

Detailed comparison of existing and proposed NDIS Rules

Specialist Disability Accommodation Rules

The Specialist Disability Accommodation Amendment (In-kind Supports) Rules 2021 amend the *National Disability Insurance Scheme (Specialist Disability Accommodation) Rules 2020* to update the definition of in-kind supports. Please see the table below for a comparison.

Existing provision (2020 Rules)	New provision (2021 Rules)	Nature of the change	Specific changes
<p>5 Definitions</p> <p>Note: A number of expressions used in this instrument are defined in section 9 of the Act, including the following:</p> <ul style="list-style-type: none"> (a) Agency; (b) CEO; (c) National Disability Insurance Scheme; (d) NDIS provider; (e) parental responsibility; (f) participant; (g) participant’s statement of goals and aspirations; (h) plan; (i) registered NDIS provider; (j) registered provider of supports. <p>In this instrument: [...]</p> <p><i>in-kind support</i> has the meaning given by section 6.8 of the <i>National Disability Insurance Scheme (Plan Management) Rules 2013</i>.</p>	<p>6A Meaning of <i>in-kind support</i></p> <p>A support is an <i>in-kind support</i> if:</p> <ul style="list-style-type: none"> (a) the support is available to be provided to the participant by a provider who is: <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (i) the relevant jurisdiction; or (ii) the Commonwealth; <p>whether or not the participant has previously been provided with the support.</p>	<p>Replaced – moved from 2013 Plan Management Rules</p>	<ul style="list-style-type: none"> • The provisions relating to in-kind supports that were in the 2013 Plan Management Rules have lapsed and are no longer required. • However, there is a cross-reference in the 2020 SDA Rules to the definition of in-kind supports in the 2013 Plan Management Rules. • Make the Rules easier to read and understand, the definition in the 2013 Plan Management Rules has been uplifted and inserted into the 2020 SDA Rules. • There is no change in policy intent.