



National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018

made under the

National Disability Insurance Scheme Act 2013

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About this compilation

This compilation

This is a compilation of the *National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018* that shows the text of the law as amended and in force on 15 November 2021 (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). 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.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

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 is designed to produce major benefits for people with disability, their families and the broader community.

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.

These rules set out some of the conditions that providers must comply with to become and remain registered NDIS providers. They also set out the NDIS Practice Standards that apply to all registered NDIS providers, and those that apply to providers delivering more complex supports in areas such as behaviour support, early childhood supports, specialist support coordination and specialist disability accommodation.

These rules also deal with the Provider Register. To support people with disability to exercise choice and control, the Provider Register will include details about an NDIS provider's registration and any relevant compliance action taken in relation to the provider.

Together with the NDIS Code of Conduct, these rules will enable people with disability participating in the NDIS to be aware of what quality service provision they should expect from registered NDIS providers.

The Commissioner works with providers to continuously improve the quality of the supports and services provided to NDIS participants.

Part 1—Preliminary

1 Name

This instrument is the *National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018*.

3 Authority

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

4 Definitions

Note: A number of expressions used in this instrument are defined in section 9 of the Act, including the following:

- (a) approved quality auditor;
- (b) key personnel;
- (c) NDIS Practice Standards;
- (d) registered NDIS provider;
- (e) registered provider of supports.

In this instrument:

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

applicable standards means the NDIS Practice Standards that apply to a specified class of supports under Part 6.

applicant means a person or entity who has made an application for registration under section 73C of the Act.

certification has the meaning given by section 5.

mealtime management means:

- (a) individual planning for the provision of meals to participants, including planning in relation to the environment in which meals are provided and the supports required to provide the meals to participants; or
- (b) the provision of supports to participants to consume meals.

regulated restrictive practice means a restrictive practice that is or involves any of the following:

- (a) seclusion, which is the solitary confinement of a person with disability in a room or a physical space at any hour of the day or night where voluntary exit is prevented, or not facilitated, or it is implied that voluntary exit is not permitted;
- (b) chemical restraint, which is the use of a chemical substance for the primary purpose of influencing a person's behaviour but does not include the use of

medication prescribed by a medical practitioner for the treatment of, or to enable treatment of, a diagnosed mental disorder, a physical illness or a physical condition;

- (c) mechanical restraint, which is the use of a device to prevent, restrict, or subdue a person's movement for the primary purpose of influencing a person's behaviour but does not include the use of devices for therapeutic or non-behavioural purposes;
- (d) physical restraint, which is the use of physical force to prevent, restrict or subdue movement of a person's body, or part of the person's body, for the primary purpose of influencing the person's behaviour but does not include the use of a hands-on technique in a reflexive way to guide or redirect a person away from potential harm or injury, consistent with what could reasonably be considered the exercise of care towards a person;
- (e) environmental restraints, which restrict a person's free access to all parts of the person's environment, including items and activities.

Note: For the definition of **restrictive practice**, see section 9 of the Act.

transitioned provider has the same meaning as in the *National Disability Insurance Scheme (Quality and Safeguards Commission and Other Measures) Transitional Rules 2018*.

transitioned RAC provider has the same meaning as in the *National Disability Insurance Scheme (Quality and Safeguards Commission and Other Measures) Transitional Rules 2018*.

verification means an assessment by an approved quality auditor of an applicant, or of a registered NDIS provider, against an applicable standard by conducting a desk audit of the applicant or provider, including reviewing the applicant's or provider's relevant documentation, in relation to the standard.

worker means any of the following:

- (a) a person employed or otherwise engaged by a registered NDIS provider;
- (b) a partner (of a partnership that is a registered NDIS provider) whose role is of the kind mentioned in paragraph (b) or (c) of the definition of **risk assessed role** in the *National Disability Insurance Scheme (Practice Standards—Worker Screening) Rules 2018*;
- (c) an individual (who is a registered NDIS provider) whose role is of the kind mentioned in paragraph (b) or (c) of the definition of **risk assessed role** in the *National Disability Insurance Scheme (Practice Standards—Worker Screening) Rules 2018*.

5 Meaning of **certification**

- (1) **Certification** is an assessment by an approved quality auditor of an applicant, or of a registered NDIS provider, against an applicable standard by conducting:
 - (a) a desk audit of the applicant or provider, including reviewing the applicant's or provider's relevant documentation, in relation to the standard; and

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- (b) an inspection of the sites, facilities, equipment and services used, or proposed to be used, in the delivery of supports or services by the applicant or provider in relation to the standard; and
 - (c) interviews with relevant persons, including key personnel of the applicant or provider and persons receiving, or to receive, supports or services from the applicant or provider in relation to the standard.
- (1A) The assessment must be proportionate to:
 - (a) the size of the provider or applicant; and
 - (b) the scale of the provider or applicant, having regard to:
 - (i) the geographical area or areas in which the provider or applicant provides, or is to provide, supports or services; and
 - (ii) the number of locations at or from which the provider or applicant provides, or is to provide, supports or services; and
 - (c) the scope and complexity of the supports or services provided or to be provided.
- (2) The assessment may be conducted by an appropriate sampling method.
- (3) Despite subsection (1), the Commissioner may, in writing, authorise an approved quality auditor to assess an applicant or a registered NDIS provider against an applicable standard by conducting a review of the outcomes and evidence from a comparable quality audit process undertaken in relation to the applicant or provider, if the Commissioner considers it is appropriate to do so.
- (4) If the Commissioner gives an authorisation under subsection (3), the applicant or provider is taken, for the purposes of this instrument, to be assessed using certification.

Part 2—When an NDIS provider must be registered

6 Purpose of this Part

- (1) This Part is made for the purposes of subsection 73B(1) of the Act.
- (2) NDIS providers of certain classes of supports under participants' plans must be registered under section 73E of the Act to provide those classes of supports. This Part sets out what those classes of supports are.

Note 1: If an NDIS provider provides a class of support set out in this Part but is not registered to provide that class of support, the provider may be liable to a civil penalty (see subsection 73B(2) of the Act).

Note 2: In addition to the circumstances provided for in this Part, a person must be registered under section 73E of the Act to provide supports to a participant who is in a participating jurisdiction and whose funding for supports is managed by the Agency (see subsection 33(6) of the Act).

7 Classes of supports for which NDIS providers must be registered

- (1) A person must be registered under section 73E of the Act to provide specialist disability accommodation under a participant's plan.
- (2) A person must be registered under section 73E of the Act to provide a class of supports to a participant if, during the provision of the supports, there is, or is likely to be, an interim or ongoing need to use a regulated restrictive practice in relation to the participant.
- (3) A person must be registered under section 73E of the Act to provide specialist behaviour support services to a participant if the person will, as part of the provision of the services:
 - (a) undertake a behaviour support assessment (including a functional behavioural assessment) of the participant; or
 - (b) develop a behaviour support plan for the participant.

Part 3—Becoming a registered NDIS provider

8 Purpose of this Part

This Part sets out requirements that an applicant must meet in order to be registered as a registered NDIS provider.

Note: These requirements are in addition to the requirements set out in section 73E of the Act.

9 Suitability of applicant

- (1) This section is made for the purposes of paragraph 73E(1)(d) of the Act.
- (2) In determining whether the Commissioner is satisfied that the applicant is suitable to provide supports or services to people with disability, the Commissioner must have regard to the following matters:
 - (a) whether the applicant has previously been registered as a registered NDIS provider or a registered provider of supports;
 - (b) whether a banning order has ever been in force in relation to the applicant;
 - (c) whether the applicant has been convicted of an indictable offence against a law of the Commonwealth or of a State or Territory;
 - (d) whether the applicant is or has been an insolvent under administration or a Chapter 5 body corporate (within the meaning of the *Corporations Act 2001*);
 - (e) whether the applicant has been the subject of adverse findings or enforcement action by a Department of, or an authority or other body established for a public purpose by, the Commonwealth, a State or a Territory, including one with responsibilities relating to the quality or regulation of services provided to people with disability, older people or children;
 - (f) whether the applicant has been the subject of adverse findings or enforcement action by any of the following:
 - (i) the Australian Securities and Investments Commission;
 - (ii) the Australian Charities and Not-for-profits Commission;
 - (iii) the Australian Competition and Consumer Commission;
 - (iv) the Australian Prudential Regulation Authority;
 - (v) the Australian Crime Commission;
 - (vi) AUSTRAC;
 - (vii) a body of a State or Territory that is equivalent to a body mentioned in any of subparagraphs (i) to (vi);
 - (viii) a work health and safety authority of a State or Territory;
 - (g) whether the applicant has been the subject of any findings or judgment in relation to fraud, misrepresentation or dishonesty in any administrative,

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- civil or criminal proceedings, or is currently party to any proceedings that may result in the applicant being the subject of such findings or judgment;
 - (h) whether the applicant has ever been disqualified from managing corporations under Part 2D.6 of the *Corporations Act 2001*;
 - (i) any other matter the Commissioner considers relevant.
- (3) Paragraph (2)(c) does not affect the operation of Part VIIC of the *Crimes Act 1914* (which includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent convictions and require persons aware of such convictions to disregard them).

10 Suitability of key personnel

- (1) This section is made for the purposes of paragraph 73E(1)(e) of the Act.
 - (2) In determining whether the Commissioner is satisfied that a member of the applicant's key personnel is suitable to be involved in the provision of supports or services for which the applicant will be registered to provide, the Commissioner must have regard to the following matters:
 - (a) whether a banning order has ever been in force in relation to the member;
 - (b) whether the member has been convicted of an indictable offence against a law of the Commonwealth or of a State or Territory;
 - (c) whether the member is or has been an insolvent under administration;
 - (d) whether the member has been the subject of adverse findings or enforcement action by a Department of, or an authority or other body established for a public purpose by, the Commonwealth, a State or a Territory, including one with responsibilities relating to the quality or regulation of services provided to people with disability, older people and children;
 - (e) whether the member has been the subject of adverse findings or enforcement action by any of the following:
 - (i) the Australian Securities and Investments Commission;
 - (ii) the Australian Charities and Not-for-profits Commission;
 - (iii) the Australian Competition and Consumer Commission;
 - (iv) the Australian Prudential Regulation Authority;
 - (v) the Australian Crime Commission;
 - (vi) AUSTRAC;
 - (vii) a body of a State or Territory that is equivalent to a body mentioned in any of subparagraphs (i) to (vi);
 - (viii) a work health and safety authority of a State or Territory;
 - (f) whether the member has been the subject of any findings or judgment in relation to fraud, misrepresentation or dishonesty in any administrative, civil or criminal proceedings, or is currently party to any proceedings that may result in the member being the subject of such findings or judgment;
 - (g) whether the member has ever been disqualified from managing corporations under Part 2D.6 of the *Corporations Act 2001*;
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- (h) any other matter the Commissioner considers relevant.
- (3) Paragraph (2)(b) does not affect the operation of Part VIIC of the *Crimes Act 1914* (which includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent convictions and require persons aware of such convictions to disregard them).

11 Applicant must have an ABN

- (1) This section is made for the purposes of paragraph 73E(1)(f) of the Act.
- (2) The applicant must have an ABN (within the meaning of the *A New Tax System (Australian Business Number) Act 1999*).

Part 4—Conditions of registration

12 Purpose of this Part

- (1) This Part is made for the purposes of section 73H of the Act.
- (2) It sets out the conditions to which each registration, or each registration included in a specified class of registration, is subject.

Note 1: A registered NDIS provider may be liable to a civil penalty if the provider breaches a condition to which the provider's registration is subject (see section 73J of the Act).

Note 2: The conditions in this Part are in addition to those set out in the Act (see subsection 73F(2) of the Act) and those imposed by the Commissioner under subsection 73G(1) of the Act.

13 Giving Commissioner notice of certain changes

- (1) The registration of each registered NDIS provider is subject to the condition that the provider must give the Commissioner notice of any of the following changes:
 - (a) a change to any of the provider's contact details that have been provided to the Commissioner;
 - (b) a change in the scale of the provider relating to the supports or services the provider is registered to provide, including the following:
 - (i) a change to the geographical area or areas in which the provider provides a support or service;
 - (ii) a change to the locations at or from which the provider provides a support or service;
 - (iii) a significant increase or decrease in the number of participants being provided with a support or service;
 - (iv) a significant increase or decrease in the number of workers providing a support or service on behalf of the provider.
- (2) Notice of such a change must be given to the Commissioner:
 - (a) in the form approved by the Commissioner; and
 - (b) as soon as practicable after the earlier of the following times:
 - (i) when the provider becomes aware that the change will occur;
 - (ii) when the change occurs.

13A Giving Commissioner notice of certain events

- (1) The registration of each registered NDIS provider is subject to the condition that the provider must give the Commissioner notice of any of the following events:
 - (a) an event that significantly affects the provider's ability to comply with any of the provider's conditions of registration;
 - (b) a change that adversely affects access by a person with disability to the supports or services the provider is registered to provide;

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- (c) an adverse change in the provider's financial capacity to provide any of the supports or services the provider is registered to provide;
 - (d) a significant change in the organisation or governance arrangements of the provider;
 - (e) an event, relating to the suitability of the provider to provide supports or services to people with disability, to which the Commissioner would be required to have regard under any of paragraphs 9(2)(c) to (h) if the provider were an applicant for registration as a registered NDIS provider;
 - (f) an event, relating to the suitability of the provider's key personnel to be involved in the provision of supports or services that the provider is registered to provide, to which the Commissioner would be required to have regard under any of paragraphs 10(2)(b) to (g) if the provider were an applicant for registration as a registered NDIS provider.
- (2) Notice of such an event must be given to the Commissioner:
- (a) in the form approved by the Commissioner; and
 - (b) as soon as practicable after the event occurs.

13B Mid-term audit for certain providers

- (1) This section applies in relation to a registered NDIS provider that is registered to provide a class of supports for which, under the table in subsection 20(3), the assessment method for the applicable standards is certification.

Note: This section does not apply in relation to certain registered NDIS providers (see subsection (7)).

- (2) The registration of the provider is subject to the condition that the provider must undergo an audit in accordance with this section.
- (3) The audit must be carried out by an approved quality auditor using certification.
- (4) The audit must commence no later than:
- (a) 18 months after the beginning of the period for which the provider's registration is in force; or
 - (b) such longer period after the beginning of that period as the Commissioner allows.
- (5) For each class of supports mentioned in subsection (1) that the provider is registered to provide, the audit must assess whether the provider has met, and is meeting, the following applicable standards for the class of supports:
- (a) the standards in Part 3 of Schedule 1;
 - (b) any standard for which a previous assessment by an approved quality auditor identified a need for the provider to implement a corrective action plan;
 - (c) any standard specified in relation to the audit, for the purposes of this paragraph, by the Commissioner in a written notice given to the provider.

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- (6) A report of the audit must be given to the Commissioner as soon as practicable after the audit is completed.
- (7) Despite subsection (1), this section does not apply in relation to a registered NDIS provider if:
 - (a) both:
 - (i) the provider is a partnership or individual; and
 - (ii) the only class of supports mentioned in subsection (1) that the provider is registered to provide is early intervention supports for early childhood; or
 - (b) the only class of supports that the provider is registered to provide is specialist disability accommodation only; or
 - (c) the provider is a transitioned provider or a transitioned RAC provider.

13C Restrictions on providing high intensity personal daily activity supports

The registration of each registered NDIS provider registered to provide high intensity daily personal activities is subject to the condition that the provider must not provide a support mentioned in Schedule 2 if the support is not set out in the provider's certificate of registration.

Part 5—Register of NDIS providers

Division 1—Introduction

14 Purpose of this Part

- (1) This Part is made for the purposes of subsection 73ZS(7) of the Act.
- (2) It makes provision for and in relation to the correction and publication of the NDIS Provider Register.

Division 2—Correction of entries

15 Corrections on the Commissioner's initiative

- (1) This section applies if:
 - (a) the Commissioner becomes aware of a matter; and
 - (b) based on the matter, the Commissioner considers that an entry in the NDIS Provider Register in relation to an NDIS provider or former NDIS provider requires a correction.
- (2) The Commissioner must give a written notice to the provider:
 - (a) setting out the details of the matter and the proposed correction; and
 - (b) inviting the provider to give written comments on the matter and the proposed correction within the period specified in the notice.
- (3) The period specified for the purposes of paragraph (2)(b) must not end earlier than 28 days after the day on which the notice is given.
- (4) As soon as practicable after the earlier of:
 - (a) when the Commissioner receives comments from the provider; or
 - (b) the end of the period specified for the purposes of paragraph (2)(b);the Commissioner must:
 - (c) make the proposed correction; or
 - (d) make a different correction requested by the provider; or
 - (e) decide not to make a correction.
- (5) The Commissioner must give the provider written notice of a correction or decision made under subsection (4).

16 Requests for corrections

- (1) An NDIS provider or former NDIS provider may request that the Commissioner make a correction to the NDIS Provider Register in relation to the provider.
- (2) A request under subsection (1):
 - (a) must be in a form approved by the Commissioner; and
 - (b) must be accompanied by any information or documents required by the form.
- (3) If a request is made under subsection (1), the Commissioner may, by written notice, require the provider to give the Commissioner such further information or documents in relation to the request as the Commissioner reasonably requires.

Note: The Commissioner is not required to make a correction or decision on the request if subsection (2) or (3) of this section are not complied with (see section 197B of the Act).
- (4) If the Commissioner receives a request, the Commissioner must:

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- (a) make the correction to the NDIS Provider Register; or
 - (b) decide to not make the correction to the NDIS Provider Register.
- (5) The Commission must notify the provider of a correction or decision made under subsection (4).

Division 3—Publication of the NDIS Provider Register

17 NDIS Provider Register generally to be published in full

Subject to section 18, the whole of the NDIS Provider Register may be published on the Commission's website.

18 Certain parts of the NDIS Provider Register not to be published

A part of the NDIS Provider Register must not be published if:

- (a) the Commissioner considers that the publication of the part would be contrary to the public interest; or
- (b) the Commissioner considers that the publication of the part would be contrary to the interests of one or more persons with disability receiving supports or services.

Part 6—NDIS Practice Standards

Division 1—NDIS Practice Standards

19 Purpose of this Division

- (1) This Division is made for the purposes of section 73T of the Act.

Note: Rules made for the purposes of section 73T of the Act are the *NDIS Practice Standards* (see section 9 of the Act).

- (2) It specifies the standards concerning the quality of supports and services to be provided by registered NDIS providers.

Note 1: Applicants must be assessed by an approved quality auditor as meeting the applicable standards and other requirements prescribed by the NDIS Practice Standards in order to be registered as a registered NDIS provider (see paragraph 73E(1)(c) of the Act).

Note 2: Non-compliance with the NDIS Practice Standards by a registered NDIS provider constitutes a breach of a condition of registration (see paragraph 73F(2)(c) and section 73J of the Act).

Note 3: Divisions 2 and 3 contain special rules that apply instead of, or as well as, some of the rules in this Division in certain circumstances.

20 NDIS Practice Standards—class of supports, applicable standards and assessment process

- (1) To be registered to provide a class of supports specified in column 1 of an item in the table in subsection (3), an applicant must:

(a) be assessed by an approved quality auditor, using the method specified in column 3 of that item, as meeting each standard that:

- (i) is specified in a Schedule mentioned in column 2 of that item; and
(ii) applies to the provider; and

(b) if the supports are to be provided in circumstances described in subsection 7(2)—be assessed by an approved quality auditor as meeting the standards specified in Schedule 4, using certification.

Note: The circumstances described in subsection 7(2) involve the use, or possible use, of a regulated restrictive practice in providing the supports.

- (2) To remain registered to provide a class of supports specified in column 1 of an item in the table in subsection (3), a registered NDIS provider must comply with the standards specified in:

- (a) column 2 of that item; and
(b) if the supports are provided in circumstances described in subsection 7(2)—Schedule 4.

Note: The circumstances described in subsection 7(2) involve the use of a regulated restrictive practice in providing the supports.

- (3) The following table has effect.
-

Section 20

NDIS Practice Standards—class of supports, standards and assessment method			
	Column 1	Column 2	Column 3
Item	To be registered, or remain registered, to provide this class of supports...	the applicable standards are specified in...	and the assessment method is....
1	accommodation/tenancy assistance	Schedule 8	verification.
2	assistance to access and maintain employment or higher education	Schedule 1	certification.
3	assistive products for personal care and safety	Schedule 8	verification.
4	high intensity daily personal activities	Schedules 1 and 2	certification.
5	personal mobility equipment	Schedule 8	verification.
6	assistance in coordinating or managing life stages, transitions and supports	Schedule 1	certification.
7	assistance with daily personal activities	Schedule 1	certification.
8	assistance with travel/transport arrangements	Schedule 8	verification.
9	vehicle modifications	Schedule 8	verification.
10	specialist positive behaviour support	Schedules 1 and 3	certification.
11	home modifications	Schedule 8	verification.
12	assistive equipment for recreation	Schedule 8	verification.
13	vision equipment	Schedule 8	verification.
14	community nursing care	Schedule 8	verification.
15	assistance with daily life tasks in a group or shared living arrangement	Schedule 1	certification.
16	innovative community participation	Schedule 8	verification.
17	development of daily living and life skills	Schedule 1	certification.
18	early intervention supports for early childhood	Schedules 1 and 5	certification.
19	specialised hearing services	Schedule 8	verification.
20	household tasks	Schedule 8	verification.
21	interpreting and translation	Schedule 8	verification.

Section 20

NDIS Practice Standards—class of supports, standards and assessment method			
	Column 1	Column 2	Column 3
Item	To be registered, or remain registered, to provide this class of supports...	the applicable standards are specified in...	and the assessment method is....
22	hearing equipment	Schedule 8	verification.
23	assistive products for household tasks	Schedule 8	verification.
24	communication and information equipment	Schedule 8	verification.
25	participation in community, social and civic activities	Schedule 1	certification.
26	exercise physiology and personal training	Schedule 8	verification.
27	management of funding for supports in participant plans	Schedule 8	verification.
28	therapeutic supports	Schedule 8	verification.
29	specialised driver training	Schedule 8	verification.
30	assistance animals	Schedule 8	verification.
31	specialist disability accommodation only	Schedule 7	certification.
31A	specialist disability accommodation and one or more other classes of supports	Schedules 1 and 7	certification.
32	specialised support coordination	Schedules 1 and 6	certification.
33	specialised supported employment	Schedule 1	certification.
34	hearing services	Schedule 8	verification.
35	customised prosthetics	Schedule 8	verification.
36	group and centre-based activities	Schedule 1	certification.

- (4) Despite column 2 of item 18 of the table in subsection (3), an individual or a partnership that applies to provide early intervention supports for early childhood is required to be assessed by an approved quality auditor as meeting the standards specified in:
- (a) clause 7 of Schedule 1; and
 - (b) Schedule 5.

- (5) Despite column 2 of item 18 of the table in subsection (3), to remain registered to provide early intervention supports for early childhood, an individual or partnership is required to comply with the standards specified in:
- (a) clause 7 of Schedule 1; and
 - (b) Schedule 5.

22 NDIS Practice Standards—requirements for government providers

- (1) To be registered as a registered NDIS provider to provide any class of supports, an applicant covered by subsection (3) must be assessed by an approved quality auditor as meeting the standards specified in Schedule 1 using certification.
- (2) To remain registered as a registered NDIS provider to provide any class of supports, a provider covered by subsection (3) must comply with the standards specified in Schedule 1.
- (3) The applicants and providers covered by this subsection are as follows:
 - (a) the Commonwealth;
 - (b) an authority of the Commonwealth;
 - (c) a State or Territory;
 - (d) an authority of a State or Territory;
 - (e) a local government authority.
- (4) This section applies to an applicant or provider in addition to section 20.

23 Assessment by certification meets requirement to be assessed by verification

For the purposes of this instrument, if compliance with an applicable standard must be assessed using verification, the requirement is met if compliance with the standard is assessed using certification.

24 Matters to be taken into account in assessments

The quality indicators set out in the *National Disability Insurance Scheme (Quality Indicators for NDIS Practice Standards) Guidelines 2018* (as existing from time to time) must be taken into account in assessing the following:

- (a) whether an applicant for registration as a registered NDIS provider meets the NDIS Practice Standards;
- (b) whether a registered NDIS provider is complying with those standards.

Note: The *National Disability Insurance Scheme (Quality Indicators for NDIS Practice Standards) Guidelines 2018* could in 2021 be viewed on the Federal Register of Legislation website (<https://legislation.gov.au>).

Division 2—Transitional arrangements relating to transitioned providers

25 Purpose of this Division

- (1) This Division is made for the purposes of section 73T of the Act.
- (2) It modifies the application of the NDIS Practice Standards in Division 1 of this Part for a limited period in relation to transitioned providers.

Note: Similar modifications apply in relation to transitioned RAC providers, see Division 3.

26 Transitional arrangements for certain providers requiring certification

- (1) This section applies to a person or entity (the *provider*) if:
 - (a) at a particular time (the *transition time*), the provider is approved under section 70 of the Act to provide one or more of the following classes of supports to a participant:
 - (i) assistance to access and maintain employment or higher education;
 - (ii) high intensity daily personal activities;
 - (iii) assistance in coordinating or managing life stages, transitions and supports;
 - (iv) assistance with daily personal activities;
 - (v) specialist positive behaviour support;
 - (vi) assistance with daily life tasks in a group or shared living arrangement;
 - (vii) development of daily care and life skills;
 - (viii) participation in community, social and civic activities;
 - (ix) specialised support coordination;
 - (x) specialised supported employment;
 - (xi) group and centre-based activities; and
 - (b) at the transition time, the host jurisdiction in which the participant lives becomes a participating jurisdiction.

Note 1: For the meaning of *host jurisdiction* and *participating jurisdiction*, see sections 10 and 10A of the Act.

Note 2: The provider will be deemed to be a registered NDIS provider in accordance with the *National Disability Insurance Scheme (Quality and Safeguards Commission and Other Measures) Transitional Rules 2018*.

- (2) Despite sections 20 and 22, to remain registered to provide the class of supports during the transition period for the provider, the provider must comply with the standards specified in clauses 2 to 7, 14, 15, 20 and 24 of Schedule 1.
- (3) For the purposes of subsection (2), the transition period for the provider:
 - (a) starts at the transition time; and
 - (b) ends at the earliest of the following:

- (i) if the Commissioner gives a written notice to the provider that this subsection no longer applies to the provider—the day specified in the notice (which must be at least 14 days after the notice is given);
- (ii) if the provider makes an application under section 73C of the Act and the Commissioner makes a decision under section 73E of the Act to register, or not to register, the provider as a registered NDIS provider—the day after the day the decision is made;
- (iii) if the registration of the provider is revoked under section 73P of the Act—at the start of the day the revocation takes effect;
- (iv) unless section 73K of the Act applies—the expiry of the period specified for the purposes of paragraph 73E(5)(e) of the Act.

27 Transitional arrangements for providers providing specialist disability accommodation and one or more other classes of supports

- (1) This section applies to a person or entity (the *provider*) if:
 - (a) at a particular time (the *transition time*), the provider is approved under section 70 of the Act to provide:
 - (i) specialist disability accommodation to a participant; and
 - (ii) one or more other classes of supports; and
 - (b) at the transition time, the host jurisdiction in which the participant lives becomes a participating jurisdiction.

Note 1: For the meaning of *host jurisdiction* and *participating jurisdiction*, see sections 10 and 10A of the Act.

Note 2: The provider will be deemed to be a registered NDIS provider in accordance with the *National Disability Insurance Scheme (Quality and Safeguards Commission and Other Measures) Transitional Rules 2018*.

- (2) Despite sections 20 and 22, to remain registered to provide those supports during the transition period for the provider, the provider must comply with the standards specified in:
 - (a) clauses 2 to 7, 14, 15, 20 and 24 of Schedule 1; and
 - (b) Schedule 7.
- (3) For the purposes of subsection (2), the transition period for the provider:
 - (a) starts at the transition time; and
 - (b) ends at the earliest of the following:
 - (i) if the Commissioner gives a written notice to the provider that this subsection no longer applies to the provider—the day specified in the notice (which must be at least 14 days after the notice is given);
 - (ii) if the provider makes an application under section 73C of the Act and the Commissioner makes a decision under section 73E of the Act to register, or not to register, the provider as a registered NDIS provider—the day after the day the decision is made;
 - (iii) if the registration of the provider is revoked under section 73P of the Act—at the start of the day the revocation takes effect;

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- (iv) unless section 73K of the Act applies—the expiry of the period specified for the purposes of paragraph 73E(5)(e) of the Act.

28 Transitional arrangements for providers of early intervention supports for early childhood

- (1) This section applies to a person or entity (the **provider**) if:
 - (a) at a particular time (the **transition time**), the provider is approved under section 70 of the Act to provide early intervention supports for early childhood to a participant; and
 - (b) at the transition time, the host jurisdiction in which the participant lives becomes a participating jurisdiction.
- Note 1: For the meaning of **host jurisdiction** and **participating jurisdiction**, see sections 10 and 10A of the Act.
- Note 2: The provider will be deemed to be a registered NDIS provider in accordance with the *National Disability Insurance Scheme (Quality and Safeguards Commission and Other Measures) Transitional Rules 2018*.
- (2) Despite sections 20 and 22, to remain registered to provide the supports during the transition period for the provider, the provider must comply with the standards specified in:
 - (a) if the provider is an individual or a partnership—clause 7 of Schedule 1; or
 - (b) otherwise—clauses 2 to 7, 14, 15, 20 and 24 of Schedule 1.
- (3) For the purposes of subsection (2), the transition period for the provider:
 - (a) starts at the transition time; and
 - (b) ends at the earliest of the following:
 - (i) if the Commissioner gives a written notice to the provider that this subsection no longer applies to the provider—the day specified in the notice (which must be at least 14 days after the notice is given);
 - (ii) if the provider makes an application under section 73C of the Act and the Commissioner makes a decision under section 73E of the Act to register, or not to register, the provider as a registered NDIS provider—the day after the day the decision is made;
 - (iii) if the registration of the provider is revoked under section 73P of the Act—at the start of the day the revocation takes effect;
 - (iv) unless section 73K of the Act applies—the expiry of the period specified for the purposes of paragraph 73E(5)(e) of the Act.

29 Transitional arrangements for providers requiring verification

- (1) This section applies to a person or entity (the **provider**) if:
 - (a) at a particular time (the **transition time**), the provider is approved under section 70 of the Act to provide one or more of the following classes of supports to a participant:
 - (i) accommodation/tenancy assistance;

- (ii) assistive products for personal care and safety;
 - (iii) personal mobility equipment;
 - (iv) assistance with travel/transport arrangements;
 - (v) vehicle modifications;
 - (vi) home modifications;
 - (vii) assistive equipment for recreation;
 - (viii) vision equipment;
 - (ix) community nursing care;
 - (x) innovative community participation;
 - (xi) specialised hearing services;
 - (xii) household tasks;
 - (xiii) interpreting and translating;
 - (xiv) hearing equipment;
 - (xv) assistive products for household tasks;
 - (xvi) communication and information equipment;
 - (xvii) exercise physiology and personal training;
 - (xviii) management of funding for supports in participant's plans;
 - (xix) therapeutic supports;
 - (xx) specialised driver training;
 - (xxi) assistance animals;
 - (xxii) hearing services;
 - (xxiii) customised prosthetics; and
- (b) at the transition time, the host jurisdiction in which the participant lives becomes a participating jurisdiction.

Note 1: For the meaning of **host jurisdiction** and **participating jurisdiction**, see sections 10 and 10A of the Act.

Note 2: The provider will be deemed to be a registered NDIS provider in accordance with the *National Disability Insurance Scheme (Quality and Safeguards Commission and Other Measures) Transitional Rules 2018*.

- (2) Sections 20 and 22 do not apply to the provider during the transition period in relation to the provision of the class of supports.
- (3) For the purposes of subsection (2), the transition period for the provider:
- (a) starts at the transition time; and
 - (b) ends at the earliest of the following:
 - (i) if the Commissioner gives a written notice to the provider that this subsection no longer applies to the provider—the day specified in the notice (which must be at least 14 days after the notice is given);
 - (ii) if the provider makes an application under section 73C of the Act and the Commissioner makes a decision under section 73E of the Act to register, or not to register, the provider as a registered NDIS provider—the day after the day the decision is made;

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- (iii) if the registration of the provider is revoked under section 73P of the Act—at the start of the day the revocation takes effect;
- (iv) unless section 73K of the Act applies—the expiry of the period specified for the purposes of paragraph 73E(5)(e) of the Act.

Division 3—Transitional arrangements relating to transitioned residential aged care providers

29A Purpose of this Division

- (1) This Division is made for the purposes of section 73T of the Act.
- (2) It modifies the application of the NDIS Practice Standards in Division 1 of this Part for a limited period in relation to transitioned RAC providers.

29B Transitional arrangements for transitioned residential aged care providers

- (1) This section applies to person or entity if the person or entity is a transitioned RAC provider.

Note: A transitioned RAC provider is deemed to be a registered NDIS provider in accordance with the *National Disability Insurance Scheme (Quality and Safeguards Commission and Other Measures) Transitional Rules 2018*.
- (2) Despite sections 20 and 22, to remain a registered NDIS provider during the transition period for the provider, the provider must comply with the standards specified in clauses 2 to 7, 14, 15, 20 and 24 of Schedule 1.
- (3) For the purposes of subsection (2), the **transition period** for the provider:
 - (a) starts at the start of 1 December 2020; and
 - (b) ends at the earliest of the following:
 - (i) if the Commissioner gives a written notice to the provider that this subsection no longer applies to the provider—the start of the day specified in the notice (which must be at least 14 days after the notice is given);
 - (ii) if, on or after 1 December 2020, the provider makes an application under section 73C of the Act and the Commissioner makes a decision under section 73E of the Act to register, or not to register, the provider as a registered NDIS provider—the start of the day after the day the decision is made;
 - (iii) if the registration of the provider is revoked under section 73P of the Act—the start of the day the revocation takes effect;
 - (iv) unless section 73K of the Act applies—the expiry of the period specified for the purposes of paragraph 73E(5)(e) of the Act.

Part 7—Application, saving and transitional provisions

30 Application of amendments made by the *National Disability Insurance Scheme (Provider Registration and Practice Standards) Amendment (2019 Measures No. 1) Rules 2019*

- (1) The amendments of sections 4 and 5 made by the *National Disability Insurance Scheme (Provider Registration and Practice Standards) Amendment (2019 Measures No. 1) Rules 2019* apply in relation to an assessment commenced on or after 1 January 2020.
- (2) The amendments of sections 9 and 10 made by the *National Disability Insurance Scheme (Provider Registration and Practice Standards) Amendment (2019 Measures No. 1) Rules 2019* apply in relation to an application under section 73C of the Act made on or after 1 January 2020.
- (3) Sections 13, 13A and 13B, as inserted by the *National Disability Insurance Scheme (Provider Registration and Practice Standards) Amendment (2019 Measures No. 1) Rules 2019*, apply on and after 1 January 2020 in relation to a registered NDIS provider, whether registered before, on or after that day.
- (4) Despite the repeal of section 21 by the *National Disability Insurance Scheme (Provider Registration and Practice Standards) Amendment (2019 Measures No. 1) Rules 2019*, that section continues to apply, in relation to an assessment commenced before 1 January 2020, as if that repeal had not happened.

31 Application of amendments made by the *National Disability Insurance Scheme (Provider Registration and Practice Standards) Amendment (2021 Measures No. 1) Rules 2021*

Definitions

- (1) In this section:

amending Rules means the *National Disability Insurance Scheme (Provider Registration and Practice Standards) Amendment (2021 Measures No. 1) Rules 2021*.

existing registered NDIS provider means a person or entity who was a registered NDIS provider immediately before 15 November 2021.

Delayed application of emergency and disaster management standard for existing registered NDIS providers

- (2) Clause 16A of Schedule 1, as inserted by the amending Rules, applies in relation to an existing registered NDIS provider on and after 24 January 2022.

Section 31*Delayed application of mealtime management standard for existing registered NDIS providers*

- (3) Clause 26A of Schedule 1, as inserted by the amending Rules, applies in relation to an existing registered NDIS provider on and after 13 December 2021.

Application of amendments to applications for registration

- (4) The amendments of this instrument made by the amending Rules apply in relation to an application under section 73C of the Act:
- (a) made on or after 15 November 2021; or
 - (b) made but not decided before 15 November 2021, if the assessment under paragraph 73E(1)(c) of the Act has not been made before that day.

Application of amendments to mid-term audits

- (5) Subject to subsections (2) and (3), the amendments of this instrument made by the amending Rules apply in relation to a mid-term audit under section 13B of this instrument carried out on or after 15 November 2021.

Schedule 1—Core module

Note: See sections 20, 22, 26, 27 and 28.

Part 1—Preliminary

1 Application of standards to applicants, providers, participants and others

- (1) This Schedule applies to a person or entity who is applying to become a registered NDIS provider in the same way as it applies to a provider.

Note: See sections 20, 22, 26, 27 and 28 for the applicants and providers that must comply with the NDIS Practice Standards specified in this Schedule.
- (2) This Schedule applies to the following in the same way as it applies to a participant:
 - (a) a prospective participant;
 - (b) a person with disability receiving supports or services from a provider under the arrangements set out in Chapter 2 of the Act;
 - (c) a person with disability receiving supports or services from a person included in a class of persons prescribed for the purposes of subparagraph (b)(ii) of the definition of *NDIS provider* in section 9 of the Act.

Part 2—Rights of participants and responsibilities of providers

2 Standards relating to the rights of participants and the responsibilities of providers

This Part specifies the NDIS Practice Standards relating to the rights of participants and the responsibilities of providers who deliver supports and services to them.

3 Person-centred supports

- (1) Each participant can access supports that promote, uphold and respect their legal and human rights.
- (2) Each participant is enabled to exercise informed choice and control.
- (3) The provision of supports promotes, upholds and respects individual rights to freedom of expression, self-determination and decision-making.

4 Individual values and beliefs

Each participant can access supports that respect their culture, diversity, values and beliefs.

5 Privacy and dignity

Each participant can access supports that respect and protect their dignity and right to privacy.

6 Independence and informed choice

Each participant is supported by the provider to make informed choices, exercise control and maximise their independence in relation to the supports provided.

7 Freedom from violence, abuse, neglect, exploitation or discrimination

Each participant can access supports free from violence, abuse, neglect, exploitation or discrimination.

Part 3—Provider governance and operational management

8 Standards relating to provider governance and operational management

This Part specifies the NDIS Practice Standards relating to the governance and operational management arrangements for registered NDIS providers.

9 Governance and operational management

Each participant's support is overseen by robust governance and operational management systems relevant and proportionate to the size and scale of the provider and the scope and complexity of the supports being delivered.

10 Risk management

Risks to participants, workers and the provider are identified and managed.

11 Quality management

Each participant benefits from a quality management system that is relevant and proportionate to the size and scale of the provider and that promotes continuous improvement of support delivery.

12 Information management

- (1) Management of each participant's information ensures that it is identifiable, accurately recorded, current and confidential.
- (2) Each participant's information is easily accessible to the participant and appropriately utilised by relevant workers.

13 Complaints management and resolution

- (1) Each participant has knowledge of and access to the provider's complaints management and resolution system.
- (2) Complaints are welcomed, acknowledged, respected and well managed.

14 Incident management

Each participant is safeguarded by the provider's incident management system, ensuring that incidents are acknowledged, responded to, well managed and learned from.

15 Human resource management

Each participant's support needs are met by workers who are competent in relation to their role, hold relevant qualifications and have relevant expertise and experience to provide person-centred support.

16 Continuity of supports

Each participant has access to timely and appropriate supports without interruption.

16A Emergency and disaster management

Emergency and disaster management includes planning that:

- (a) ensures that the risks to the health, safety and wellbeing of participants that may arise in an emergency or disaster are considered and mitigated; and
- (b) ensures the continuity of supports critical to the health, safety and wellbeing of participants in an emergency or disaster.

Part 4—Provision of supports

17 Standards relating to the provision of supports to participants

This Part specifies the NDIS Practice Standards relating to the provision of supports to participants.

18 Access to supports

Each participant can access the most appropriate supports that meet the participant's needs, goals and preferences.

19 Support planning

- (1) Each participant is actively involved in the development of their support plans.
- (2) Support plans reflect participant needs, requirements, preferences, strengths and goals, and are regularly reviewed.

20 Service agreements

Each participant has a clear understanding of the supports they have chosen and how the supports will be provided.

21 Responsive support provision

Each participant can access responsive, timely, competent and appropriate supports to meet their needs, desired outcomes and goals.

22 Transitions to and from a provider

Each participant experiences a planned and coordinated transition to or from the provider.

Part 5—Support provision environment

23 Standards relating to the provision of supports to participants

This Part specifies the NDIS Practice Standards relating to the environment in which supports are provided to participants.

24 Safe environment

Each participant can access supports in a safe environment that is appropriate to their needs.

25 Participant money and property

Participant money and property is secure and each participant uses their own money and property as they determine.

26 Medication management

- (1) This standard applies to a provider that is responsible for administering medication to participants.
- (2) Each participant requiring medication is confident that their provider administers, stores and monitors the effects of the participant's medication and works to prevent errors and incidents.

26A Mealtime management

- (1) This standard applies to a provider that is responsible for providing supports to participants who require mealtime management.
- (2) Each participant requiring mealtime management receives meals that are:
 - (a) nutritious, and of a texture that is appropriate to their individual needs; and
 - (b) appropriately planned, and prepared in an environment and manner that meets their individual needs and preferences; and
 - (c) delivered in a way that is appropriate to their individual needs and ensures that the meals are enjoyable.

27 Waste management

- (1) This standard applies to a provider that is required to manage waste, or infectious or hazardous substances.
- (2) Each participant, each worker and any other person in the support environment is protected from harm as a result of exposure to waste or infectious or hazardous substances generated during the delivery of supports.

Schedule 2—Module 1: High intensity daily personal activities

Note: See sections 13C and 20.

1 Application of standards to applicants, providers, participants and others

- (1) An NDIS Practice Standard in this Schedule applies to a person or entity who:
 - (a) is applying to be registered to provide high intensity daily personal activities; and
 - (b) has requested in the application for registration that the support mentioned in the standard be set out in the person's or entity's certificate of registration;in the same way that the standard applies to an NDIS provider who is registered to provide those activities and has that support set out in the provider's certificate of registration.

Note: See section 20 for the applicants that must be assessed as meeting, and the providers that must comply with, the standards specified in this Schedule.

- (2) This Schedule applies to the following in the same way as it applies to a participant:
 - (a) a prospective participant;
 - (b) a person with disability receiving supports or services from a provider under the arrangements set out in Chapter 2 of the Act;
 - (c) a person with disability receiving supports or services from a person included in a class of persons prescribed for the purposes of subparagraph (b)(ii) of the definition of **NDIS provider** in section 9 of the Act.

2 Standards relating to high intensity daily personal activities

This Schedule specifies the NDIS Practice Standards relating to the provision of high intensity daily personal activities.

3 Complex bowel care

- (1) This standard applies to a provider that is registered to provide high intensity daily personal activities if complex bowel care is set out in the provider's certificate of registration.
- (2) Each participant requiring complex bowel care receives appropriate support that is relevant and proportionate to their individual needs.

4 Enteral (nasogastric tube-jejunum or duodenum) feeding and management

- (1) This standard applies to a provider that is registered to provide high intensity daily personal activities if enteral (nasogastric tube-jejunum or duodenum) feeding and management is set out in the provider's certificate of registration.
- (2) Each participant requiring enteral feeding and management receives appropriate nutrition, fluids and medication that are relevant and proportionate to their individual needs.

4A Severe dysphagia management

- (1) This standard applies to a provider that is registered to provide high intensity daily personal activities if severe dysphagia management is set out in the provider's certificate of registration.
- (2) Each participant requiring severe dysphagia management receives appropriate support that is relevant and proportionate to their individual needs and preferences.

5 Tracheostomy management

- (1) This standard applies to a provider that is registered to provide high intensity daily personal activities if tracheostomy management is set out in the provider's certificate of registration.
- (2) Each participant with a tracheostomy receives appropriate suctioning and management of their tracheostomy that are relevant and proportionate to their individual needs.

6 Urinary catheter management (in-dwelling urinary catheter, in-out catheter and suprapubic catheter)

- (1) This standard applies to a provider that is registered to provide high intensity daily personal activities if in-dwelling, in-out and suprapubic catheter urinary management is set out in the provider's certificate of registration.
- (2) Each participant with a catheter receives appropriate catheter management that is relevant and proportionate to their individual needs.

7 Ventilator management

- (1) This standard applies to a provider that is registered to provide high intensity daily personal activities if ventilator management is set out in the provider's certificate of registration.
- (2) Each participant requiring ventilator management receives appropriate support that is relevant and proportionate to their individual needs and the specific ventilator used.

Clause 8

8 Subcutaneous injections

- (1) This standard applies to a provider that is registered to provide high intensity daily personal activities if subcutaneous injections is set out in the provider's certificate of registration.
- (2) Each participant requiring subcutaneous injections receives appropriate support that is relevant and proportionate to their individual needs and the specific subcutaneous injections and medication administered.

9 Complex wound management

- (1) This standard applies to a provider that is registered to provide high intensity daily personal activities if complex wound management is set out in the provider's certificate of registration.
- (2) Each participant requiring complex wound management receives appropriate support that is relevant and proportionate to their individual needs.

Schedule 3—Module 2: Specialist behaviour support

Note: See section 20.

1 Application of standards to applicants, providers, participants and others

- (1) This Schedule applies to a person or entity who is applying to become a registered NDIS provider in the same way as it applies to a provider.

Note: See section 20 for the applicants and providers that must comply with the NDIS Practice Standards specified in this Schedule.

- (2) This Schedule applies to the following in the same way as it applies to a participant:
- (a) a prospective participant;
 - (b) a person with disability receiving supports or services from a provider under the arrangements set out in Chapter 2 of the Act;
 - (c) a person with disability receiving supports or services from a person included in a class of persons prescribed for the purposes of subparagraph (b)(ii) of the definition of **NDIS provider** in section 9 of the Act.

2 Standards relating to specialist behaviour support

This Schedule specifies the NDIS Practice Standards relating to the provision of specialist behaviour support.

3 Behaviour support in the NDIS

Each participant can access behaviour support that:

- (a) is appropriate to their needs; and
- (b) incorporates evidence-informed practice; and
- (c) complies with relevant Commonwealth, State and Territory laws and policies.

4 Regulated restrictive practices

Each participant is subject only to a regulated restrictive practice that meets:

- (a) the State or Territory authorisation and consent requirements (if any) in the State or Territory in which the practice will be used; and
- (b) the relevant requirements and safeguards provided for in relevant Commonwealth, State and Territory laws and policies.

5 Behaviour support plans

Each participant's quality of life is maintained and improved by person-centred, evidence-informed behaviour support plans that are responsive to their needs.

Clause 6

6 Supporting the implementation of a behaviour support plan

Each participant's behaviour support plan is implemented effectively to meet the participant's behaviour support needs.

7 Behaviour support plan monitoring and review

Each participant has a current behaviour support plan that:

- (a) reflects their needs, improves their quality of life and supports their progress toward positive change; and
- (b) progresses toward the reduction and elimination of the use of the regulated restrictive practice, where one is in place for the participant.

8 Reportable incidents involving the use of a regulated restrictive practice

Each participant that is subject to an emergency or unauthorised use of a regulated restrictive practice by a provider has the use of that practice reported to the Commissioner and reviewed by the provider.

9 Interim behaviour support plans

Each participant with an immediate need for a behaviour support plan receives an interim behaviour support plan that minimises the risk to the participant and others.

Schedule 4—Module 2A: Implementing behaviour support plans

Note: See section 20.

1 Application of standards to applicants, providers, participants and others

- (1) This Schedule applies to a person or entity who is applying to become a registered NDIS provider in the same way as it applies to a provider.

Note: See section 20 for the applicants and providers that must comply with the NDIS Practice Standards specified in this Schedule.

- (2) This Schedule applies to the following in the same way as it applies to a participant:
- (a) a prospective participant;
 - (b) a person with disability receiving supports or services from a provider under the arrangements set out in Chapter 2 of the Act;
 - (c) a person with disability receiving supports or services from a person included in a class of persons prescribed for the purposes of subparagraph (b)(ii) of the definition of **NDIS provider** in section 9 of the Act.

2 Standards relating to the use of regulated restrictive practices

This Schedule specifies the NDIS Practice Standards relating to the implementation of behaviour support plans.

3 Behaviour support in the NDIS

Each participant can access behaviour support that:

- (a) is appropriate to their needs; and
- (b) incorporates evidence-informed practice; and
- (c) complies with relevant Commonwealth, State and Territory laws and policies.

4 Regulated restrictive practices

Each participant is subject only to a regulated restrictive practice that meets:

- (a) the State or Territory authorisation and consent requirements (if any) in the State or Territory in which the practice will be used; and
- (b) the relevant requirements and safeguards provided for in Commonwealth legislation and policies.

Clause 5

5 Supporting the assessment and development of behaviour support plans

Each participant's quality of life is maintained and improved by tailored, evidence-informed behaviour support plans that are responsive to their needs.

6 Supporting the implementation of a behaviour support plan

Each participant's behaviour support plan is implemented effectively to meet the participant's behaviour support needs.

7 Monitoring and reporting the use of regulated restrictive practices

Each participant that is subject to the use of a regulated restrictive practice by a provider has the use of that practice reported to the Commissioner and reviewed by the provider.

8 Behaviour support plan monitoring and review

Each participant's behaviour support plan is regularly monitored and reviewed to ensure that the plan:

- (a) reflects their needs, improves their quality of life and supports their progress toward positive change; and
- (b) if a regulated restrictive practice is used in relation to the participant—supports the reduction and elimination of the use of the regulated restrictive practice.

9 Reportable incidents involving the use of a regulated restrictive practice

Each participant that is subject to an emergency or unauthorised use of a regulated restrictive practice by a provider has the use of that practice reported to the Commissioner and reviewed by the provider.

10 Interim behaviour support plans

Each participant with an immediate need for a behaviour support plan receives an interim behaviour support plan that minimises the risk to the participant and others.

Schedule 5—Module 3: Early childhood supports

Note: See section 20.

1 Application of standards to applicants, providers, participants and others

- (1) This Schedule applies to a person or entity who is applying to become a registered NDIS provider in the same way as it applies to a provider.

Note: See section 20 for the applicants and providers that must comply with the NDIS Practice Standards specified in this Schedule.

- (2) This Schedule applies to the following in the same way as it applies to a participant:
- (a) a prospective participant;
 - (b) a person with disability receiving supports or services from a provider under the arrangements set out in Chapter 2 of the Act;
 - (c) a person with disability receiving supports or services from a person included in a class of persons prescribed for the purposes of subparagraph (b)(ii) of the definition of **NDIS provider** in section 9 of the Act.

2 Standards relating to early childhood supports

This Schedule specifies the NDIS Practice Standards relating to the provision of early childhood supports.

3 The child

Each participant can access supports that promote and respect their legal and human rights, support their development of functional skills and enable them to participate meaningfully and be included in everyday activities with their peers.

4 The family

Each participant can access family-centred supports that are culturally inclusive and responsive and that focus on their strengths.

5 Inclusion

Each participant can access supports that engage their natural environments and enable inclusive and meaningful participation in their family and community life.

6 Collaboration

Each participant receives coordinated supports from a collaborative team comprising their family, the provider and other relevant providers, to facilitate the participant's development and address the family's needs and priorities.

Clause 7

7 Capacity building

Each participant receives supports that build the knowledge, skills and abilities of their family and other persons to support the participant's learning and development.

8 Evidence-informed supports

Each participant receives evidence-informed supports from providers with quality standards and validated practices.

9 Outcome based approach

Each participant receives supports that are outcome-based and goal-focused.

Schedule 6—Module 4: Specialised support coordination

Note: See section 20.

1 Application of standards to applicants, providers, participants and others

- (1) This Schedule applies to a person or entity who is applying to become a registered NDIS provider in the same way as it applies to a provider.

Note: See section 20 for the applicants and providers that must comply with the NDIS Practice Standards specified in this Schedule.

- (2) This Schedule applies to the following in the same way as it applies to a participant:
- (a) a prospective participant;
 - (b) a person with disability receiving supports or services from a provider under the arrangements set out in Chapter 2 of the Act;
 - (c) a person with disability receiving supports or services from a person included in a class of persons prescribed for the purposes of subparagraph (b)(ii) of the definition of **NDIS provider** in section 9 of the Act.

2 Standards relating to specialised support coordination

This Schedule specifies the NDIS Practice Standards relating to the provision of specialised support coordination.

3 Specialised support coordination

Each participant receiving specialised support coordination receives tailored support to implement, monitor and review their support plans and reduce the risk and complexity of their situation.

4 Management of supports

Each participant exercises meaningful choice and control over their supports and maximises the value for money they receive from their supports.

5 Conflict of interest

Each participant receives transparent, factual advice about their support options and that promotes choice and control.

Schedule 7—Module 5: Specialist disability accommodation

Note: See sections 20 and 27.

1 Application of standards to applicants, providers, participants and others

- (1) This Schedule applies to a person or entity who is applying to become a registered NDIS provider in the same way as it applies to a provider.

Note: See sections 20 and 27 for the applicants and providers that must comply with the NDIS Practice Standards specified in this Schedule.

- (2) This Schedule applies to the following in the same way as it applies to a participant:
- (a) a prospective participant;
 - (b) a person with disability receiving supports or services from a provider under the arrangements set out in Chapter 2 of the Act;
 - (c) a person with disability receiving supports or services from a person included in a class of persons prescribed for the purposes of subparagraph (b)(ii) of the definition of **NDIS provider** in section 9 of the Act.

2 Standards relating to specialist disability accommodation

This Schedule specifies the NDIS Practice Standards relating to the provision of specialist disability accommodation.

3 Rights and responsibilities

- (1) Each participant's access to specialist disability accommodation is consistent with their legal and human rights.
- (2) Each participant is supported to exercise informed choice and control.

4 Conflict of interest

Each participant's right to exercise choice and control over other NDIS support provision is not limited by the participant's choice of specialist disability accommodation dwelling.

5 Service agreements with participants

Each participant is supported to understand the terms and conditions that apply to their specialist disability accommodation dwelling and the associated service or tenancy agreements.

6 Enrolment of specialist disability accommodation dwellings

Each participant's specialist disability accommodation dwelling meets the requirements of the design type, category and other standards that were identified through the dwelling enrolment process.

7 Tenancy management

Each participant accessing a specialist disability accommodation dwelling is able to exercise choice and control and is supported by effective tenancy management.

Schedule 8—Module 6: Verification

Note: See section 20.

1 Application of standards to applicants, providers, participants and others

- (1) This Schedule applies to a person or entity who is applying to become a registered NDIS provider in the same way as it applies to a provider.

Note: See section 20 for the applicants and providers that must comply with the NDIS Practice Standards specified in this Schedule.

- (2) This Schedule applies to the following in the same way as it applies to a participant:
- (a) a prospective participant;
 - (b) a person with disability receiving supports or services from a provider under the arrangements set out in Chapter 2 of the Act;
 - (c) a person with disability receiving supports or services from a person included in a class of persons prescribed for the purposes of subparagraph (b)(ii) of the definition of **NDIS provider** in section 9 of the Act.

2 Standards relating to assessment by verification

This Schedule specifies the NDIS Practice Standards that providers of certain classes of support that must be assessed using verification are required to comply with.

3 Risk management

Risks to participants, workers and the provider are identified and managed.

4 Complaints management and resolution

- (1) Each participant has knowledge of and access to the provider's complaints management and resolution system.
- (2) Complaints are welcomed, acknowledged, respected and well-managed.

5 Incident management

Each participant is safeguarded by the provider's incident management system, ensuring that incidents are acknowledged, responded to, well-managed and learned from.

6 Human resource management

Each participant's support needs are met by workers who are competent in relation to their role, hold relevant qualifications and have relevant expertise and experience to provide person-centred support.

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.

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

Endnotes

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018	18 May 2018 (F2018L00631)	1 July 2018 (s 2(1) item 1)	
National Disability Insurance Scheme (Provider Registration and Practice Standards) Amendment (2019 Measures No. 1) Rules 2019	4 Dec 2019 (F2019L01565)	1 Jan 2020 (s 2(1) item 1)	—
National Disability Insurance Scheme Amendment (Provider Registration – Extension of Exemption) Rules 2020	26 June 2020 (F2020L00790)	27 June 2020 (s 2(1) item 1)	—
National Disability Insurance Scheme Legislation Amendment (Transitioning Aged Care Providers) Rules 2020	30 Nov 2020 (F2020L01512)	Sch 1 (items 8–13): 1 Dec 2020 (s 2(1) item 1)	—
National Disability Insurance Scheme (Provider Registration and Practice Standards) Amendment (2021 Measures No. 1) Rules 2021	29 Oct 2021 (F2021L01480)	15 Nov 2021 (s 2(1) item 1)	—

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 2	rep LA s 48D
s 4	am F2019L01565; F2020L01512; F2021L01480
s 5	am F2019L01565
Part 2	
s 7	am F2020L00790 (4) and (5) rep end of 30 Nov 2020 (s 7(5))
Part 3	
s 9	am F2019L01565
s 10	am F2019L01565
Part 4	
Part 4 heading	rs F2021L01480
s 13	rs F2019L01565
s 13A	ad F2019L01565
s 13B	ad F2019L01565 am F2020L01512; F2021L01480
s 13C	ad F2021L01480
Part 6	
Division 1	
s 19	am F2020L01512
s 20	am F2021L01480
s 21	rep F2019L01565
s 24	rs F2021L01480
Division 2	
Division 2 heading	rs F2020L01512
s 25	am F2019L01565; F2020L01512
s 26	am F2019L01565
s 27	am F2019L01565
s 28	am F2019L01565
s 29	am F2019L01565
Division 3	
Division 3	ad F2020L01512
s 29A	ad F2020L01512
s 29B	ad F2020L01512
Part 7	
Part 7	ad F2019L01565

Endnotes

Endnote 4—Amendment history

Provision affected	How affected
s 30	ad F2019L01565
s 31	ad F2021L01480
Schedule 1	
Schedule 1 heading.....	am F2019L01565
Part 1	
c 1.....	am F2019L01565
Part 3	
c 16A.....	ad F2021L01480
Part 5	
c 26A.....	ad F2021L01480
Schedule 2	
Schedule 2	am F2021L01480
c 1.....	am F2021L01480
c 3.....	am F2021L01480
c 4.....	am F2021L01480
c 4A.....	ad F2021L01480
c 5.....	am F2021L01480
c 6.....	am F2021L01480
c 7.....	am F2021L01480
c 8.....	am F2021L01480
c 9.....	am F2021L01480
Schedule 4	
c 2.....	am F2021L01480