2022‑2023‑2024

The Parliament of the

Commonwealth of Australia

HOUSE OF REPRESENTATIVES

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| 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

 (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]