



National Disability Insurance Scheme (Becoming a Participant) Amendment Rules 2015

National Disability Insurance Scheme Act 2013

I, MITCH FIFIELD, Assistant Minister for Social Services, make these Rules for the purposes of sections 22 and 23 of the *National Disability Insurance Scheme Act 2013*.

Dated: 29 June 2015

Mitch Fifield
Assistant Minister for Social Services

1 Name of Rules

These Rules are the *National Disability Insurance Scheme (Becoming a Participant) Amendment Rules 2015*.

2 Commencement

These Rules commence on 1 July 2015.

3 Amendment of *National Disability Insurance Scheme (Becoming a Participant) Rules 2013*

Schedule 1 amends the *National Disability Insurance Scheme (Becoming a Participant) Rules 2013*.

Schedule 1 Amendments

Item 1 Paragraph 3.2

Omit:

“However, additional age requirements apply to persons in South Australia and Tasmania as set out below.”

Substitute:

“However, additional age requirements apply to persons in South Australia, Tasmania and the 2015 NDIS launch areas of New South Wales as set out below.”

Item 2 After Paragraph 3.4

Insert:

“3.5 A person who resides in the 2015 NDIS launch areas of New South Wales will **meet the age requirements** only if:

(a) for an access request made between 1 July 2015 and 30 June 2016 (or made before 1 July 2015 and decided by the CEO on or after 1 July 2015) — the person had not yet turned 18 on 1 July 2015 (this includes children born after 1 July 2015).”

<p><i>This is made for the purposes of paragraph 22(1)(b) of the Act.</i></p>

Item 3 Subparagraph 4.4(d)

Omit:

“proclaimed under section 204 of”

Substitute:

“constituted under”

Item 4 After Paragraph 4.4A

Insert:

“4.4B The following areas are the **2015 NDIS launch areas**:

(a) the areas that comprise the following areas of New South Wales constituted under the *Local Government Act 1993* (NSW) as at the commencement of the *National Disability Insurance Scheme (Becoming a Participant) Amendment Rules 2015*:

(i) City of Blue Mountains;

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- (ii) City of Hawkesbury;
 - (iii) City of Lithgow;
 - (iv) City of Penrith.”

Item 5 Paragraph 4.5

Omit:

“The 2013 NDIS launch areas, together with the 2014 NDIS launch areas, constitute the **NDIS launch areas**.”

Substitute:

“The 2013 NDIS launch areas, together with the 2014 NDIS launch areas, and the 2015 NDIS launch areas constitute the **NDIS launch areas**.”

Item 6 Paragraph 4.6

Omit:

“(b) on 1 July 2014, the person resides in a 2014 NDIS launch area.”

Substitute:

“(b) on 1 July 2014, the person resides in a 2014 NDIS launch area; or
(c) on or after 1 July 2015, the person resides in a 2015 NDIS launch area.”

Item 7 Paragraph 4.8

Omit:

“(b) the child is born after 1 July 2014, and at least one of the child’s birth parents who cares for the child resides in a 2014 NDIS launch area on the day the child is born; or”

Substitute:

“(b) the child is born after 1 July 2014, and at least one of the child’s birth parents who cares for the child resides in a 2014 NDIS launch area on the day the child is born; or

(ba) the child is born after 1 July 2015, and at least one of the child’s birth parents who cares for the child resides in a 2015 NDIS launch area on the day the child is born; or”

Item 8 Subsubsubparagraph 4.8(e)(ii)(A)

Omit:

“(A) at least one of the child's parents started to reside in a 2013 NDIS launch area after 1 July 2013, or in a 2014 NDIS launch area after 1 July 2014, for the dominant purpose of the child accessing supports that are not provided under the Act (for example, education, employment, health care or family support); and”

Substitute:

“(A) except where the NDIS launch area is one of the 2015 NDIS launch areas, at least one of the child's parents started to reside in a 2013 NDIS launch area after 1 July 2013, or in a 2014 NDIS launch area after 1 July 2014, for the dominant purpose of the child accessing supports that are not provided under the Act (for example, education, employment, health care or family support); and”

Item 9 Subsubsubparagraph 4.8(e)(ii)(B)

Omit:

“(B) except where the NDIS launch area in which a parent who satisfies subparagraph (A) starts to reside is the Australian Capital Territory, exceptional circumstances apply—for example, the child would suffer significant personal hardship (including because of financial hardship to the parent), which could reasonably be expected to significantly undermine their wellbeing or social or economic participation, by reason of not being a participant.”

Substitute:

“(B) except where the NDIS launch area in which a parent who satisfies subparagraph (A) starts to reside is the Australian Capital

Territory or one of the 2015 NDIS launch areas, exceptional circumstances apply—for example, the child would suffer significant personal hardship (including because of financial hardship to the parent), which could reasonably be expected to significantly undermine their wellbeing or social or economic participation, by reason of not being a participant.”

Item 10 Paragraph 8.4 after “2013 NDIS launch area – see paragraph 4.4.”

Insert:

“2014 NDIS launch area – see paragraph 4.4A.

2015 NDIS launch area – see paragraph 4.4B.”