



National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018

I, Graeme Head, as delegate of the Minister for Social Services, make the following rules.

Dated 17 May 2018

Graeme Head
Commissioner of the NDIS Quality and Safeguards Commission

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Preamble

The National Disability Insurance Scheme (NDIS) represents a fundamental change to how supports for people with disability are funded and delivered across Australia. The NDIS is designed to produce major benefits for people with disability, their families and the broader community.

The NDIS Quality and Safeguards Commission is responsible for a range of functions under the National Quality and Safeguarding Framework aimed at protecting and preventing harm to people with disability in the NDIS market.

The Commission will build the capability of NDIS participants and providers to uphold the rights of people with disability and realise the benefits of the NDIS. The legislation underpinning the NDIS is intended to support participants to be informed purchasers and consumers of NDIS supports and services and to live free from abuse, neglect, violence and exploitation.

These rules set out some of the conditions that providers must comply with to become and remain registered NDIS providers. They also set out the NDIS Practice Standards that apply to all registered NDIS providers, and those that apply to providers delivering more complex supports in areas such as behaviour support, early childhood supports, specialist support coordination and specialist disability accommodation.

These rules also deal with the Provider Register. To support people with disability to exercise choice and control, the Provider Register will include details about an NDIS provider's registration and any relevant compliance action taken in relation to the provider.

Together with the NDIS Code of Conduct, these rules will enable people with disability participating in the NDIS to be aware of what quality service provision they should expect from registered NDIS providers.

The Commissioner works with providers to continuously improve the quality of the supports and services provided to NDIS participants.

Part 1—Preliminary

1 Name

This instrument is the *National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018*.

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	1 July 2018.	1 July 2018

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 Definitions

Note: A number of expressions used in this instrument are defined in section 9 of the Act, including the following:

- (a) approved quality auditor;
- (b) key personnel;
- (c) NDIS Practice Standards;
- (d) registered NDIS provider;
- (e) registered provider of supports.

In this instrument:

Act means the *National Disability Insurance Scheme Act 2013*.

applicable standards means the NDIS Practice Standards that apply to a specified class of supports under Part 6.

applicant means a person or entity who has made an application for registration under section 73C of the Act.

certification has the meaning given by section 5.

National Disability Insurance Scheme (Quality Indicators) Guidelines has the meaning given by subsection 24(2).

regulated restrictive practice means a restrictive practice that is or involves any of the following:

- (a) seclusion, which is the solitary confinement of a person with disability in a room or a physical space at any hour of the day or night where voluntary exit is prevented, or not facilitated, or it is implied that voluntary exit is not permitted;
- (b) chemical restraint, which is the use of a chemical substance for the primary purpose of influencing a person's behaviour but does not include the use of medication prescribed by a medical practitioner for the treatment of, or to enable treatment of, a diagnosed mental disorder, a physical illness or a physical condition;
- (c) mechanical restraint, which is the use of a device to prevent, restrict, or subdue a person's movement for the primary purpose of influencing a person's behaviour but does not include the use of devices for therapeutic or non-behavioural purposes;
- (d) physical restraint, which is the use of physical force to prevent, restrict or subdue movement of a person's body, or part of the person's body, for the primary purpose of influencing the person's behaviour but does not include the use of a hands-on technique in a reflexive way to guide or redirect a person away from potential harm or injury, consistent with what could reasonably be considered the exercise of care towards a person;
- (e) environmental restraints, which restrict a person's free access to all parts of the person's environment, including items and activities.

Note: For the definition of **restrictive practice**, see section 9 of the Act.

verification means an assessment by an approved quality auditor of an applicant, or of a registered NDIS provider, against an applicable standard by conducting a desk audit of the applicant or provider, including reviewing the applicant's or provider's relevant documentation, in relation to the standard.

worker means a person employed or otherwise engaged by a registered NDIS provider.

5 Meaning of **certification**

- (1) **Certification** is an assessment by an approved quality auditor of an applicant, or of a registered NDIS provider, against an applicable standard by conducting:
 - (a) a desk audit of the applicant or provider, including reviewing the applicant's or provider's relevant documentation, in relation to the standard; and
 - (b) an inspection of the sites, facilities, equipment and services used, or proposed to be used, in the delivery of supports or services by the applicant or provider in relation to the standard; and

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- (c) interviews with relevant persons, including key personnel of the applicant or provider and persons receiving, or to receive, supports or services from the applicant or provider in relation to the standard.
- (2) The assessment may be conducted by sampling that is appropriate for the size of the provider or applicant and for the classes of supports or services provided or to be provided.
- (3) Despite subsection (1), the Commissioner may, in writing, authorise an approved quality auditor to assess an applicant or a registered NDIS provider against an applicable standard by conducting a review of the outcomes and evidence from a comparable quality audit process undertaken in relation to the applicant or provider, if the Commissioner considers it is appropriate to do so.
- (4) If the Commissioner gives an authorisation under subsection (3), the applicant or provider is taken, for the purposes of this instrument, to be assessed using certification.

Part 2—When an NDIS provider must be registered

6 Purpose of this Part

- (1) This Part is made for the purposes of subsection 73B(1) of the Act.
- (2) NDIS providers of certain classes of supports under participants' plans must be registered under section 73E of the Act to provide those classes of supports. This Part sets out what those classes of supports are.

Note 1: If an NDIS provider provides a class of support set out in this Part but is not registered to provide that class of support, the provider may be liable to a civil penalty (see subsection 73B(2) of the Act).

Note 2: In addition to the circumstances provided for in this Part, a person must be registered under section 73E of the Act to provide supports to a participant who is in a participating jurisdiction and whose funding for supports is managed by the Agency (see subsection 33(6) of the Act).

7 Classes of supports for which NDIS providers must be registered

- (1) A person must be registered under section 73E of the Act to provide specialist disability accommodation under a participant's plan.
- (2) A person must be registered under section 73E of the Act to provide a class of supports to a participant if, during the provision of the supports, there is, or is likely to be, an interim or ongoing need to use a regulated restrictive practice in relation to the participant.
- (3) A person must be registered under section 73E of the Act to provide specialist behaviour support services to a participant if the person will, as part of the provision of the services:
 - (a) undertake a behaviour support assessment (including a functional behavioural assessment) of the participant; or
 - (b) develop a behaviour support plan for the participant.
- (4) Despite subsections (1), (2) and (3), a person is not required to be registered under section 73E of the Act to provide the supports mentioned in those subsections to a participant if:
 - (a) the person is an approved provider (within the meaning of the *Aged Care Act 1997*); and
 - (b) the participant is approved as a recipient of residential care under Part 2.3 of that Act.

Note: These providers are regulated under the *Aged Care Act 1997*. Providers have responsibilities under that Act relating to the quality of care they provide and the rights of people to whom care is provided.

- (5) Subsection (4) and this subsection are repealed at the end of 30 June 2020.

Part 3—Becoming a registered NDIS provider

8 Purpose of this Part

This Part sets out requirements that an applicant must meet in order to be registered as a registered NDIS provider.

Note: These requirements are in addition to the requirements set out in section 73E of the Act.

9 Suitability of applicant

- (1) This section is made for the purposes of paragraph 73E(1)(d) of the Act.
- (2) In determining whether the Commissioner is satisfied that the applicant is suitable to provide supports or services to people with disability, the Commissioner must have regard to the following matters:
 - (a) whether the applicant has previously been registered as a registered NDIS provider or a registered provider of supports;
 - (b) whether a banning order has ever been in force in relation to the applicant;
 - (c) whether the applicant has been convicted of an indictable offence against a law of the Commonwealth or of a State or Territory;
 - (d) whether the applicant is or has been an insolvent under administration;
 - (e) whether the applicant has been the subject of adverse findings or enforcement action by a Department of, or an authority or other body established for a public purpose by, the Commonwealth, a State or a Territory, including one with responsibilities relating to the quality or regulation of services provided to people with disability, older people or children;
 - (f) whether the applicant has been the subject of adverse findings or enforcement action by any of the following:
 - (i) the Australian Securities and Investment Commission;
 - (ii) the Australian Charities and Not-for-profits Commission;
 - (iii) the Australian Competition and Consumer Commission;
 - (iv) the Australian Prudential Regulation Authority;
 - (v) the Australian Crime Commission;
 - (vi) AUSTRAC;
 - (vii) a body of a State or Territory that is equivalent to a body mentioned in any of subparagraphs (i) to (vi);
 - (viii) a work health and safety authority of a State or Territory;
 - (g) whether the applicant has been the subject of any findings or judgment in relation to fraud, misrepresentation or dishonesty in any administrative, civil or criminal proceedings, or is currently party to any proceedings that may result in the applicant being the subject of such findings or judgment;
 - (h) whether the applicant has ever been disqualified from managing corporations under Part 2D.6 of the *Corporations Act 2001*;
 - (i) any other matter the Commissioner considers relevant.

- (3) Paragraph (2)(c) does not affect the operation of Part VIIC of the *Crimes Act 1914* (which includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent convictions and require persons aware of such convictions to disregard them).

10 Suitability of key personnel

- (1) This section is made for the purposes of paragraph 73E(1)(e) of the Act.
- (2) In determining whether the Commissioner is satisfied that a member of the applicant's key personnel is suitable to be involved in the provision of supports or services for which the applicant will be registered to provide, the Commissioner must have regard to the following matters:
- (a) whether a banning order has ever been in force in relation to the member;
 - (b) whether the member has been convicted of an indictable offence against a law of the Commonwealth or of a State or Territory;
 - (c) whether the member is or has been an insolvent under administration;
 - (d) whether the member has been the subject of adverse findings or enforcement action by a Department of, or an authority or other body established for a public purpose by, the Commonwealth, a State or a Territory, including one with responsibilities relating to the quality or regulation of services provided to people with disability, older people and children;
 - (e) whether the member has been the subject of adverse findings or enforcement action following an investigation by any of the following:
 - (i) the Australian Securities and Investment Commission;
 - (ii) the Australian Charities and Not-for-profits Commission;
 - (iii) the Australian Competition and Consumer Commission;
 - (iv) the Australian Prudential Regulation Authority;
 - (v) the Australian Crime Commission;
 - (vi) AUSTRAC;
 - (vii) a body of a State or Territory that is equivalent to a body mentioned in any of subparagraphs (i) to (vi);
 - (viii) a work health and safety authority of a State or Territory;
 - (f) whether the member has been the subject of any findings or judgment in relation to fraud, misrepresentation or dishonesty in any administrative, civil or criminal proceedings, or is currently party to any proceedings that may result in the member being the subject of such findings or judgment;
 - (g) whether the member has ever been disqualified from managing corporations under Part 2D.6 of the *Corporations Act 2001*;
 - (h) any other matter the Commissioner considers relevant.
- (3) Paragraph (2)(b) does not affect the operation of Part VIIC of the *Crimes Act 1914* (which includes provisions that, in certain circumstances, relieve persons from the requirement to disclose spent convictions and require persons aware of such convictions to disregard them).

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11 Applicant must have an ABN

- (1) This section is made for the purposes of paragraph 73E(1)(f) of the Act.
- (2) The applicant must have an ABN (within the meaning of the *A New Tax System (Australian Business Number) Act 1999*).

Part 4—Responsibilities of registered NDIS providers

12 Purpose of this Part

- (1) This Part is made for the purposes of section 73H of the Act.
- (2) It sets out the conditions to which each registration, or each registration included in a specified class of registration, is subject.

Note 1: A registered NDIS provider may be liable to a civil penalty if the provider breaches a condition to which the provider's registration is subject (see section 73J of the Act).

Note 2: The conditions in this Part are in addition to those set out in the Act (see subsection 73F(2) of the Act) and those imposed by the Commissioner under subsection 73G(1) of the Act.

13 Notifying material changes to the Commissioner

- (1) The registration of each registered NDIS provider is subject to the condition that the provider must notify the Commissioner of a change of circumstances that materially affects the provider's ability, or the ability of any of the provider's key personnel, to provide the supports or services the provider is registered to provide.
- (2) The change must be notified to the Commissioner:
 - (a) in the form approved by the Commissioner; and
 - (b) within 28 days after the change occurs.
- (3) Without limiting subsection (1), the following are taken to be changes of circumstances that materially affect a provider's ability, or the ability of any of the provider's key personnel, to provide the supports or services the provider is registered to provide:
 - (a) the occurrence of an event that significantly affects the provider's ability to comply with the provider's conditions of registration;
 - (b) a change that adversely affects access to supports or services by persons with disability currently receiving those supports or services from the provider;
 - (c) an adverse change in the provider's financial capacity to provide the supports or services the provider is registered to provide;
 - (d) a significant change in the organisation or governance arrangements of the provider.

Part 5—Register of NDIS providers

Division 1—Introduction

14 Purpose of this Part

- (1) This Part is made for the purposes of subsection 73ZS(7) of the Act.
- (2) It makes provision for and in relation to the correction and publication of the NDIS Provider Register.

Division 2—Correction of entries

15 Corrections on the Commissioner’s initiative

- (1) This section applies if:
 - (a) the Commissioner becomes aware of a matter; and
 - (b) based on the matter, the Commissioner considers that an entry in the NDIS Provider Register in relation to an NDIS provider or former NDIS provider requires a correction.
- (2) The Commissioner must give a written notice to the provider:
 - (a) setting out the details of the matter and the proposed correction; and
 - (b) inviting the provider to give written comments on the matter and the proposed correction within the period specified in the notice.
- (3) The period specified for the purposes of paragraph (2)(b) must not end earlier than 28 days after the day on which the notice is given.
- (4) As soon as practicable after the earlier of:
 - (a) when the Commissioner receives comments from the provider; or
 - (b) the end of the period specified for the purposes of paragraph (2)(b);the Commissioner must:
 - (c) make the proposed correction; or
 - (d) make a different correction requested by the provider; or
 - (e) decide not to make a correction.
- (5) The Commissioner must give the provider written notice of a correction or decision made under subsection (4).

16 Requests for corrections

- (1) An NDIS provider or former NDIS provider may request that the Commissioner make a correction to the NDIS Provider Register in relation to the provider.
- (2) A request under subsection (1):
 - (a) must be in a form approved by the Commissioner; and
 - (b) must be accompanied by any information or documents required by the form.
- (3) If a request is made under subsection (1), the Commissioner may, by written notice, require the provider to give the Commissioner such further information or documents in relation to the request as the Commissioner reasonably requires.

Note: The Commissioner is not required to make a correction or decision on the request if subsection (2) or (3) of this section are not complied with (see section 197B of the Act).
- (4) If the Commissioner receives a request, the Commissioner must:
 - (a) make the correction to the NDIS Provider Register; or
 - (b) decide to not make the correction to the NDIS Provider Register.

Part 5 Register of NDIS providers

Division 2 Correction of entries

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- (5) The Commission must notify the provider of a correction or decision made under subsection (4).

Division 3—Publication of the NDIS Provider Register

17 NDIS Provider Register generally to be published in full

Subject to section 18, the whole of the NDIS Provider Register may be published on the Commission's website.

18 Certain parts of the NDIS Provider Register not to be published

A part of the NDIS Provider Register must not be published if:

- (a) the Commissioner considers that the publication of the part would be contrary to the public interest; or
- (b) the Commissioner considers that the publication of the part would be contrary to the interests of one or more persons with disability receiving supports or services.

Part 6—NDIS Practice Standards

Division 1—NDIS Practice Standards

19 Purpose of this Division

- (1) This Division is made for the purposes of section 73T of the Act.

Note: Rules made for the purposes of section 73T of the Act are the *NDIS Practice Standards* (see section 9 of the Act).

- (2) It specifies the standards concerning the quality of supports and services to be provided by registered NDIS providers.

Note 1: Applicants must be assessed by an approved quality auditor as meeting the applicable standards and other requirements prescribed by the NDIS Practice Standards in order to be registered as a registered NDIS provider (see paragraph 73E(1)(c) of the Act).

Note 2: Non-compliance with the NDIS Practice Standards by a registered NDIS provider constitutes a breach of a condition of registration (see paragraph 73F(2)(c) and section 73J of the Act).

Note 3: Division 2 contains special rules that apply instead of, or as well as, some of the rules in this Division in certain circumstances.

20 NDIS Practice Standards—class of supports, applicable standards and assessment process

- (1) To be registered to provide a class of supports specified in column 1 of an item in the table in subsection (3), an applicant must:
- be assessed by an approved quality auditor as meeting the standards specified in column 2 of that item, using the method specified in column 3 of that item; and
 - if the supports are to be provided in circumstances described in subsection 7(2)—be assessed by an approved quality auditor as meeting the standards specified in Schedule 4, using certification.

Note: The circumstances described in subsection 7(2) involve the use, or possible use, of a regulated restrictive practice in providing the supports.

- (2) To remain registered to provide a class of supports specified in column 1 of an item in the table in subsection (3), a registered NDIS provider must comply with the standards specified in:
- column 2 of that item; and
 - if the supports are provided in circumstances described in subsection 7(2)—Schedule 4.

Note: The circumstances described in subsection 7(2) involve the use of a regulated restrictive practice in providing the supports.

- (3) The following table has effect.

NDIS Practice Standards—class of supports, standards and assessment method			
	Column 1	Column 2	Column 3
Item	To be registered, or remain registered, to provide this class of supports...	the applicable standards are specified in...	and the assessment method is....
1	accommodation/tenancy assistance	Schedule 8	verification.
2	assistance to access and maintain employment or higher education	Schedule 1	certification.
3	assistive products for personal care and safety	Schedule 8	verification.
4	high intensity daily personal activities	Schedules 1 and 2	certification.
5	personal mobility equipment	Schedule 8	verification.
6	assistance in coordinating or managing life stages, transitions and supports	Schedule 1	certification.
7	assistance with daily personal activities	Schedule 1	certification.
8	assistance with travel/transport arrangements	Schedule 8	verification.
9	vehicle modifications	Schedule 8	verification.
10	specialist positive behaviour support	Schedules 1 and 3	certification.
11	home modifications	Schedule 8	verification.
12	assistive equipment for recreation	Schedule 8	verification.
13	vision equipment	Schedule 8	verification.
14	community nursing care	Schedule 8	verification.
15	assistance with daily life tasks in a group or shared living arrangement	Schedule 1	certification.
16	innovative community participation	Schedule 8	verification.
17	development of daily living and life skills	Schedule 1	certification.
18	early intervention supports for early childhood	Schedules 1 and 5	certification.
19	specialised hearing services	Schedule 8	verification.
20	household tasks	Schedule 8	verification.
21	interpreting and translation	Schedule 8	verification.
22	hearing equipment	Schedule 8	verification.
23	assistive products for	Schedule 8	verification.

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NDIS Practice Standards—class of supports, standards and assessment method			
	Column 1	Column 2	Column 3
Item	To be registered, or remain registered, to provide this class of supports...	the applicable standards are specified in...	and the assessment method is....
	household tasks		
24	communication and information equipment	Schedule 8	verification.
25	participation in community, social and civic activities	Schedule 1	certification.
26	exercise physiology and personal training	Schedule 8	verification.
27	management of funding for supports in participant plans	Schedule 8	verification.
28	therapeutic supports	Schedule 8	verification.
29	specialised driver training	Schedule 8	verification.
30	assistance animals	Schedule 8	verification.
31	specialist disability accommodation only	Schedule 7	certification.
32	specialist disability accommodation and one or more other classes of supports	Schedules 1 and 7	certification.
33	specialised support coordination	Schedules 1 and 6	certification.
34	specialised supported employment	Schedule 1	certification.
35	hearing services	Schedule 8	verification.
36	customised prosthetics	Schedule 8	verification.
37	group and centre-based activities	Schedule 1	certification.

- (4) Despite column 2 of item 18 of the table in subsection (3), an individual or a partnership that applies to provide early intervention supports for early childhood is required to be assessed by an approved quality auditor as meeting the standards specified in:
- (a) clause 7 of Schedule 1; and
 - (b) Schedule 5.
- (5) Despite column 2 of item 18 of the table in subsection (3), to remain registered to provide early intervention supports for early childhood, an individual or partnership is required to comply with the standards specified in:
- (a) clause 7 of Schedule 1; and
 - (b) Schedule 5.

21 NDIS Practice Standards—requirements for providers that are bodies corporate

- (1) To be registered as a registered NDIS provider to provide any class of supports, an applicant that is a body corporate must be assessed by an approved quality auditor as meeting the standards specified in Schedule 1 using certification.
- (2) To remain registered as a registered NDIS provider to provide any class of supports, a provider that is a body corporate must comply with the standards specified in Schedule 1.
- (3) This section applies to a body corporate in addition to section 20.

22 NDIS Practice Standards—requirements for government providers

- (1) To be registered as a registered NDIS provider to provide any class of supports, an applicant covered by subsection (3) must be assessed by an approved quality auditor as meeting the standards specified in Schedule 1 using certification.
- (2) To remain registered as a registered NDIS provider to provide any class of supports, a provider covered by subsection (3) must comply with the standards specified in Schedule 1.
- (3) The applicants and providers covered by this subsection are as follows:
 - (a) the Commonwealth;
 - (b) an authority of the Commonwealth;
 - (c) a State or Territory;
 - (d) an authority of a State or Territory;
 - (e) a local government authority.
- (4) This section applies to an applicant or provider in addition to section 20.

23 Assessment by certification meets requirement to be assessed by verification

For the purposes of this instrument, if compliance with an applicable standard must be assessed using verification, the requirement is met if compliance with the standard is assessed using certification.

24 National Disability Insurance Scheme (Quality Indicators) Guidelines

- (1) The Commissioner may, by notifiable instrument, make guidelines setting out indicators and other matters to be taken into account when assessing compliance with the NDIS Practice Standards.
- (2) The guidelines are the *National Disability Insurance Scheme (Quality Indicators) Guidelines*.

Division 2—Transitional arrangements relating to the NDIS Practice Standards

25 Purpose of this Division

- (1) This Division is made for the purposes of section 73T of the Act.
- (2) It modifies the application of the NDIS Practice Standards in Division 1 of this Part for a limited period in relation to providers who transition from being registered providers of supports under Part 3 of Chapter 4 of the Act to being registered NDIS providers under Part 3A of Chapter 4 of the Act.

Note: These providers are known as **transitioned providers**, and the transition takes place when the host jurisdiction in which the provider is providing supports or services becomes a participating jurisdiction (see the *National Disability Insurance Scheme (Quality and Safeguards Commission and Other Measures) Transitional Rules 2018*).

26 Transitional arrangements for certain providers requiring certification

- (1) This section applies to a person or entity (the **provider**) if:
 - (a) at a particular time (the **transition time**), the provider is approved under section 70 of the Act to provide one or more of the following classes of supports to a participant:
 - (i) assistance to access and maintain employment or higher education;
 - (ii) high intensity daily personal activities;
 - (iii) assistance in coordinating or managing life stages, transitions and supports;
 - (iv) assistance with daily personal activities;
 - (v) specialist positive behaviour support;
 - (vi) assistance with daily life tasks in a group or shared living arrangement;
 - (vii) development of daily care and life skills;
 - (viii) participation in community, social and civic activities;
 - (ix) specialised support coordination;
 - (x) specialised supported employment;
 - (xi) group and centre-based activities; and
 - (b) at the transition time, the host jurisdiction in which the participant lives becomes a participating jurisdiction.

Note 1: For the meaning of **host jurisdiction** and **participating jurisdiction**, see sections 10 and 10A of the Act.

Note 2: The provider will be deemed to be a registered NDIS provider in accordance with the *National Disability Insurance Scheme (Quality and Safeguards Commission and Other Measures) Transitional Rules 2018*.

- (2) Despite sections 20, 21 and 22, to remain registered to provide the class of supports during the transition period for the provider, the provider must comply with the standards specified in clauses 2 to 7, 14, 15, 20 and 24 of Schedule 1.
- (3) For the purposes of subsection (2), the transition period for the provider:

- (a) starts at the transition time; and
- (b) ends at the earliest of the following:
 - (i) if the Commissioner gives a written notice to the provider that this subsection no longer applies to the provider—the day specified in the notice (which must be at least 14 days after the notice is given);
 - (ii) if the provider makes an application under section 73C of the Act and the Commissioner makes a decision under section 73E of the Act to register, or not to register, the provider as a registered NDIS provider—the day after the day the decision is made;
 - (iii) if the registration of the provider is revoked under section 73P of the Act—at the start of the day the revocation takes effect;
 - (iv) unless section 73K of the Act applies—the expiry of the period specified for the purposes of paragraph 73E(5)(e) of the Act.

27 Transitional arrangements for providers providing specialist disability accommodation and one or more other classes of supports

- (1) This section applies to a person or entity (the *provider*) if:
 - (a) at a particular time (the *transition time*), the provider is approved under section 70 of the Act to provide:
 - (i) specialist disability accommodation to a participant; and
 - (ii) one or more other classes of supports; and
 - (b) at the transition time, the host jurisdiction in which the participant lives becomes a participating jurisdiction.

Note 1: For the meaning of *host jurisdiction* and *participating jurisdiction*, see sections 10 and 10A of the Act.

Note 2: The provider will be deemed to be a registered NDIS provider in accordance with the *National Disability Insurance Scheme (Quality and Safeguards Commission and Other Measures) Transitional Rules 2018*.

- (2) Despite sections 20, 21 and 22, to remain registered to provide those supports during the transition period for the provider, the provider must comply with the standards specified in:
 - (a) clauses 2 to 7, 14, 15, 20 and 24 of Schedule 1; and
 - (b) Schedule 7.
- (3) For the purposes of subsection (2), the transition period for the provider:
 - (a) starts at the transition time; and
 - (b) ends at the earliest of the following:
 - (i) if the Commissioner gives a written notice to the provider that this subsection no longer applies to the provider—the day specified in the notice (which must be at least 14 days after the notice is given);
 - (ii) if the provider makes an application under section 73C of the Act and the Commissioner makes a decision under section 73E of the Act to register, or not to register, the provider as a registered NDIS provider—the day after the day the decision is made;
 - (iii) if the registration of the provider is revoked under section 73P of the Act—at the start of the day the revocation takes effect;

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- (iv) unless section 73K of the Act applies—the expiry of the period specified for the purposes of paragraph 73E(5)(e) of the Act.

28 Transitional arrangements for providers of early intervention supports for early childhood

- (1) This section applies to a person or entity (the *provider*) if:
 - (a) at a particular time (the *transition time*), the provider is approved under section 70 of the Act to provide early intervention supports for early childhood to a participant; and
 - (b) at the transition time, the host jurisdiction in which the participant lives becomes a participating jurisdiction.

Note 1: For the meaning of *host jurisdiction* and *participating jurisdiction*, see sections 10 and 10A of the Act.

Note 2: The provider will be deemed to be a registered NDIS provider in accordance with the *National Disability Insurance Scheme (Quality and Safeguards Commission and Other Measures) Transitional Rules 2018*.

- (2) Despite sections 20, 21 and 22, to remain registered to provide the supports during the transition period for the provider, the provider must comply with the standards specified in:
 - (a) if the provider is an individual or a partnership—clause 7 of Schedule 1; or
 - (b) otherwise—clauses 2 to 7, 14, 15, 20 and 24 of Schedule 1.
- (3) For the purposes of subsection (2), the transition period for the provider:
 - (a) starts at the transition time; and
 - (b) ends at the earliest of the following:
 - (i) if the Commissioner gives a written notice to the provider that this subsection no longer applies to the provider—the day specified in the notice (which must be at least 14 days after the notice is given);
 - (ii) if the provider makes an application under section 73C of the Act and the Commissioner makes a decision under section 73E of the Act to register, or not to register, the provider as a registered NDIS provider—the day after the day the decision is made;
 - (iii) if the registration of the provider is revoked under section 73P of the Act—at the start of the day the revocation takes effect;
 - (iv) unless section 73K of the Act applies—the expiry of the period specified for the purposes of paragraph 73E(5)(e) of the Act.

29 Transitional arrangements for providers requiring verification

- (1) This section applies to a person or entity (the *provider*) if:
 - (a) at a particular time (the *transition time*), the provider is approved under section 70 of the Act to provide one or more of the following classes of supports to a participant:
 - (i) accommodation/tenancy assistance;
 - (ii) assistive products for personal care and safety;
 - (iii) personal mobility equipment;
 - (iv) assistance with travel/transport arrangements;

- (v) vehicle modifications;
 - (vi) home modifications;
 - (vii) assistive equipment for recreation;
 - (viii) vision equipment;
 - (ix) community nursing care;
 - (x) innovative community participation;
 - (xi) specialised hearing services;
 - (xii) household tasks;
 - (xiii) interpreting and translating;
 - (xiv) hearing equipment;
 - (xv) assistive products for household tasks;
 - (xvi) communication and information equipment;
 - (xvii) exercise physiology and personal training;
 - (xviii) management of funding for supports in participant's plans;
 - (xix) therapeutic supports;
 - (xx) specialised driver training;
 - (xxi) assistance animals;
 - (xxii) hearing services;
 - (xxiii) customised prosthetics; and
- (b) at the transition time, the host jurisdiction in which the participant lives becomes a participating jurisdiction.

Note 1: For the meaning of *host jurisdiction* and *participating jurisdiction*, see sections 10 and 10A of the Act.

Note 2: The provider will be deemed to be a registered NDIS provider in accordance with the *National Disability Insurance Scheme (Quality and Safeguards Commission and Other Measures) Transitional Rules 2018*.

- (2) Sections 20, 21 and 22 do not apply to the provider during the transition period in relation to the provision of the class of supports.
- (3) For the purposes of subsection (2), the transition period for the provider:
- (a) starts at the transition time; and
 - (b) ends at the earliest of the following:
 - (i) if the Commissioner gives a written notice to the provider that this subsection no longer applies to the provider—the day specified in the notice (which must be at least 14 days after the notice is given);
 - (ii) if the provider makes an application under section 73C of the Act and the Commissioner makes a decision under section 73E of the Act to register, or not to register, the provider as a registered NDIS provider—the day after the day the decision is made;
 - (iii) if the registration of the provider is revoked under section 73P of the Act—at the start of the day the revocation takes effect;
 - (iv) unless section 73K of the Act applies—the expiry of the period specified for the purposes of paragraph 73E(5)(e) of the Act.

Schedule 1—Core module

Note: See sections 20, 21, 22, 26, 27 and 28.

Part 1—Preliminary

1 Application of standards to applicants, providers, participants and others

- (1) This Schedule applies to a person or entity who is applying to become a registered NDIS provider in the same way as it applies to a provider.

Note: See sections 20, 21, 22, 26, 27 and 28 for the applicants and providers that must comply with the NDIS Practice Standards specified in this Schedule.
- (2) This Schedule applies to the following in the same way as it applies to a participant:
 - (a) a prospective participant;
 - (b) a person with disability receiving supports or services from a provider under the arrangements set out in Chapter 2 of the Act;
 - (c) a person with disability receiving supports or services from a person included in a class of persons prescribed for the purposes of subparagraph (b)(ii) of the definition of *NDIS provider* in section 9 of the Act.

Part 2—Rights of participants and responsibilities of providers

2 Standards relating to the rights of participants and the responsibilities of providers

This Part specifies the NDIS Practice Standards relating to the rights of participants and the responsibilities of providers who deliver supports and services to them.

3 Person-centred supports

- (1) Each participant can access supports that promote, uphold and respect their legal and human rights.
- (2) Each participant is enabled to exercise informed choice and control.
- (3) The provision of supports promotes, upholds and respects individual rights to freedom of expression, self-determination and decision-making.

4 Individual values and beliefs

Each participant can access supports that respect their culture, diversity, values and beliefs.

5 Privacy and dignity

Each participant can access supports that respect and protect their dignity and right to privacy.

6 Independence and informed choice

Each participant is supported by the provider to make informed choices, exercise control and maximise their independence in relation to the supports provided.

7 Freedom from violence, abuse, neglect, exploitation or discrimination

Each participant can access supports free from violence, abuse, neglect, exploitation or discrimination.

Part 3—Provider governance and operational management

8 Standards relating to provider governance and operational management

This Part specifies the NDIS Practice Standards relating to the governance and operational management arrangements for registered NDIS providers.

9 Governance and operational management

Each participant's support is overseen by robust governance and operational management systems relevant and proportionate to the size and scale of the provider and the scope and complexity of the supports being delivered.

10 Risk management

Risks to participants, workers and the provider are identified and managed.

11 Quality management

Each participant benefits from a quality management system that is relevant and proportionate to the size and scale of the provider and that promotes continuous improvement of support delivery.

12 Information management

- (1) Management of each participant's information ensures that it is identifiable, accurately recorded, current and confidential.
- (2) Each participant's information is easily accessible to the participant and appropriately utilised by relevant workers.

13 Complaints management and resolution

- (1) Each participant has knowledge of and access to the provider's complaints management and resolution system.
- (2) Complaints are welcomed, acknowledged, respected and well managed.

14 Incident management

Each participant is safeguarded by the provider's incident management system, ensuring that incidents are acknowledged, responded to, well managed and learned from.

15 Human resource management

Each participant's support needs are met by workers who are competent in relation to their role, hold relevant qualifications and have relevant expertise and experience to provide person-centred support.

16 Continuity of supports

Each participant has access to timely and appropriate supports without interruption.

Part 4—Provision of supports

17 Standards relating to the provision of supports to participants

This Part specifies the NDIS Practice Standards relating to the provision of supports to participants.

18 Access to supports

Each participant can access the most appropriate supports that meet the participant's needs, goals and preferences.

19 Support planning

- (1) Each participant is actively involved in the development of their support plans.
- (2) Support plans reflect participant needs, requirements, preferences, strengths and goals, and are regularly reviewed.

20 Service agreements

Each participant has a clear understanding of the supports they have chosen and how the supports will be provided.

21 Responsive support provision

Each participant can access responsive, timely, competent and appropriate supports to meet their needs, desired outcomes and goals.

22 Transitions to and from a provider

Each participant experiences a planned and coordinated transition to or from the provider.

Part 5—Support provision environment

23 Standards relating to the provision of supports to participants

This Part specifies the NDIS Practice Standards relating to the environment in which supports are provided to participants.

24 Safe environment

Each participant can access supports in a safe environment that is appropriate to their needs.

25 Participant money and property

Participant money and property is secure and each participant uses their own money and property as they determine.

26 Medication management

- (1) This standard applies to a provider that is responsible for administering medication to participants.
- (2) Each participant requiring medication is confident that their provider administers, stores and monitors the effects of the participant's medication and works to prevent errors and incidents.

27 Waste management

- (1) This standard applies to a provider that is required to manage waste, or infectious or hazardous substances.
- (2) Each participant, each worker and any other person in the support environment is protected from harm as a result of exposure to waste or infectious or hazardous substances generated during the delivery of supports.

Schedule 2—Module 1: High intensity daily personal activities

Note: See section 20.

1 Application of standards to applicants, providers, participants and others

- (1) This Schedule applies to a person or entity who is applying to become a registered NDIS provider in the same way as it applies to a provider.

Note: See section 20 for the applicants and providers that must comply with the NDIS Practice Standards specified in this Schedule.

- (2) This Schedule applies to the following in the same way as it applies to a participant:
- (a) a prospective participant;
 - (b) a person with disability receiving supports or services from a provider under the arrangements set out in Chapter 2 of the Act;
 - (c) a person with disability receiving supports or services from a person included in a class of persons prescribed for the purposes of subparagraph (b)(ii) of the definition of *NDIS provider* in section 9 of the Act.

2 Standards relating to high intensity daily personal activities

This Schedule specifies the NDIS Practice Standards relating to the provision of high intensity daily personal activities.

3 Complex bowel care

- (1) This standard applies to a provider that is registered to provide complex bowel care.
- (2) Each participant requiring complex bowel care receives appropriate support that is relevant and proportionate to their individual needs.

4 Enteral (nasogastric tube-jejunum or duodenum) feeding and management

- (1) This standard applies to a provider that is registered to provide enteral (nasogastric tube-jejunum or duodenum) feeding and management.
- (2) Each participant requiring enteral feeding and management receives appropriate nutrition, fluids and medication that are relevant and proportionate to their individual needs.

5 Tracheostomy management

- (1) This standard applies to a provider that is registered to provide tracheostomy management.

- (2) Each participant with a tracheostomy receives appropriate suctioning and management of their tracheostomy that are relevant and proportionate to their individual needs.

6 Urinary catheter management (in-dwelling urinary catheter, in-out catheter and suprapubic catheter)

- (1) This standard applies to a provider that is registered to provide urinary catheter management (in-dwelling urinary catheter, in-out catheter, and suprapubic catheter).
- (2) Each participant with a catheter receives appropriate catheter management that is relevant and proportionate to their individual needs.

7 Ventilator management

- (1) This standard applies to a provider that is registered to provide ventilator management.
- (2) Each participant requiring ventilator management receives appropriate support that is relevant and proportionate to their individual needs and the specific ventilator used.

8 Subcutaneous injections

- (1) This standard applies to a provider that is registered to provide subcutaneous injections.
- (2) Each participant requiring subcutaneous injections receives appropriate support that is relevant and proportionate to their individual needs and the specific subcutaneous injections and medication administered.

9 Complex wound management

- (1) This standard applies to a provider that is registered to provide complex wound management.
- (2) Each participant requiring complex wound management receives appropriate support that is relevant and proportionate to their individual needs.

Schedule 3—Module 2: Specialist behaviour support

Note: See section 20.

1 Application of standards to applicants, providers, participants and others

- (1) This Schedule applies to a person or entity who is applying to become a registered NDIS provider in the same way as it applies to a provider.

Note: See section 20 for the applicants and providers that must comply with the NDIS Practice Standards specified in this Schedule.

- (2) This Schedule applies to the following in the same way as it applies to a participant:
- (a) a prospective participant;
 - (b) a person with disability receiving supports or services from a provider under the arrangements set out in Chapter 2 of the Act;
 - (c) a person with disability receiving supports or services from a person included in a class of persons prescribed for the purposes of subparagraph (b)(ii) of the definition of *NDIS provider* in section 9 of the Act.

2 Standards relating to specialist behaviour support

This Schedule specifies the NDIS Practice Standards relating to the provision of specialist behaviour support.

3 Behaviour support in the NDIS

Each participant can access behaviour support that:

- (a) is appropriate to their needs; and
- (b) incorporates evidence-informed practice; and
- (c) complies with relevant Commonwealth, State and Territory laws and policies.

4 Regulated restrictive practices

Each participant is subject only to a regulated restrictive practice that meets:

- (a) the State or Territory authorisation and consent requirements (if any) in the State or Territory in which the practice will be used; and
- (b) the relevant requirements and safeguards provided for in relevant Commonwealth, State and Territory laws and policies.

5 Behaviour support plans

Each participant's quality of life is maintained and improved by person-centred, evidence-informed behaviour support plans that are responsive to their needs.

6 Supporting the implementation of a behaviour support plan

Each participant's behaviour support plan is implemented effectively to meet the participant's behaviour support needs.

7 Behaviour support plan monitoring and review

Each participant has a current behaviour support plan that:

- (a) reflects their needs, improves their quality of life and supports their progress toward positive change; and
- (b) progresses toward the reduction and elimination of the use of the regulated restrictive practice, where one is in place for the participant.

8 Reportable incidents involving the use of a regulated restrictive practice

Each participant that is subject to an emergency or unauthorised use of a regulated restrictive practice by a provider has the use of that practice reported to the Commissioner and reviewed by the provider.

9 Interim behaviour support plans

Each participant with an immediate need for a behaviour support plan receives an interim behaviour support plan that minimises the risk to the participant and others.

Schedule 4—Module 2A: Implementing behaviour support plans

Note: See section 20.

1 Application of standards to applicants, providers, participants and others

- (1) This Schedule applies to a person or entity who is applying to become a registered NDIS provider in the same way as it applies to a provider.

Note: See section 20 for the applicants and providers that must comply with the NDIS Practice Standards specified in this Schedule.

- (2) This Schedule applies to the following in the same way as it applies to a participant:
- (a) a prospective participant;
 - (b) a person with disability receiving supports or services from a provider under the arrangements set out in Chapter 2 of the Act;
 - (c) a person with disability receiving supports or services from a person included in a class of persons prescribed for the purposes of subparagraph (b)(ii) of the definition of *NDIS provider* in section 9 of the Act.

2 Standards relating to the use of regulated restrictive practices

This Schedule specifies the NDIS Practice Standards relating to the use of regulated restrictive practices.

3 Behaviour support in the NDIS

Each participant can access behaviour support that:

- (a) is appropriate to their needs; and
- (b) incorporates evidence-informed practice; and
- (c) complies with relevant Commonwealth, State and Territory laws and policies.

4 Regulated restrictive practices

Each participant is subject only to a regulated restrictive practice that meets:

- (a) the State or Territory authorisation and consent requirements (if any) in the State or Territory in which the practice will be used; and
- (b) the relevant requirements and safeguards provided for in Commonwealth legislation and policies.

5 Supporting the assessment and development of behaviour support plans

Each participant's quality of life is maintained and improved by tailored, evidence-informed behaviour support plans that are responsive to their needs.

6 Supporting the implementation of a behaviour support plan

Each participant's behaviour support plan is implemented effectively to meet the participant's behaviour support needs.

7 Monitoring and reporting the use of regulated restrictive practices

Each participant that is subject to the use of a regulated restrictive practice by a provider has the use of that practice reported to the Commissioner and reviewed by the provider.

8 Behaviour support plan monitoring and review

Each participant's behaviour support plan is regularly monitored and reviewed to ensure that the plan:

- (a) reflects their needs, improves their quality of life and supports their progress toward positive change; and
- (b) if a regulated restrictive practice is used in relation to the participant— supports the reduction and elimination of the use of the regulated restrictive practice.

9 Reportable incidents involving the use of a regulated restrictive practice

Each participant that is subject to an emergency or unauthorised use of a regulated restrictive practice by a provider has the use of that practice reported to the Commissioner and reviewed by the provider.

10 Interim behaviour support plans

Each participant with an immediate need for a behaviour support plan receives an interim behaviour support plan that minimises the risk to the participant and others.

Schedule 5—Module 3: Early childhood supports

Note: See section 20.

1 Application of standards to applicants, providers, participants and others

- (1) This Schedule applies to a person or entity who is applying to become a registered NDIS provider in the same way as it applies to a provider.

Note: See section 20 for the applicants and providers that must comply with the NDIS Practice Standards specified in this Schedule.

- (2) This Schedule applies to the following in the same way as it applies to a participant:
- (a) a prospective participant;
 - (b) a person with disability receiving supports or services from a provider under the arrangements set out in Chapter 2 of the Act;
 - (c) a person with disability receiving supports or services from a person included in a class of persons prescribed for the purposes of subparagraph (b)(ii) of the definition of *NDIS provider* in section 9 of the Act.

2 Standards relating to early childhood supports

This Schedule specifies the NDIS Practice Standards relating to the provision of early childhood supports.

3 The child

Each participant can access supports that promote and respect their legal and human rights, support their development of functional skills and enable them to participate meaningfully and be included in everyday activities with their peers.

4 The family

Each participant can access family-centred supports that are culturally inclusive and responsive and that focus on their strengths.

5 Inclusion

Each participant can access supports that engage their natural environments and enable inclusive and meaningful participation in their family and community life.

6 Collaboration

Each participant receives coordinated supports from a collaborative team comprising their family, the provider and other relevant providers, to facilitate the participant's development and address the family's needs and priorities.

7 Capacity building

Each participant receives supports that build the knowledge, skills and abilities of their family and other persons to support the participant's learning and development.

8 Evidence-informed supports

Each participant receives evidence-informed supports from providers with quality standards and validated practices.

9 Outcome based approach

Each participant receives supports that are outcome-based and goal-focused.

Schedule 6—Module 4: Specialised support coordination

Note: See section 20.

1 Application of standards to applicants, providers, participants and others

- (1) This Schedule applies to a person or entity who is applying to become a registered NDIS provider in the same way as it applies to a provider.

Note: See section 20 for the applicants and providers that must comply with the NDIS Practice Standards specified in this Schedule.

- (2) This Schedule applies to the following in the same way as it applies to a participant:
- (a) a prospective participant;
 - (b) a person with disability receiving supports or services from a provider under the arrangements set out in Chapter 2 of the Act;
 - (c) a person with disability receiving supports or services from a person included in a class of persons prescribed for the purposes of subparagraph (b)(ii) of the definition of *NDIS provider* in section 9 of the Act.

2 Standards relating to specialised support coordination

This Schedule specifies the NDIS Practice Standards relating to the provision of specialised support coordination.

3 Specialised support coordination

Each participant receiving specialised support coordination receives tailored support to implement, monitor and review their support plans and reduce the risk and complexity of their situation.

4 Management of supports

Each participant exercises meaningful choice and control over their supports and maximises the value for money they receive from their supports.

5 Conflict of interest

Each participant receives transparent, factual advice about their support options and that promotes choice and control.

Schedule 7—Module 5: Specialist disability accommodation

Note: See sections 20 and 27.

1 Application of standards to applicants, providers, participants and others

- (1) This Schedule applies to a person or entity who is applying to become a registered NDIS provider in the same way as it applies to a provider.

Note: See sections 20 and 27 for the applicants and providers that must comply with the NDIS Practice Standards specified in this Schedule.

- (2) This Schedule applies to the following in the same way as it applies to a participant:
 - (a) a prospective participant;
 - (b) a person with disability receiving supports or services from a provider under the arrangements set out in Chapter 2 of the Act;
 - (c) a person with disability receiving supports or services from a person included in a class of persons prescribed for the purposes of subparagraph (b)(ii) of the definition of *NDIS provider* in section 9 of the Act.

2 Standards relating to specialist disability accommodation

This Schedule specifies the NDIS Practice Standards relating to the provision of specialist disability accommodation.

3 Rights and responsibilities

- (1) Each participant's access to specialist disability accommodation is consistent with their legal and human rights.
- (2) Each participant is supported to exercise informed choice and control.

4 Conflict of interest

Each participant's right to exercise choice and control over other NDIS support provision is not limited by the participant's choice of specialist disability accommodation dwelling.

5 Service agreements with participants

Each participant is supported to understand the terms and conditions that apply to their specialist disability accommodation dwelling and the associated service or tenancy agreements.

Clause 6

6 Enrolment of specialist disability accommodation dwellings

Each participant's specialist disability accommodation dwelling meets the requirements of the design type, category and other standards that were identified through the dwelling enrolment process.

7 Tenancy management

Each participant accessing a specialist disability accommodation dwelling is able to exercise choice and control and is supported by effective tenancy management.

Schedule 8—Module 6: Verification

Note: See section 20.

1 Application of standards to applicants, providers, participants and others

- (1) This Schedule applies to a person or entity who is applying to become a registered NDIS provider in the same way as it applies to a provider.

Note: See section 20 for the applicants and providers that must comply with the NDIS Practice Standards specified in this Schedule.

- (2) This Schedule applies to the following in the same way as it applies to a participant:
- (a) a prospective participant;
 - (b) a person with disability receiving supports or services from a provider under the arrangements set out in Chapter 2 of the Act;
 - (c) a person with disability receiving supports or services from a person included in a class of persons prescribed for the purposes of subparagraph (b)(ii) of the definition of *NDIS provider* in section 9 of the Act.

2 Standards relating to assessment by verification

This Schedule specifies the NDIS Practice Standards that providers of certain classes of support that must be assessed using verification are required to comply with.

3 Risk management

Risks to participants, workers and the provider are identified and managed.

4 Complaints management and resolution

- (1) Each participant has knowledge of and access to the provider's complaints management and resolution system.
- (2) Complaints are welcomed, acknowledged, respected and well-managed.

5 Incident management

Each participant is safeguarded by the provider's incident management system, ensuring that incidents are acknowledged, responded to, well-managed and learned from.

6 Human resource management

Each participant's support needs are met by workers who are competent in relation to their role, hold relevant qualifications and have relevant expertise and experience to provide person-centred support.