



Australian Government

Department of Health

Secretary

Dear residential aged care and multi-purpose service providers

New regulatory arrangements for residential aged care providers and multi-purpose services (MPS) that provide permanent residential aged care to National Disability Insurance Scheme (NDIS) participants commenced on **1 December 2020**.

I am writing to provide you information on the new regulatory arrangements and existing obligations under the *Aged Care Act 1997* (Aged Care Act) for those of you that support NDIS participants. This supplements information the NDIS Quality and Safety Commission (NDIS Commission) disseminated to providers with NDIS participants in August 2019, November 2019, and June 2020 regarding these arrangements.

The new regulatory arrangements reflect the NDIS Quality and Safeguarding Framework agreed by the Commonwealth and state and territory governments in 2017, and the Commonwealth's commitment to ensuring all NDIS participants have access to regulatory safeguards that reflect the purpose of the NDIS.

New regulatory arrangements from 1 December 2020

Providers supporting NDIS participants were exempt from the NDIS Commission's mandatory registration requirements until 30 November 2020 under Section 7, Part 4 of the *National Disability Insurance Scheme (Provider Registration and Practice Standards) Rules 2018*.

NDIS participants receiving residential aged care are dual participants of the NDIS and aged care systems. From 1 December 2020, providers supporting NDIS participants may need to comply with both the NDIS and aged care regulatory frameworks.

On 1 December 2020, providers that currently support NDIS participants were automatically deemed registered with the NDIS Commission. Providers that did not support NDIS participants prior to 1 December 2020, but receive NDIS participants after, may need to submit a registration application with the NDIS Commission.

To allow affected providers the opportunity to adjust to a dual regulatory model, transitional arrangements will be in place in regard to NDIS provider registration, worker screening, and behaviour support. Information about these regulatory obligations and transition arrangements are available on the NDIS Commission's [website](#).

Existing obligations under the Aged Care Act 1997

As you are aware, the Aged Care Act outlines responsibilities of approved providers. This includes any responsibilities to care recipients under the Quality of Care Principles, User Rights Principles, the Aged Care Quality Standards and the Charter of Aged Care Rights.

Under the Aged Care Act, approved providers supporting dual participants must afford the same protections in respect of their care and services that are provided to aged care residents. This may include the security of tenure provisions, which are set out in the Aged Care Act and the User Rights Principles. Providers should proactively manage the transition for any affected consumers, ensuring they continue to support them to exercise choice and control over their lives, including their participation in the NDIS and how they receive care and services.

Providers that do not comply with their responsibilities under the Aged Care Act may be referred to the Aged Care Quality and Safety Commission for further investigation and regulatory action, if appropriate.

Support for providers

The NDIS Commission and Aged and Community Services Australia (ACSA) are working with providers supporting NDIS participants to assist them in understanding their obligations as part of their NDIS registration.

Under the Australian Government's Support for NDIS Providers grants program, the NDIS Commission engaged ACSA to work with providers who support NDIS participants. This assistance was aimed at helping providers meet their responsibilities under the NDIS Commission's quality and safeguarding arrangements from 1 December 2020.

ACSA has developed a '[RAC NDIS Support Hub](#)', which includes a range of products and information to assist providers supporting NDIS participants to understand the arrangements from 1 December 2020. The Support Hub has information on the transitional arrangements and additional resources for providers and will be updated as new materials are developed.

The Department of Health and the Aged Care Quality and Safety Commission are working with the NDIS Commission, the Department of Social Services, and the National Disability Insurance Agency to support these arrangements.

To find out more about the new regulatory arrangements for providers supporting NDIS participants, visit the [RAC NDIS Support Hub, the NDIS Commission website](#) or contact the provider support line on **1800 860 640**.

Yours sincerely



Dr Brendan Murphy
2 December 2020