

EXPOSURE DRAFT



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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 <i>National Disability Insurance Scheme Amendment (Participant Service Guarantee and Other Measures) Act 2021</i> 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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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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.