

Child Care Insights

Revocation of registration as a registered provider of supports under the NDIS

Under section 72 of the National Disability Insurance Scheme Act 2013 (**NDIS Act**) the Chief Executive Officer of the National Disability Insurance Agency (**CEO**) has a discretion to revoke the approval of a registered provider of supports under the NDIS Act.

The CEO may revoke the approval if satisfied that:

- (a) the person or entity no longer meets the criteria prescribed by the NDIS rules; or
- (b) the application by the person or entity for approval contained information that was false or misleading in a material particular; or
- (c) a circumstance exists that:
 - (i) is a circumstance prescribed by the NDIS rules; and
 - (ii) presents an unreasonable risk to one or more participants.

Before deciding to revoke the approval the CEO must notify the provider that revocation is being considered. The notice from the CEO must:

- (a) be in writing and must include the CEO's reasons for considering the revocation; and
- (b) invite the person or entity to make submissions, in writing, to the CEO within 28 days after receiving the notice; and
- (c) inform the provider that if no submissions are made within that period, any revocation may take effect as early as seven days after the end of the 28 day notice period referred to above.

The CEO must notify the person, in writing, of the decision within 28 days after the end of the 28 day period for making submissions. If notice of the decision is not given within this period then the CEO is taken to have decided not to revoke the instrument.

The Australian Government's Department of Education and Training publishes a Childcare Enforcement Action Register which is a list of education and care services which have been the subject of a sanction

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and/or immediate suspension under the *A New Tax System (Family Assistance) (Administration) Act 1999* (**the Family Assistance Law**).

Approved providers of supports under the NDIS who have persons with management and control, employees or contractors in common with education and care services which have been the subject of a sanction or immediate suspension under the Family Assistance Law may find themselves in receipt of a notice from the CEO in respect of the NDIS approval on the basis that the NDIS provider, or an employee or contractor of the NDIS provider, has been the subject of an adverse action by a responsible authority.

Approved providers are recommended to provide comprehensive submissions and evidence in response to the CEO's notice within the 28 day notice period.

For assistance in relation to registration or revocation as a provider of supports under the NDIS, or in relation to the Family Assistance Law, please contact [Georgina Odell](#).



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