provide is early intervention supports for early childhood; or
 - (b) the only class of supports that the provider is registered to provide is specialist disability accommodation only; or
 - (c) the provider is a transitioned provider.

9 Section 21

Repeal the section.

10 Subsection 25(2)

Omit all the words after “in relation to” (including the note), substitute: “transitioned providers”.

11 Subsections 26(2), 27(2), 28(2) and 29(2)

Omit “, 21”.

12 After Part 6

Insert:

Part 7—Application, saving and transitional provisions**30 Application of amendments made by the *National Disability Insurance Scheme (Provider Registration and Practice Standards) Amendment (2019 Measures No. 1) Rules 2019***

- (1) The amendments of sections 4 and 5 made by the *National Disability Insurance Scheme (Provider Registration and Practice Standards) Amendment (2019 Measures No. 1) Rules 2019* apply in relation to an assessment commenced on or after 1 January 2020.
- (2) The amendments of sections 9 and 10 made by the *National Disability Insurance Scheme (Provider Registration and Practice Standards) Amendment (2019 Measures No. 1) Rules 2019* apply in relation to an application under section 73C of the Act made on or after 1 January 2020.
- (3) Sections 13, 13A and 13B, as inserted by the *National Disability Insurance Scheme (Provider Registration and Practice Standards) Amendment (2019 Measures No. 1) Rules 2019*, apply on and after 1 January 2020 in relation to a registered NDIS provider, whether registered before, on or after that day.
- (4) Despite the repeal of section 21 by the *National Disability Insurance Scheme (Provider Registration and Practice Standards) Amendment (2019 Measures No. 1) Rules 2019*, that section continues to apply, in relation to an assessment commenced before 1 January 2020, as if that repeal had not happened.

13 Schedule 1 (note to Schedule heading)

Omit “21,”.

14 Subclause 1(1) of Schedule 1 (note)

Omit “21,”.