



National Disability Insurance Scheme (Facilitating the Preparation of Participants' Plans—Northern Territory) Rules 2016

National Disability Insurance Scheme Act 2013 (the Act)

The Act establishes the National Disability Insurance Scheme (NDIS).

People who are participants in the NDIS will be assisted to develop a personal, goal-based plan about how they will be provided with general supports and reasonable and necessary supports.

The NDIS will respect the interests of people with disability in exercising choice and control about matters that affect them.

National Disability Insurance Scheme (Facilitating the Preparation of Participants' Plans—Northern Territory) Rules 2016

These Rules are made for the purposes of sections 32 and 32A (other than subsection 32A(4)) of the Act.

These Rules are about the circumstances in which the facilitation of the preparation of participants' plans will commence in the Northern Territory.

These Rules commence on the day after this instrument is registered.

Senator the Hon. Mitch Fifield
Acting Minister for Social Services

Dated: 14 December 2016

Contents

National Disability Insurance Scheme (Facilitating the Preparation of Participants' Plans—Northern Territory) Rules 2016	1
Part 1 What these Rules are about	3
Part 2 Preparation of plans for residents of the Northern Territory	4
Part 3 Other matters	7
Citation	7
Interpretation	7

Part 1 What these Rules are about

- 1.1 Each participant in the Northern Territory will have a plan, prepared by and with the participant and approved by the CEO of the Agency. Among other things, a participant's plan sets out the supports that will be funded for the participant.
- 1.2 Participants will be phased into the NDIS. There are two steps involved in accessing supports under the NDIS. The first is to become a participant where a person makes an access request and the CEO decides whether they meet the access criteria. The second is for the participant to have a plan approved by the CEO of the Agency. These Rules relate to the second step, and the order in which the CEO will commence the facilitation of the preparation of plans for different groups, known as 'classes', of participants.
- 1.3 In the Northern Territory, the NDIS transition will be undertaken on a staged basis. The *National Disability Insurance Scheme (Becoming a Participant) Rules 2016* set out a geographically based sequence for the entry of new Northern Territory participants into the NDIS. These Rules explain how these participants will be phased into the NDIS.
- 1.4 The phasing schedule is intended to give effect to agreements that have been reached between the Governments of the Commonwealth and the Northern Territory.
- 1.5 The Act sets out a number of objects and principles for the NDIS, to which these Rules give effect. In giving effect to the objects, regard is to be had to the progressive implementation of the NDIS and the need to ensure the financial sustainability of the NDIS.

Part 2 Preparation of plans for residents of the Northern Territory

- 2.1 Once a person becomes a participant, the CEO can commence facilitating the preparation of a plan for the person. The process for commencing the facilitation of the preparation of plans for participants in the Northern Territory is detailed below.
- 2.2 The table in paragraph 2.5 sets out the classes of Northern Territory participants and sets out the circumstances in, or period within, which the CEO is to commence the facilitation of the preparation of those participants' plans.
- 2.3 The CEO cannot make a decision to commence facilitating the preparation of plans for a class before the date specified in the table for that class. Otherwise, the sequence of classes is generally flexible. The CEO need not be satisfied that all participants in a particular class have had their plans facilitated before moving onto a subsequent class; the Agency might have the capacity to commence the facilitation of plans in Class 2 or 3 before having fully completed that task for Class 1. Further, the classes do not close at any point in time. For example, a person in Class 1 who becomes a participant after the Agency has started to facilitate plans for Class 2 or 3 participants can still have their plan facilitated while participants in Class 2 are having their plans facilitated.
- 2.4 In urgent circumstances, the CEO can commence the facilitation of the preparation of a participant's plan at a particular time, despite the sequence set out in the table in paragraph 2.5. If the CEO does so, the CEO is able to delay the commencement of the facilitation of the preparation of other participants' plans, so far as is reasonably necessary, even if that delay would be contrary to that sequence.

<p><i>Paragraph 2.4 summarises the effect of subsection 32A(3) of the Act.</i></p>
--

- 2.5 The classes of participants, and the circumstances in, or period within, which the CEO is to commence facilitating the preparation of plans for participants in those classes, are as follows:

Class	Participants in the class (who must be residents of the Northern Territory)	Circumstances in, or period within, which the CEO is to commence facilitating the preparation of the participants' plans
Class 1	Persons who reside in the Barkly Region	As soon as practicable after the day on which these Rules commence
Class 2	Persons who reside in Darwin Urban and who are existing clients of Supported Accommodation services	The CEO decides (on or after 1 January 2017) that the Agency has the capacity to commence the facilitation of the preparation of the participants' plans, in light of the number of participants in Class 1 whose plans have been dealt with and the number yet to be dealt with
Class 3	Persons who reside in East Arnhem	The CEO decides (on or after 1 January 2017) that the Agency has the capacity to commence the facilitation of the preparation of the participants' plans, in light of the number of participants in Class 1 whose plans have been dealt with and the number yet to be dealt with
Class 4	Persons who reside in Alice Springs or Katherine and who are existing clients of Supported Accommodation services	The CEO decides (on or after 1 July 2017) that the Agency has the capacity to commence the facilitation of the preparation of the participants' plans, in light of the number of participants in Classes 1, 2 and 3 whose plans have been dealt with and the number yet to be dealt with
Class 5	Persons who reside in Darwin Remote , and persons who reside in Katherine and are not in Class 4	The CEO decides (on or after 1 July 2017) that the Agency has the capacity to commence the facilitation of the preparation of the participants' plans, in light of the number of participants in Classes 1, 2 and 3 whose plans have been dealt with and the number yet to be dealt with

Class 6	Persons who reside in Darwin Urban, Alice Springs or Central Australia and are not in a preceding class	The CEO decides (on or after 1 July 2018) that the Agency has the capacity to commence the facilitation of the preparation of the participants' plans, in light of the number of participants in Classes 1, 2, 3, 4 and 5 whose plans have been dealt with and the number yet to be dealt with
---------	--	---

2.6 If the CEO is considering making a decision referred to in the third column of the table in paragraph 2.5 after the date mentioned in that column, the CEO must, as early as possible:

- (a) seek the views of the Government of the Northern Territory and of the Commonwealth Department that administers the Act about the proposed decision (including their views about the effect that making the decision would have on arrangements agreed between the Commonwealth and the Northern Territory for the funding of the NDIS); and
- (b) use his or her best endeavours to reach an agreement with those entities about the proposed decision.

2.7 The following additional rules apply for participants in the Northern Territory:

- (a) If the CEO commences facilitation of the preparation of a plan for a participant who is an existing client of Supported Accommodation services, the CEO is to have regard to the intensive support the participant requires throughout the planning process.
- (b) If the CEO commences facilitation of the preparation of a plan for a participant who is an existing client of Supported Accommodation services, the CEO must, where practicable, also commence the facilitation of the preparation of plans for all other participants residing in the participant's household.

Part 3 Other matters

Citation

- 3.1 These Rules may be cited as the *National Disability Insurance Scheme (Facilitating the Preparation of Participants' Plans—Northern Territory) Rules 2016*.

Interpretation

- 3.2 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.
- 3.3 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 *Legislation 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 3.4.
- 3.4 In these Rules:

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

Agency—see section 9 of the Act.

CEO—see section 9 of the Act.

existing client means a person who, at the relevant time, is receiving, or is scheduled to receive, specialist disability services funded or directly provided by the Northern Territory Office of Disability, or Commonwealth residential aged care services.

NDIS—see section 9 of the Act.

participant—see section 9 of the Act.

participant's plan means a plan as defined in section 9 of the Act.

Supported Accommodation services means supported accommodation services funded or directly provided by the Northern Territory Office of Disability and Commonwealth residential aged care services.

- 3.5 A region of the Northern Territory mentioned in these Rules has the same meaning as in Schedule B of the *National Disability Insurance Scheme (Becoming a Participant) Rules 2016*.