



# **National Disability Insurance Scheme (Becoming a Participant) Rules 2016**

made under sections 22, 23, 25, 27 and 209 of the

*National Disability Insurance Scheme Act 2013*

## **Compilation No. 3**

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**Includes amendments up to:** National Disability Insurance Scheme  
(Becoming a Participant) Amendment Rules  
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## About this compilation

### **This compilation**

This is a compilation of the *National Disability Insurance Scheme (Becoming a Participant) Rules 2016* that shows the text of the law as amended and in force on 1 January 2017 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

### **Uncommenced amendments**

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

### **Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### **Modifications**

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

### **Self-repealing provisions**

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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## **National Disability Insurance Scheme (Becoming a Participant) Rules 2016**

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## Part 1 What these Rules are about

- 1.1 The NDIS is being implemented nationally, with participants being transitioned into the scheme in accordance with the additional access requirements set out in these Rules.
- 1.2 These Rules are 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 the participant.
- 1.3 The Act sets out a number of objects and principles for the NDIS. The following are particularly relevant to these Rules:

### *Objects*

- (a) to provide reasonable and necessary supports, including early intervention supports, for participants in the NDIS;
- (b) to facilitate the development of a nationally consistent approach to the access to, and the planning and funding of, supports for people with disability;

### *Principles*

- (c) people with disability should be supported to participate in and contribute to social and economic life to the extent of their ability;
- (d) people with disability and their families and carers should have certainty that people with disability will receive the care and support they need over their lifetime;
- (e) people with disability should be supported to receive reasonable and necessary supports, including early intervention supports.

## Part 2 Outline of these Rules

- 2.1 A person, or someone who is able to act on their behalf, may make a request under the Act to become a participant in the NDIS (an *access request*). Once a person becomes a participant, they can develop a personal goal-based plan which may provide for supports for the participant. A number of principles apply in relation to the preparation and management of a participant's plan, which are set out in section 31 of the Act.
- 2.2 These Rules assist the CEO to determine who becomes a participant. Separate rules determine reasonable and necessary supports that a person may get, including support in the nature of early intervention.
- 2.3 A person becomes a participant in the NDIS on the day the CEO of the Agency decides they *meet the access criteria*.
- 2.4 A person meets the access criteria if the CEO is satisfied that they meet each of the following, as they apply in the area in which the person resides:
- (a) the *age requirements* (see **Part 3**);
  - (b) the *residence requirements* (see **Part 4**);
  - (c) either the *disability requirements* or the *early intervention requirements* (see **Parts 5 and 6**).
- 2.5 Generally speaking:
- (a) a person will meet the disability requirements if they have a disability that is attributable to an impairment that is permanent or likely to be permanent and that results in substantially reduced functional capacity;
  - (b) alternatively, a person can access the NDIS through the early intervention requirements without having substantially reduced functional capacity. Instead, the early intervention requirements consider the likely trajectory and impact of a person's impairment over time and the potential benefits of early intervention on the impact of the impairment on the person's functional capacity. The CEO may consider a range of evidence in deciding the potential benefit of early intervention on a person's impairment. The CEO may consider existing evidence or information from an individual or their family or carer. Where a young child has an impairment resulting in developmental delay, or resulting from a condition on a list published by the CEO for which the benefits of early intervention have already been established, no further evidence of the benefit of early intervention supports to the child is required to meet the early intervention requirements. A young child or other person can still meet the early intervention requirements without having one of these conditions, provided there is evidence that the requirements are satisfied.
- 2.6 **Part 7** deals with the use of assessment tools in assessing whether a person meets the disability requirements or the early intervention requirements.

2.7 **Part 8** deals with other matters, including interpretation of these Rules.

*The above summarises aspects of Part 1 of Chapter 3 of the Act.*

***What happens once a person has become a participant***

2.8 Once a person has become a participant, their plans will be prepared in accordance with the Act and relevant rules made under section 32A of the Act. The participant's supports, if any, will be determined in accordance with the Act and the *National Disability Insurance Scheme (Supports for Participants) Rules 2013*. Where necessary, decisions under the Act (e.g. about supports) will be made with a nominee or a child's representatives (see the *National Disability Insurance Scheme (Nominees) Rules 2013* and the *National Disability Insurance Scheme (Children) Rules 2013*).

## Part 3 When does a person meet the age requirements?

- 3.1 Generally, a person *meets the age requirements* if the person was aged from birth up to 65 when the access request in relation to the person was made.

*This summarises paragraph 22(1)(a) of the Act.*

- 3.2 However, additional age requirements apply, as set out in Schedule A to these Rules.
- 3.3 Additional age requirements do not apply to a person who, on 1 July 2016, resides in Tasmania and is accessing Tasmanian funded Supported Accommodation.



## Part 4 When does a person meet the residence requirements?

4.1 A person *meets the residence requirements* if they:

- (a) reside in Australia; and
- (b) are either an Australian citizen, the holder of a permanent visa, or a special category visa holder who is a protected SCV holder; and
- (c) meet the additional residence requirements—see paragraphs 4.3 to 4.12.

*Paragraphs 4.1(a) and (b) summarise paragraphs 23(1)(a) and (b) of the Act. (A range of factors are relevant to whether a person resides in Australia: see subsection 23(2) of the Act). Paragraph 4.1(c) is made for the purposes of paragraph 23(1)(c) of the Act.*

4.2 The residence requirements in paragraphs 4.1(a) and (b) apply when a person seeks to become a participant in the NDIS, and continue to apply after the person becomes a participant. If a person stops meeting these residence requirements, their status as a participant in the NDIS can be revoked.

*This summarises paragraph 30(1)(a) of the Act.*

### *The additional residence requirements – general*

4.3 Schedule A sets out when a person meets the *additional residence requirements* by virtue of residence in a place other than Western Australia.

4.4 Despite paragraph 4.3, a child also meets the *additional residence requirements* if:

- (a) at least one of the child's birth parents who cares for that child resides in an NDIS area set out in Schedule A on or after the relevant date specified in Schedule A; or
- (b) the child comes to be in the care of a person who has ongoing parental responsibility for that child and who resides in an NDIS area set out in Schedule A on or after the relevant date specified in Schedule A; or
- (c) in the case of a child whose parents are separated and who spends time with each parent, at least one of the child's parents resides in an NDIS area set out in Schedule A on or after the relevant date specified in Schedule A.

4.5 Additional residence requirements do not apply to a person who on or after 1 July 2016 resides in Victoria and is on the list provided by the Victorian Government to the CEO that will comprise:

- (a) persons on the Victorian Disability Support Register who have been assessed by the Victorian Government as requiring an urgent need for support; or

- (b) children on the Early Childhood Intervention Service Waitlist administered by the Victorian Government.

***The additional residence requirements – Western Australia***

- 4.6 A person also meets the additional residence requirements if on 1 July 2014, they resided in Perth Hills (as defined in paragraph 8.4), and they reside in Perth Hills at the time their access request is decided.
- 4.7 A person also meets the ***additional residence requirements*** if at any time after 1 July 2014 the person starts or started to reside in Perth Hills (‘the relevant area’) and:
- (a) the person starts or started to reside there for the dominant purpose of accessing supports not provided under the Act (for example, education, employment, health care or family support); and
  - (b) exceptional circumstances apply – for example, the person would suffer significant financial or personal hardship, which could reasonably be expected to significantly undermine the person’s wellbeing or social or economic participation, by reason of not being a participant; and
  - (c) the person resides in the relevant area at the time their access request is decided.
- 4.8 A child (that is, a person aged under 18) also meets the ***additional residence requirements*** if the child, or at least one of the child’s parents, resides in Perth Hills at the time the child’s access request is decided, and:
- (a) 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 Perth Hills on the day the child is born; or
  - (b) at a time after 1 July 2014, the child comes to be in the care of a person who has ongoing parental responsibility for that child and who has resided in Perth Hills since 1 July 2014, and Perth Hills will be the child’s place of residence; or
  - (c) in the case of a child whose parents are separated and who spends time with each parent:
    - (i) at least one of the child’s parents resided in Perth Hills on 1 July 2014; or
    - (ii) the following apply:
      - (A) at least one of the child’s parents started to reside in Perth Hills 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
      - (B) 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 undermine significantly their wellbeing or social or economic participation, by reason of not being a participant.

***Limited portability into Western Australia***

4.9 Despite anything else in these Rules, but subject to paragraph 4.10, if an NDIS participant starts to reside in an area of Western Australia that is not an NDIS area, the person ceases to meet the additional residence requirements 12 months after starting to reside in that area.

4.10 Despite anything else in these Rules, in the case of a child whose parents are separated and who spends time with each parent, if:

- (a) the child (being an NDIS participant) starts to reside in an area of Western Australia that is not an NDIS area; and
- (b) neither of the child's parents resides in an NDIS area;

the child ceases to meet the additional residence requirements 12 months after starting to reside in the relevant area.

4.11 The effect of paragraphs 4.9 and 4.10 is that a person would generally cease to be an NDIS participant 12 months after moving to an area of Western Australia that is not an NDIS area.

4.12 Otherwise, the additional residence requirements in Schedule A are required to be satisfied once and once only, meaning that NDIS participants generally will be afforded unlimited portability of their participant status within Australia.

## Part 5 When does a person meet the disability requirements?

- 5.1 The Act sets out when a person *meets the disability requirements*. The requirements are met if:
- (a) the person has a disability that is attributable to one or more intellectual, cognitive, neurological, sensory or physical impairments, or to one or more impairments attributable to a psychiatric condition; and
  - (b) the person's impairment or impairments are, or are likely to be, permanent (see paragraphs 5.4 to 5.7); and
  - (c) the impairment or impairments result in substantially reduced functional capacity to undertake, or psychosocial functioning in undertaking, one or more of the following activities: communication, social interaction, learning, mobility, self-care, self-management (see paragraph 5.8); and
  - (d) the impairment or impairments affect the person's capacity for social and economic participation; and
  - (e) the person is likely to require support under the NDIS for the person's lifetime.
- 5.2 In relation to the above, an impairment that varies in intensity (for example because the impairment is of a chronic episodic nature) may be permanent, and the person is likely to require support under the NDIS for the person's lifetime, despite the variation.

*Paragraphs 5.1 and 5.2 summarise section 24 of the Act.*

- 5.3 This Part sets out rules relating to some of the elements in paragraph 5.1 above, however, in order to meet the disability requirements, all of the requirements in that paragraph need to be satisfied.

### ***When is an impairment permanent or likely to be permanent for the disability requirements?***

- 5.4 An impairment is, or is likely to be, permanent (see paragraph 5.1(b)) only if there are no known, available and appropriate evidence-based clinical, medical or other treatments that would be likely to remedy the impairment.
- 5.5 An impairment may be permanent notwithstanding that the severity of its impact on the functional capacity of the person may fluctuate or there are prospects that the severity of the impact of the impairment on the person's functional capacity, including their psychosocial functioning, may improve.
- 5.6 An impairment may require medical treatment and review before a determination can be made about whether the impairment is permanent or likely to be permanent. The impairment is, or is likely to be, permanent only if the impairment does not require

further medical treatment or review in order for its permanency or likely permanency to be demonstrated (even though the impairment may continue to be treated and reviewed after this has been demonstrated).

- 5.7 If an impairment is of a degenerative nature, the impairment is, or is likely to be, permanent if medical or other treatment would not, or would be unlikely to, improve the condition.

*Paragraphs 5.4 to 5.7 are made for the purposes of paragraph 27(a) of the Act.*

***When does an impairment result in substantially reduced functional capacity to undertake relevant activities?***

- 5.8 An impairment results in substantially reduced functional capacity of a person to undertake one or more of the relevant activities—communication, social interaction, learning, mobility, self-care, self-management (see paragraph 5.1(c))—if its result is that:
- (a) the person is unable to participate effectively or completely in the activity, or to perform tasks or actions required to undertake or participate effectively or completely in the activity, without assistive technology, equipment (other than commonly used items such as glasses) or home modifications; or
  - (b) the person usually requires assistance (including physical assistance, guidance, supervision or prompting) from other people to participate in the activity or to perform tasks or actions required to undertake or participate in the activity; or
  - (c) the person is unable to participate in the activity or to perform tasks or actions required to undertake or participate in the activity, even with assistive technology, equipment, home modifications or assistance from another person.

*Paragraph 5.8 is made for the purposes of paragraph 27(b) of the Act.*

## Part 6 When does a person meet the early intervention requirements?

- 6.1 A person does not *meet the early intervention requirements* if the CEO is satisfied that early intervention support for the person is more appropriately funded or provided through another service system (*service systems* is defined in paragraph 8.4) rather than the NDIS.
- 6.2 However, a person *meets the early intervention requirements* if:
- (a) the person:
    - (i) has one or more identified intellectual, cognitive, neurological, sensory or physical impairments that are, or are likely to be, permanent (see paragraphs 6.4 to 6.7); or
    - (ii) has one or more identified impairments that are attributable to a psychiatric condition and are, or are likely to be, permanent (see paragraphs 6.4 to 6.7); or
    - (iii) is a child who has developmental delay; and
  - (b) the CEO is satisfied that provision of early intervention supports for the person is likely to benefit the person by reducing the person's future needs for supports in relation to disability (see paragraphs 6.8 to 6.11); and
  - (c) the CEO is satisfied that provision of early intervention supports for the person is likely to benefit the person by:
    - (i) mitigating or alleviating the impact of the person's impairment upon the functional capacity of the person to undertake communication, social interaction, learning, mobility, self-care or self-management; or
    - (ii) preventing the deterioration of such functional capacity; or
    - (iii) improving such functional capacity; or
    - (iv) strengthening the sustainability of informal supports available to the person, including through building the capacity of the person's carer (see paragraphs 6.8 to 6.11).

*Paragraph 6.1 summarises subsection 25(3) of the Act.  
Paragraph 6.2 summarises subsection 25(1) of the Act.*

- 6.3 This Part sets out rules relating to some of the elements in paragraph 6.2 above, however, in order to meet the early intervention requirements, all of the requirements in that paragraph need to be satisfied.

***When is an impairment permanent or likely to be permanent for the early intervention requirements?***

- 6.4 An impairment is, or is likely to be, permanent (see paragraphs 6.2(a)(i) and (ii)) only if there are no known, available and appropriate evidence-based clinical, medical or other treatments that would be likely to remedy the impairment.
- 6.5 An impairment may be permanent notwithstanding that the severity of its impact on the functional capacity of the person may fluctuate or there are prospects that the severity of the impact of the impairment on the person's functional capacity may improve.
- 6.6 An impairment may require medical treatment and review before a determination can be made about whether the impairment is permanent or likely to be permanent. The impairment is, or is likely to be, permanent only if the impairment does not require further medical treatment or review in order for its permanency or likely permanency to be demonstrated (even though the impairment may continue to be treated and reviewed after this has been demonstrated).
- 6.7 If an impairment is of a degenerative nature, the impairment is, or is likely to be, permanent if medical or other treatment would not, or would be unlikely to, improve the condition.

*Paragraphs 6.4 to 6.7 are made for the purposes of paragraph 27(a) of the Act.*

***Deciding whether provision of early intervention supports is likely to benefit the person***

- 6.8 Where paragraph 6.2(a) applies to a person, the main way in which the CEO can determine whether the provision of early intervention supports is likely to benefit the person in the ways set out in paragraphs 6.2(b) and (c) above is to consider evidence going to those matters, as indicated in paragraph 6.9 below. However, young children who have an impairment resulting in developmental delay (see paragraph 6.10) or resulting from a particular condition (see paragraph 6.11) will not need to provide further evidence of the matters in paragraphs 6.2(b) and (c).

*Paragraph 6.8 is made for the purposes of paragraph 27(d) of the Act.*

*Where evidence is required*

- 6.9 In deciding whether provision of early intervention supports is likely to benefit the person in the ways mentioned in paragraphs 6.2(b) and (c) above, it is expected that the CEO would consider:
- (a) the likely trajectory and impact of the person's impairment over time; and

- (b) the potential benefits of early intervention on the impact of the impairment on the person's functional capacity and in reducing their future needs for supports; and
- (c) evidence from a range of sources, such as information provided by the person with disability or their family members or carers. The CEO may also in some cases seek expert opinion.

*Paragraph 6.9 is made for the purposes of paragraph 27(d) of the Act. It does not compel the CEO to take the actions mentioned in that paragraph in any particular instance.*

#### *Early intervention in early childhood*

6.10 The CEO is taken to be satisfied that provision of early intervention supports for a child under the age of 6 is likely to benefit the child in the ways mentioned in paragraphs 6.2(b) and (c) above if one or more of the child's impairments is a mental or physical impairment which, by itself or in combination with other mental or physical impairments, results in developmental delay.

Note: **Developmental delay** is defined in section 9 of the Act as a delay in the development of a child under 6 years of age that:

- (a) is attributable to a mental or physical impairment or a combination of mental and physical impairments; and
- (b) results in substantial reduction in functional capacity in one or more of the following areas of major life activity:
  - (i) self-care;
  - (ii) receptive and expressive language;
  - (iii) cognitive development;
  - (iv) motor development; and
- (c) results in the need for a combination and sequence of special interdisciplinary or generic care, treatment or other services that are of extended duration and are individually planned and coordinated.

6.11 The provision of early intervention supports is likely to benefit a child aged 6 or under in the ways mentioned in paragraphs 6.2(b) and (c) above in the circumstance that one or more of the child's impairments results from a condition which is on a list of conditions published by the CEO for which evidence has established that early intervention supports will have these benefits.

*Paragraph 6.10 is made for the purposes of subsection 25(2) of the Act. Paragraph 6.11 is made for the purposes of paragraphs 27(d), (e) and (f) of the Act.*



## **Part 7 Assessing whether a person meets the disability or early intervention requirements**

7.1 In deciding whether a prospective participant meets the disability requirements or the early intervention requirements, the CEO may, if the CEO considers it appropriate, conduct an assessment, which is to be done using an assessment tool specified in operational guidelines in accordance with this Part from time to time.

### ***Specification of assessment tools in guidelines***

7.2 The CEO may specify, in operational guidelines, assessment tools that may be used for the purposes of deciding whether a person meets the disability requirements or the early intervention requirements.

7.3 A tool specified under paragraph 7.2 may be the same as a tool specified under paragraph 4.4 of the *National Disability Insurance Scheme (Supports for Participants) Rules 2013*.

7.4 Without limitation, the CEO may specify:

- (a) different tools to be used for adults and children; and
- (b) tools that are specifically tailored to particular impairments.

7.5 A tool must:

- (a) be designed to ensure the fair and transparent assessment of whether a person meets the disability requirements or the early intervention requirements; and
- (b) have reference to areas of activity and social and economic participation identified in the World Health Organisation International Classification of Functions, Disability and Health as in force from time to time.

<p><i>This Part is made for the purposes of subsection 209(2A) of the Act.</i></p>
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## Part 8 Other matters

### *Citation*

- 8.1 These Rules may be cited as the *National Disability Insurance Scheme (Becoming a Participant) Rules 2016*.

### *Interpretation*

- 8.2 These Rules include text that summarises provisions of the Act. The boxed notes identify such text, which does not form an operative part of these Rules.
- 8.3 Terms and expressions that are used in the Act have the same meaning in these Rules unless these Rules display a contrary intention—see the *Acts Interpretation Act 1901* and the *Legislative Instruments 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.
- 8.4 In these Rules:

**2013 NDIS launch area** means:

- (a) South Australia;
- (b) Tasmania;
- (c) the areas that comprise the following municipal districts of Victoria as at 1 July 2013:
  - (i) Colac-Otway Shire;
  - (ii) City of Greater Geelong;
  - (iii) Borough of Queenscliffe;
  - (iv) Surf Coast Shire;
- (d) the areas that comprise the following areas of New South Wales constituted under the *Local Government Act 1993* (NSW) as at 1 July 2013:
  - (i) Lake Macquarie City;
  - (ii) Maitland City;
  - (iii) Newcastle City.

**2014 NDIS launch area** means:

- (a) the areas that comprise the following districts of Western Australia declared under section 2.1 of the *Local Government Act 1995* (WA) as at 1 July 2014 (those areas, together, are known for the purposes of these Rules as **Perth Hills**):
  - (i) Shire of Kalamunda;
  - (ii) Shire of Mundaring;

- (iii) City of Swan;
- (b) the area that comprises the Barkly Region in the Northern Territory as defined under section 9 of the *Local Government Act* (NT) as at 1 July 2014 (that area is known for the purposes of these Rules as the ***Barkly Region***);
- (c) the Australian Capital Territory.

*Note: reference to the Australian Capital Territory in these Rules does not include the Jervis Bay Territory.*

***2015 NDIS early transition area*** means:

- (a) the areas that comprise the following areas of New South Wales constituted under the *Local Government Act 1993* (NSW) as at 1 July 2015:
  - (i) City of Blue Mountains;
  - (ii) City of Hawkesbury;
  - (iii) City of Lithgow;
  - (iv) City of Penrith.

***Act*** means the *National Disability Insurance Scheme Act 2013*.

***Agency***—see section 9 of the Act.

***CEO***—see section 9 of the Act.

***child***—see section 9 of the Act.

***NDIS*** means the National Disability Insurance Scheme (see section 9 of the Act).

***NDIS areas*** means the NDIS launch areas, NDIS early transition areas and NDIS areas specified in Schedule A to this Instrument.

***NDIS launch area*** means the 2013 NDIS launch areas, together with the 2014 NDIS launch areas, and the 2015 NDIS launch areas.

***NDIS rules*** means the National Disability Insurance Scheme rules (see section 9 of the Act).

***parental responsibility***—see section 9 of the Act.

***participant***—see section 9 of the Act.

***service systems*** means general systems of service delivery or support services offered by a person, agency or body, or systems of service delivery or support services offered:

- (a) as part of a universal service obligation; or

(b) in accordance with reasonable adjustments required under a law dealing with discrimination on the basis of disability.

## Schedule A – Additional age and residence requirements

### *South Australia*

For persons who reside in South Australia, additional age and residence requirements apply as set out below. The Districts referred to in column 1 below have the meaning set out in Schedule B.

The effect of this table is that:

- Any person under the age of 15 who resides anywhere in South Australia will meet the additional age and residence requirements from 1 January 2016.
- Any person who will be under the age of 18 on 1 January 2017 and who resides anywhere in South Australia will meet the additional age and residence requirements from 1 July 2016.
- From 1 January 2017, persons who reside in the specified areas will meet both the additional age and residence requirements from the dates set out below.

<b>A person meets the residence requirement if they reside in...</b>	<b>at the following time (the date mentioned in row 1 is the 'relevant date' for South Australia)...</b>	<b>The additional age requirements for the person are...</b>
<b>South Australia</b>	on or after 1 January 2016.	the person is under 15 on the date the access request is made.
<b>South Australia</b>	on or after 1 July 2016.	the person is under 18 on 1 January 2017.
<b>Barossa, Light and Lower North; or Playford, Salisbury and Port Adelaide Enfield (East)</b>	on or after 1 January 2017.	No additional age requirements (the person is under 65 on the day of the access request)
<b>Tea Tree Gully; or Limestone Coast; or Murray and Mallee</b>	on or after 1 April 2017.	No additional age requirements (the person is under 65 on the day of the access request)
<b>Fleurieu and Kangaroo Island; or Southern Adelaide; or Eyre and Western; or Far North; or Yorke and Mid North</b>	on or after 1 July 2017.	No additional age requirements (the person is under 65 on the day of the access request)
Remainder of South Australia	on or after 1 October 2017.	No additional age requirements (the person is under 65 on the day of the access request)

### ***Tasmania***

A person meets the additional residence requirements if they reside in Tasmania on or after the commencement of these Rules. The ‘relevant date’ for Tasmania is the day on which these Rules commence.

For persons who reside in Tasmania there are additional age requirements that apply in the periods set out below. There is a single exception in that the additional age requirements do not apply to persons who, on 1 July 2016, reside in Tasmania and are accessing Tasmanian funded Supported Accommodation.

The effect of the below table is that the range of ages at which a person meets the additional age requirements is progressively broadened until there are no additional age requirements in Tasmania by 1 July 2018.

<b>For an access request made on or after (or received earlier but decided on or after):</b>	<b>The additional age requirement is that the person be:</b>
<b>1 February 2016</b>	at least 12, and under 25, on the date the access request is made.
<b>1 July 2016</b>	at least 12, and under 29, on the date the access request is made.
<b>1 January 2017</b>	at least 4, and under 29, on the date the access request is made.
<b>1 July 2017</b>	at least 4, and under 35, on the date the access request is made.
<b>1 January 2018</b>	under 50, on the date the access request is made.
<b>1 July 2018</b>	under 65 on the date the access request is made (no additional age requirements apply).

\*No additional age requirement applies in relation to persons who, on 1 July 2016, reside in Tasmania and are accessing Tasmanian funded shared Supported Accommodation.

### ***Queensland***

For persons who reside in Queensland additional age and residence requirements apply as set out below. The effect of this table is that persons in Queensland are eligible to become participants depending on where they live and, in some cases, how old they are. Schedule B defines the boundaries of particular districts mentioned in column 1 of the table.

<b>A person meets the residence requirement if they reside in...</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>
<b>Townsville; or Charters Towers</b>	on or after 16 March 2016	the person is under 18 on 1 April 2016 (this includes children born on or after 1 April 2016).
<b>Palm Island</b>	on or after 16 March 2016	<i>no additional age requirements (the person is under 65 on the day of the access request)</i>
<b>Townsville Region</b> , other than Townsville, Palm Island and Charters Towers	on or after 1 July 2016	<i>no additional age requirements (the person is under 65 on the day of the access request)</i>
<b>Mackay</b>	on or after 1 July 2016	<i>no additional age requirements (the person is under 65 on the day of the access request)</i>
<b>Toowoomba</b>	on or after 1 July 2016	<i>no additional age requirements (the person is under 65 on the day of the access request)</i>
<b>Ipswich</b>	on or after 1 January 2017	<i>no additional age requirements (the person is under 65 on the day of the access request)</i>
<b>Bundaberg</b>	on or after 1 April 2017	<i>no additional age requirements (the person is under 65 on the day of the access request)</i>
<b>Rockhampton</b>	on or after 1 July 2017	<i>no additional age requirements (the person is under 65 on the day of the access request)</i>
<b>Beenleigh; or Cairns; or Brisbane North; or Brisbane South; or Maryborough; or Robina</b>	on or after 1 January 2018	<i>no additional age requirements (the person is under 65 on the day of the access request)</i>

<b>Caboolture/Strathpine; or Maroochydore</b>	on or after 1 July 2018	<i>no additional age requirements (the person is under 65 on the day of the access request)</i>
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From July 2016, the additional age requirements in the first row of the table cease to apply.

### ***New South Wales***

For persons who reside in New South Wales additional age and residence requirements apply as set out below. The Districts referred to in column 1 below have the meaning set out in Schedule B.

The effect of this table is that persons who reside in the specified areas will meet both the additional age and residence requirements from the dates set out.

<b>A person meets the residence requirement if they reside in...</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>
<b>Central Coast; or Hunter New England; or Northern Sydney; or South Western Sydney; or Southern NSW; or Western Sydney; or Nepean Blue Mountains</b>	on or after 1 February 2016	<i>no additional age requirements (the person is under 65 on the day of the access request)</i>
<b>Remainder of New South Wales</b>	on or after 1 January 2017	<i>no additional age requirements (the person is under 65 on the day of the access request)</i>

### ***Victoria***

For persons residing in Victoria additional age and residence requirements apply as set out below. The effect of this table is that persons who reside in the specified areas will meet additional age and residence requirements from the relevant dates set out. The Districts referred to in column 1 below have the meaning set out in Schedule B.



<b>A person meets the residence requirement if they reside in...</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>
<b>North Eastern Melbourne;</b> or Barwon	on or after 1 April 2016	No additional age requirements (the person is under 65 on the day of the access request).
<b>Central Highlands</b>	on or after 1 July 2016	No additional age requirements (the person is under 65 on the day of the access request).
<b>Loddon</b>	on or after 1 November 2016	No additional age requirements (the person is under 65 on the day of the access request).
<b>Inner Gippsland;</b> or <b>Ovens Murray;</b> or <b>Western District</b>	on or after 1 April 2017	No additional age requirements (the person is under 65 on the day of the access request).
<b>Inner Eastern Melbourne;</b> or <b>Outer Eastern Melbourne</b>	on or after 1 May 2017	No additional age requirements (the person is under 65 on the day of the access request).
<b>Hume Moreland</b>	on or after 1 September 2017	No additional age requirements (the person is under 65 on the day of the access request).
<b>Bayside Peninsula</b>	on or after 1 October 2017	No additional age requirements (the person is under 65 on the day of the access request).
<b>Southern Melbourne</b>	on or after 1 March 2018	No additional age requirements (the person is under 65 on the day of the access request).
<b>Brimbank Melton;</b> or <b>Western Melbourne</b>	on or after 1 April 2018	No additional age requirements (the person is under 65 on the day of the access request).
<b>Remainder of Victoria</b>	on or after 1 July 2018	No additional age requirements (the person is under 65 on the day of the access request).

***Australian Capital Territory***

<b>A person meets the residence requirement if they reside in...</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>
<b>Australian Capital Territory</b>	on or after 1 July 2014	<i>no additional age requirements (the person is under 65 on the day of the access request)</i>

A person only meets the additional residence requirements if they reside in the relevant area at the time their access request is decided. For example, a person can reside in the Australian Capital Territory at any time on or after 1 July 2014, so long as they are actually residing there at the time their access request is decided.

However, if a person would meet the additional residence requirements by residing in a particular area on or after a particular date, the person also meets the additional residence requirements if they resided in that area at the time they made an access request and the access request is decided on or after the particular date.

If a person would meet the additional age requirements by being a particular age on a particular date, the person also meets the additional age requirements if they were that age **at the** time they made an access request and the access request is decided on or after the particular date.

***Northern Territory***

For persons who reside in the Northern Territory, additional residence requirements apply as set out below. The Districts referred to in column 1 below have the meanings set out in Schedule B, other than the Barkly Region, which is defined in paragraph 8.4.

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 reside in...</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>
<b>Barkly Region</b>	on or after 1 July 2014	<i>no additional age requirements (the person is under 65 on the day of the access request)</i>

<b>Darwin Urban supported accommodation services;</b> or <b>East Arnhem</b>	on or after 1 July 2016	<i>no additional age requirements (the person is under 65 on the day of the access request)</i>
<b>Darwin Remote;</b> or <b>Alice Springs supported accommodation services;</b> or <b>Katherine</b>	on or after 1 January 2017	<i>no additional age requirements (the person is under 65 on the day of the access request)</i>
Darwin urban, Alice Springs or any other part of <b>Central Australia</b>	on or after 1 January 2018	<i>no additional age requirements (the person is under 65 on the day of the access request)</i>

*Schedule A is made for the purposes of paragraphs 22(1)(b) and 23(1)(c) of the Act.*

## Schedule B

### *NDIS areas – South Australia*

<b>District</b>	<b>Districts are comprised of the following local government areas of South Australia as at 1 January 2016</b>
Barossa, Light and Lower North	Barossa Gawler Light Mallala
Playford Salisbury and Port Adelaide Enfield (East)	Playford Salisbury Port Adelaide Enfield (East)
Tea Tree Gully	Tea Tree Gully
Limestone Coast	Grant Kingston Mount Gambier Naracoote and Lucindale Robe Tatiara Wattle Range
Murray and Mallee	Berri and Barmera Karoonda East Murray Loxton Waikerie Mid Murray Murray Bridge Renmark Paringa Southern Mallee The Coorong
Fleurieu and Kangaroo Island	Alexandrina Kangaroo Island Victor Harbour Yankalilla
Southern Adelaide	Holdfast Bay Marion Mitcham Onkaparinga
Eyre and Western	Ceduna Cleve Elliston

	Franklin Harbour Kimba Lower Eyre Peninsula Port Lincoln Streaky Bay Tumby Bay Whyalla Wudinna
Far North	Anangu Pitjantjatjara Coober Pedy Flinders Ranges Port Augusta Roxby Downs
Yorke and Mid North	Barunga West Clare and Gilbert Valleys Copper Coast Goyder Mount Remarkable Northern Areas Orroroo/Carrieton Peterborough Port Pirie City and Districts Wakefield Yorke Peninsula
Adelaide Hills	Adelaide Hills Mount Barker
Eastern Adelaide	Adelaide Burnside Campbelltown Norwood Payneham St Peters Prospect Unley Walkerville
Western Adelaide	Charles Sturt Port Adelaide Enfield (West) West Torrens”

*NDIS Areas – NSW*

<b>District</b>	<b>Districts are comprised of the following areas of New South Wales constituted under the <i>Local Government Act 1993</i> (NSW) as at 1 January 2016</b>
Central Coast	City of Gosford Wyong Shire
Hunter New England	Armidale Dumaresq City of Cessnock Dungog Shire Glen Innes Severn Gloucester Shire Great Lakes City of Greater Taree Gunnedah Shire Guyra Shire Gwydir Shire Inverell Shire City of Lake Macquarie Liverpool Plains Shire City of Maitland Moree Plains Shire Muswellbrook Shire Narrabri Shire City of Newcastle Port Stephens Singleton Tamworth Regional Tenterfield Shire Upper Hunter Shire Uralla Shire Walcha
Nepean Blue Mountains	City of Blue Mountains City of Hawkesbury City of Lithgow City of Penrith
Northern Sydney	Hornsby Shire Hunters Hill Municipality

<b>District</b>	<b>Districts are comprised of the following areas of New South Wales constituted under the <i>Local Government Act 1993 (NSW)</i> as at 1 January 2016</b>
	Ku-ring-gai Lane Cove Municipality Manly Mosman Municipality North Sydney Pittwater City of Ryde Warringah City of Willoughby
South Western Sydney	City of Bankstown Camden City of Campbelltown City of Fairfield City of Liverpool Wingecarribee Shire Wollondilly Shire
Southern NSW	Bega Valley Shire Bombala Cooma-Monaro Shire Eurobodalla Shire Goulburn Mulwaree Palerang City of Queanbeyan Snowy River Shire Upper Lachlan Shire Yass Valley
Western Sydney	City of Auburn City of Blacktown City of Holroyd City of Parramatta The Hills Shire
Illawarra Shoalhaven	Kiama Municipality City of Shellharbour City of Shoalhaven City of Wollongong
Mid North Coast	Bellingen Shire City of Coffs Harbour Kempsey Shire Nambucca Shire

<b>District</b>	<b>Districts are comprised of the following areas of New South Wales constituted under the <i>Local Government Act 1993 (NSW)</i> as at 1 January 2016</b>
Murrumbidgee	Port Macquarie-Hastings City of Albury Berrigan Shire Bland Shire Boorowa Carrathool Shire Conargo Shire Coolamon Shire Cootamundra Shire Corowa Shire Deniliquin Greater Hume Shire City of Griffith Gundagai Shire Harden Shire Hay Shire Jerilderie Shire Junee Shire Leeton Shire Lockhart Shire Murray Shire Murrumbidgee Shire Narrandera Shire Temora Shire Tumbarumba Shire Tumut Shire Urana Shire City of Wagga Wagga Wakool Shire Young Shire
Northern NSW	Ballina Shire Byron Shire Clarence Valley Kyogle City of Lismore Richmond Valley Tweed Shire
South Eastern Sydney	City of Botany Bay City of Hurstville



<b>District</b>	<b>Districts are comprised of the following areas of New South Wales constituted under the <i>Local Government Act 1993 (NSW)</i> as at 1 January 2016</b>
	City of Kogarah City of Randwick City of Rockdale Sutherland Shire City of Sydney - Inner and East Waverley Woollahra Municipality
Sydney	Ashfield Burwood Canada Bay Canterbury Leichhardt Marrickville Strathfield Sydney - South and West
Western NSW	Bathurst Regional Blayney Shire Bogan Shire Bourke Shire Brewarrina Shire Cabonne Cobar Shire Coonamble Shire Cowra Shire City of Dubbo Forbes Shire Gilgandra Shire Lachlan Shire Mid-Western Regional Narromine Shire Oberon City of Orange Parkes Shire Walgett Shire Warren Shire Warrumbungle Shire Weddin Shire Wellington

<b>District</b>	<b>Districts are comprised of the following areas of New South Wales constituted under the <i>Local Government Act 1993 (NSW)</i> as at 1 January 2016</b>
Far West	Balranald Shire City of Broken Hill Central Darling Shire Wentworth Shire

### *NDIS Areas – Victoria*

<b>District</b>	<b>Districts are comprised of the following municipal districts of Victoria as at 1 January 2016</b>
Barwon	Colac-Otway Shire City of Greater Geelong Surf Coast Shire Borough of Queenscliffe
North Eastern Melbourne	City of Banyule City of Darebin Nillumbik Shire City of Whittlesea City of Yarra
Central Highlands	Rural City of Ararat City of Ballarat Golden Plains Shire Hepburn Shire Moorabool Shire Pyrenees Shire
Loddon	Campaspe Shire Central Goldfields Shire City of Greater Bendigo Loddon Shire Macedon Ranges Shire Mount Alexander Shire
Inner Gippsland	Bass Coast Shire Baw Baw Shire City of Latrobe South Gippsland Shire
Ovens Murray	Alpine Shire Rural City of Benalla Indigo Shire Mansfield Shire Towong Shire

<b>District</b>	<b>Districts are comprised of the following municipal districts of Victoria as at 1 January 2016</b>
	Rural City of Wangaratta City of Wodonga
Western District	Corangamite Shire Glenelg Shire Hindmarsh Shire Rural City of Horsham Moyne Shire Northern Grampians Shire Southern Grampians Shire City of Warrnambool West Wimmera Shire Yarriambiack Shire
Inner Eastern Melbourne	City of Boroondara City of Manningham City of Monash City of Whitehorse
Outer Eastern Melbourne	City of Knox City of Maroondah Yarra Ranges Shire
Hume Moreland	City of Hume City of Moreland
Bayside Peninsula	City of Bayside City of Frankston City of Glen Eira City of Kingston Mornington Peninsula Shire City of Port Phillip City of Stonnington
Southern Melbourne	Cardinia Shire City of Casey City of Greater Dandenong
Brimbank Melton	City of Brimbank City of Melton
Western Melbourne	City of Hobsons Bay City of Maribyrnong City of Melbourne City of Moonee Valley City of Wyndham

<b>District</b>	<b>Districts are comprised of the following municipal districts of Victoria as at 1 January 2016</b>
Goulburn	City of Greater Shepparton Mitchell Shire Moirra Shire Murrindindi Shire Strathbogie Shire
Mallee	Buloke Shire Gannawarra Shire Rural City of Mildura Rural City of Swan Hill
Outer Gippsland	East Gippsland Shire Wellington Shire

***NDIS Areas – Queensland***

<b>District</b>	<b>Districts are comprised of the following local government areas of Queensland as at 16 March 2016</b>
Townsville Region, other than Townsville, Palm Island and Charters Towers	Boulia Burdekin Burke Carpentaria Cloncurry Doomadgee Flinders Hinchinbrook McKinlay Mornington Mount Isa Richmond
Mackay	Isaac Mackay Whitsunday
Toowoomba	Balonne Bulloo Goondiwindi Maranoa Murweh Paroo Quilpie Southern Downs Toowoomba

District	Districts are comprised of the following local government areas of Queensland as at 16 March 2016
	Western Downs
Ipswich	Ipswich Lockyer Valley Scenic Rim Somerset
Bundaberg	Bundaberg
Rockhampton	Banana Barcaldine Barcoo Blackall-Tambo Central Highlands Diamantina Gladstone Livingstone Longreach Rockhampton Winton Woorabinda
Beenleigh	Logan Redland
Cairns	Aurukun Cairns Cassowary Coast Cook Croydon Douglas Etheridge Hope Vale Kowanyama Lockhart River Mapoon Mareeba Napranum Northern Peninsula Area Pormpuraaw Tablelands Torres Torres Strait Island Weipa Town Authority Wujal Wujal

<b>District</b>	<b>Districts are comprised of the following local government areas of Queensland as at 16 March 2016</b>
	Yarrabah
Maryborough	Cherbourg Fraser Coast North Burnett South Burnett
Robina	Gold Coast
Caboolture/Strathpine	Moreton Bay
Maroochydore	Gympie Noosa Sunshine Coast
Townsville (not being Townsville Region)	Townsville
Charters Towers	Charters Towers
Palm Island	Palm Island

<b>District</b>	<b>Districts are comprised of the following postcodes within the Brisbane local government area as at 16 March 2016</b>
Brisbane North	4000, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4017, 4018, 4025, 4029, 4030, 4031, 4032, 4034, 4035, 4036, 4051, 4053, 4054, 4055, 4059, 4060, 4061, 4064, 4065, 4066, 4067, 4068, 4069, 4070, 4072
Brisbane South	4101, 4102, 4103, 4105, 4106, 4107, 4108, 4109, 4110, 4111, 4112, 4113, 4115, 4116, 4117, 4120, 4121, 4122, 4123, 4151, 4152, 4153, 4154, 4155, 4156, 4157, 4169, 4170, 4171, 4172, 4173, 4174, 4178, 4179, 4073, 4074, 4075, 4076, 4077, 4078, 4104, 4300, 4306

### ***NDIS areas – Northern Territory***

<b>Region</b>	<b>Regions are comprised of the following local government areas of the Northern Territory as at 1 June 2016</b>
Alice Springs	Alice Springs
East Arnhem	East Arnhem
Central Australia	Alice Springs

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	Central Desert MacDonnell
Darwin Urban	Belyuen Coomalie Darwin Litchfield Palmerston Wagait
Darwin Remote	Roper Gulf Tiwi Islands Victoria-Daly West Arnhem West Daly Region
Katherine	Katherine

## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.



**Endnote 2—Abbreviation key**

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	
exp = expires/expired or ceases/ceased to have effect	reloc = relocated
F = Federal Register of Legislation	renum = renumbered
gaz = gazette	rep = repealed
LA = <i>Legislation Act 2003</i>	rs = repealed and substituted
LIA = <i>Legislative Instruments Act 2003</i>	s = section(s)/subsection(s)
(md) = misdescribed amendment can be given effect	Sch = Schedule(s)
(md not incorp) = misdescribed amendment cannot be given effect	Sdiv = Subdivision(s)
mod = modified/modification	SLI = Select Legislative Instrument
No. = Number(s)	SR = Statutory Rules
	Sub-Ch = Sub-Chapter(s)
	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

**Endnote 3—Legislation history**

<b>Name</b>	<b>Registration</b>	<b>Commencement</b>	<b>Application, saving and transitional provisions</b>
<i>National Disability Insurance Scheme (Becoming a Participant) Amendment Rules 2016 (No. 2)</i>	30 June 2016	01 July 2016	
<i>National Disability Insurance Scheme (Becoming a Participant) Amendment Rules 2016 (No. 3)</i>	16 December 2016	17 December 2016	
<i>National Disability Insurance Scheme (Becoming a Participant) Amendment Rules 2017</i>	1 February 2017	1 January 2017	

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**Endnote 4—Amendment history**

<b>Provision affected</b>	<b>How affected</b>
Part 4, paragraphs 4.3, 4.6-4.11	rs.; F2016L01972
Part 8, paragraph 8.4, definition of <i>2016 NDIS early transition areas</i>	rep.; F2016L01122
Schedule A, <i>Queensland</i>	rs., ad.; F2016L01122
Schedule A, <i>Northern Territory</i>	ad.; F2016L01972
Schedule B	ad.; F2016L01122
Schedule B, <i>Northern Territory</i>	ad.; F2016L01972
Schedule A, <i>South Australia</i>	ad.; FL2017L00088