

2022-2023-2024

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

EXPOSURE DRAFT

National Disability Insurance Scheme Amendment (Getting the NDIS Back on Track No. 1) Bill 2024

(Government)

- (1) Schedule 1, item 6, page 4 (line 14), omit “section 10”, substitute “subsections 10(1) and (4)”.
[NDIS supports]
- (2) Schedule 1, item 14, page 6 (line 1) to page 7 (line 7), omit section 10, substitute:

10 Definition of *NDIS support*

Supports that are NDIS supports

- (1) Subject to subsection (4), a support is an **NDIS support** for a person who is a participant or prospective participant if the support is declared by National Disability Insurance Scheme rules made for the purposes of this subsection to be an NDIS support for:
 - (a) participants or prospective participants generally; or
 - (b) a class of participants or prospective participants that includes the person.
- Note: The National Disability Insurance Scheme rules may declare a support for the purposes of this subsection by identifying a class of supports (see subsection 13(3) of the *Legislation Act 2003*).
- (2) Before making National Disability Insurance Scheme rules declaring a support for the purposes of subsection (1), the Minister must be satisfied:
 - (a) for rules to which paragraph (1)(a) applies—that the support is appropriately funded or provided through the National Disability Insurance Scheme for participants or prospective participants generally; or
 - (b) for rules to which paragraph (1)(b) applies—that the support is appropriately funded or provided through the National Disability Insurance Scheme for participants, or prospective participants, in the relevant class.
 - (3) National Disability Insurance Scheme rules may declare a support for the purposes of subsection (1) only if at least one of the following applies:
 - (a) the declaration of the support implements Australia’s obligations under:
 - (i) the Convention on the Rights of Persons with Disabilities done at New York on 13 December 2006; or

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- (ii) any other agreement with one or more other countries; or
- (b) the declaration of the support enables the provision of sickness benefits.

Note: For subparagraph (a)(i), the Convention on the Rights of Persons with Disabilities is in Australian Treaty Series 2008 No. 12 ([2008] ATS 12) and could in 2024 be viewed in the Australian Treaties Library on the AustLII website (<http://www.austlii.edu.au>).

Supports that are not NDIS supports

- (4) The National Disability Insurance Scheme rules may declare that a support is not an **NDIS support** for:

- (a) participants or prospective participants generally; or
- (b) a class of participants or prospective participants.

Note: The National Disability Insurance Scheme rules may declare a support for the purposes of this subsection by identifying a class of supports (see subsection 13(3) of the *Legislation Act 2003*).

- (5) Before making National Disability Insurance Scheme rules declaring a support for the purposes of subsection (4), the Minister must be satisfied:

- (a) for rules to which paragraph (4)(a) applies—that the support is not appropriately funded or provided through the National Disability Insurance Scheme for participants or prospective participants generally; or
- (b) for rules to which paragraph (4)(b) applies—that the support is not appropriately funded or provided through the National Disability Insurance Scheme for participants, or prospective participants, in the relevant class.

[NDIS supports]

- (3) Schedule 1, item 115, page 54 (line 4), omit paragraph (aaa), substitute:
(aaa) subsections 10(1) and (4);

[NDIS supports]