

National Disability Insurance Scheme (Protection and Disclosure of Information—Commissioner) Amendment Rules 2021

I, Graeme Head AO, Commissioner of the NDIS Quality and Safeguards Commission, as delegate of the Minister for the National Disability Insurance Scheme, make the following rules.

Dated 31 March 2021

Graeme Head AO

Commissioner of the NDIS Quality and Safeguards Commission

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1 Name

This instrument is the *National Disability Insurance Scheme (Protection and Disclosure of Information—Commissioner) Amendment Rules 2021*.

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 | The day after this instrument is registered. | 7 April 2021 |

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 (Protection and Disclosure of Information—Commissioner) Rules

1 Section 1

Repeal the section, substitute:

1 Name

This instrument is the *National Disability Insurance Scheme (Protection and Disclosure of Information—Commissioner) Rules 2018*.

2 After section 8

Insert:

8A Purpose of this Part

(1) This Part is made for the purposes of section 67F of the Act.

(2) It provides for matters in relation to the exercise of the Commissioner’s power to disclose information for the purposes of any of the following provisions of the Act:

(a) paragraph 67E(1)(a);

(b) subparagraph 67E(1)(b)(i), (iii) or (iv).

3 At the end of section 11

Add:

(8) This section does not apply to a disclosure of NDIS information under paragraph 67E(1)(a) or subparagraph 67E(1)(b)(i), (iii) or (iv) of the Act, if:

(a) the disclosure is made to:

(i) a person (including the chief executive (however described) of a Department of State of a State or Territory or the head of an authority of a State or Territory); or

(ii) a Department of State of a State or Territory; or

(iii) an authority of a State or Territory;

that has responsibility for:

(iv) conducting an NDIS worker screening check under an NDIS worker screening law; or

(v) conducting an assessment (however described) or making a decision that relates to whether a person meets a requirement mentioned in Part 4 of the *National Disability Insurance Scheme (Practice Standards—Worker Screening) Rules 2018* in a participating jurisdiction; and

(b) the disclosure is made for the purposes of sharing information to assist the person, Department or authority to effectively conduct those checks or assessments or make those decisions.