



# **National Disability Insurance Scheme (NDIS Provider Definition) Rule 2018**

made under the

*National Disability Insurance Scheme Act 2013*

## **Compilation No. 2**

**Compilation date:** 1 April 2022

**Includes amendments up to:** F2022L00442

**Registered:** 11 April 2022

Prepared by the Office of Parliamentary Counsel, Canberra

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## About this compilation

### This compilation

This is a compilation of the *National Disability Insurance Scheme (NDIS Provider Definition) Rule 2018* that shows the text of the law as amended and in force on 1 April 2022 (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.

### Editorial changes

For more information about any editorial changes made in this compilation, see 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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## Preamble

- (1) The National Disability Insurance Scheme (NDIS) represents a fundamental change to how supports for people with disability are funded and delivered across Australia. The NDIS was designed to produce major benefits for people with disability, their families and the broader community.
- (2) The NDIS Quality and Safeguards Commission is responsible for a range of functions under the National Quality and Safeguarding Framework aimed at protecting and preventing harm to people with disability in the NDIS market. The Commission will build the capability of NDIS participants and providers to uphold the rights of people with disability and realise the benefits of the NDIS. The legislation underpinning the NDIS is intended to support participants to be informed purchasers and consumers of NDIS supports and services and to live free from abuse, neglect, violence and exploitation.
- (3) The *National Disability Insurance Scheme (NDIS Provider Definition) Rule 2018* extends the jurisdiction of the NDIS Quality and Safeguards Commission under the definition of **NDIS provider** to cover providers of supports or services to older people with disability who are receiving continuity of supports under either the program known as Commonwealth Disability Support for Older Australians or the program known as the Commonwealth Continuity of Support Programme relating to Specialist Disability Services for Older People. The people receiving these supports and services were found to be ineligible for the NDIS at the time of transition in their State or Territory due to age.

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## 1 Name

This instrument is the *National Disability Insurance Scheme (NDIS Provider Definition) Rule 2018*.

## 3 Authority

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

## 4 Definitions

In this instrument:

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

## 5 Definition of NDIS Provider—continuity of support

For the purposes of subparagraph (b)(ii) of the definition of **NDIS provider** in section 9 of the Act, a person or entity who is providing supports or services to older people with disability who are receiving continuity of support under either of the following programs is prescribed:

- (a) the program administered by the Commonwealth and known as Commonwealth Disability Support for Older Australians;
- (b) the program administered by the Commonwealth and known as the Commonwealth Continuity of Support Programme relating to Specialist Disability Services for Older People.

Note 1: The National Disability Insurance Scheme Rules may require that specified classes of supports are to be provided only by NDIS providers who are registered to provide those classes of supports: see section 73B of the Act.

Note 2: A person prescribed by this section to be an NDIS provider may apply to be a registered NDIS provider in relation to the provision of services or supports to people with disability other than under the National Disability Insurance Scheme: see subsection 73C(2) of the Act.

## 6 Definition of NDIS Provider—ILC program funding recipient

For the purposes of subparagraph (b)(ii) of the definition of **NDIS provider** in section 9 of the Act, a person or entity who is the recipient of funding under the program administered by the Commonwealth and known as the Information, Linkages and Capacity Building Program and provides services or activities under that program is prescribed.

## 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.

### Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

### 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.

## Endnotes

### Endnote 2—Abbreviation key

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#### 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)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced



## Endnote 3—Legislation history

## Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
National Disability Insurance Scheme (NDIS Provider Definition) Rule 2018	18 May 2018 (F2018L00628)	1 July 2018 (s 2(1) item 1)	
National Disability Insurance Scheme (NDIS Provider Definition) Amendment Rules 2021	30 June 2021 (F2021L00902)	1 July 2021 (s 2(1) item 1)	—
National Disability Insurance Scheme (NDIS Provider Definition) Amendment (Information, Linkages and Capacity Building Program) Rule 2022	31 Mar 2022 (F2022L00442)	1 Apr 2022 (s 2)	—

## Endnotes

### Endnote 4—Amendment history

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### Endnote 4—Amendment history

Provision affected	How affected
Preamble.....	am F2021L00902
s 2.....	rep LA s 48D
s 5.....	rs F2021L00902
	am F2022L00442
s 6.....	ad F2022L00442