

2010-2011-2012

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

**National Disability Insurance Scheme
Bill 2012**

No. , 2012

(Families, Housing, Community Services and Indigenous Affairs)

**A Bill for an Act to establish the National Disability
Insurance Scheme, and for related purposes**

Contents

Chapter 1—Introduction	1
Part 1—Preliminary	1
1 Short title.....	1
2 Commencement.....	2
Part 2—Objects and principles	4
3 Objects of Act.....	4
4 General principles guiding actions under this Act.....	5
5 General principles guiding actions of people who may do acts or things on behalf of others.....	6
6 Agency may provide support and assistance.....	7
7 Provision of notice, approved form or information under this Act etc.	7
Part 3—Simplified outline	8
8 Simplified outline.....	8
Part 4—Definitions	10
9 Definitions.....	10
10 Definition of <i>host jurisdiction</i>	16
11 Definitions relating to compensation.....	16
Part 5—Ministerial Council	18
12 Ministerial Council functions etc.....	18
Chapter 2—Assistance for people with disability and others	19
13 Agency may provide coordination, strategic and referral services etc. to people with disability.....	19
14 Agency may provide funding to persons or entities.....	19
15 Agency may provide information.....	19
16 Agency may assist in relation to doing things under Chapter.....	20
17 National Disability Insurance Scheme rules.....	20
Chapter 3—Participants and their plans	21
Part 1—Becoming a participant	21
18 Person may make a request to become a participant.....	21
19 Matters relating to access requests.....	21
20 CEO must consider and decide access requests.....	22

21	When a person meets the access criteria	22
22	Age requirements.....	23
23	Residence requirements	24
24	Disability requirements.....	25
25	Early intervention requirements	25
26	Requests that the CEO may make.....	26
27	National Disability Insurance Scheme rules relating to disability requirements and early intervention requirements	27
28	When a person becomes a participant.....	28
29	When a person ceases to be a participant.....	28
30	Revocation of participant status.....	29
Part 2—Participants’ plans		30
Division 1—Principles relating to plans		30
31	Principles relating to plans	30
Division 2—Preparing participants’ plans		31
32	CEO must facilitate preparation of participant’s plan.....	31
33	Matters that must be included in a participant’s plan	31
34	Reasonable and necessary supports	33
35	National Disability Insurance Scheme rules for statement of participant supports	34
36	Information and reports for the purposes of preparing and approving a participant’s plan	35
37	When plan is in effect	36
38	Copy of plan to be provided	36
39	Agency must comply with the statement of participant supports	36
40	Effect of temporary absence on plans	36
41	Suspension of plans	37
Division 3—Managing the funding for supports under participants’ plans		38
42	Meaning of <i>managing the funding for supports</i> under a participant’s plan	38
43	Choice for the participant in relation to plan management	38
44	Circumstances in which participant must not manage plan to specified extent	40
45	Payment of NDIS amounts	40
46	Acquittal of NDIS amounts	41
Division 4—Reviewing and changing participants’ plans		42
47	Participant may change participant’s statement of goals and aspirations at any time	42

48	Review of participant’s plan	42
49	Outcome of review	43
50	Information and reports for the purposes of reviewing a participant’s plan	43
Chapter 4—Administration		45
Part 1—General matters		45
Division 1—Participants and prospective participants		45
51	Requirement to notify change of circumstances	45
52	Requirements relating to notices	45
53	Power to obtain information from participants and prospective participants to ensure the integrity of the National Disability Insurance Scheme	45
54	Written notice of requirement	46
Division 2—Other persons		47
55	Power to obtain information from other persons to ensure the integrity of the National Disability Insurance Scheme	47
56	Written notice of requirement	48
57	Offence—refusal or failure to comply with requirement	48
Division 3—Interaction with other laws		49
58	Obligations not affected by State or Territory laws	49
59	Interaction with Commonwealth laws	49
Part 2—Privacy		50
60	Protection of information held by the Agency etc.	50
61	Offence—unauthorised access to protected information	50
62	Offence—unauthorised use or disclosure of protected information	51
63	Offence—soliciting disclosure of protected information	51
64	Offence—offering to supply protected information	52
65	Protection of certain documents etc. from production to court etc.	52
66	Disclosure of information by CEO	53
67	National Disability Insurance Scheme rules for exercise of CEO’s disclosure powers	54
68	Part does not affect the operation of the <i>Freedom of Information Act 1982</i>	54
Part 3—Registered providers of supports		55
69	Application to be a registered provider of supports	55
70	Registered providers of supports	55
