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| **EXPOSURE DRAFT** |

National Disability Insurance Scheme (Specialist Disability Accommodation) Amendment (In‑kind Supports) Rules 2021

I, Linda Reynolds CSC, Minister for the National Disability Insurance Scheme, make the following rules.

Dated 2021

Linda Reynolds CSC **[DRAFT ONLY—NOT FOR SIGNATURE]**

Minister for the National Disability Insurance Scheme

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1 Name

 This instrument is the *National Disability Insurance Scheme (Specialist Disability Accommodation) Amendment (In-kind Supports) Rules 2021*.

2 Commencement

 (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information |
| --- |
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this instrument | The later of:(a) the day the *National Disability Insurance Scheme Amendment (Participant Service Guarantee and Other Measures) Act 2021* commences; and(b) the day after this instrument is registered. |  |

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

 (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

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

4 Schedules

 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

National Disability Insurance Scheme (Specialist Disability Accommodation) Rules 2020

1 Section 5 (definition of *in‑kind support*)

Repeal the definition, substitute:

***in‑kind support***: see section 6A.

2 Section 5

Insert:

***relevant jurisdiction***, in relation to a participant and a support, means the State or Territory in which the participant is provided with the support.

3 After section 6

Insert:

6A Meaning of *in‑kind support*

 A support is an ***in‑kind support*** if:

 (a) the support is available to be provided to the participant by a provider who is:

 (i) the relevant jurisdiction; or

 (ii) the Commonwealth; or

 (iii) a provider under a service delivery mechanism operated by the relevant jurisdiction or the Commonwealth; or

 (iv) a person engaged or funded by the relevant jurisdiction or the Commonwealth; and

 (b) the support is made available to the Agency on an in‑kind basis as part of the contribution to the National Disability Insurance Scheme made by:

 (i) the relevant jurisdiction; or

 (ii) the Commonwealth;

 whether or not the participant has previously been provided with the support.