



State/Territory Arrangements for persons seeking to work on an NDIS Worker Check application that has not been determined.

With the commencement of NDIS Worker Screening on 1 February 2021 (excluding the NT), workers engaged in risk assessed roles for registered NDIS providers are required to have an NDIS Worker Screening Clearance or an acceptable check under transitional and special arrangements.

Requirements in relation to acceptable checks have been in place since 1 July 2018 in NSW and SA, since 1 July 2019 in QLD, ACT, VIC, TAS and the NT and since 1 December 2020 in WA. For more information on the requirements in place that relate to acceptable checks see [transitional and special arrangements information](#) available on our website.

There will be situations where workers who have submitted an application for an NDIS Worker Screening Check and are awaiting a determination may be permitted to engage in work requiring an NDIS Worker Screening Check in certain circumstances.

The [National Disability Insurance Scheme \(Practice Standards—Worker Screening\) Rules 2018](#) (the Rules) and state or territory legislation govern whether a worker can or cannot work in a risk assessed role whilst in the process of obtaining an NDIS Worker Screening Clearance.

Workers seeking to rely on having submitted an application for an NDIS Worker Screening Check to work in risk assessed roles are likely to fall within the following scenarios:

- A worker is new to the NDIS sector and will be working in a risk assessed role for a registered NDIS provider;
- A worker hasn't been previously engaged in a risk assessed role by a registered NDIS provider; or
- A worker's acceptable check under the transitional arrangements expired or ceased to be recognised before they applied for an NDIS Worker Screening Check.

It is important to note that NSW, Western Australia, Tasmania, the ACT and the NT have arrangements that accommodate workers who have made an application for an NDIS Worker Screening Check but their application is not yet determined. The first table sets out the relevant arrangements.

Queensland, South Australia and Victoria do not allow workers to rely on having made an application for an NDIS Worker Screening Check to start work in risk assessed roles. The second table sets out the relevant arrangements.

The following tables summarise the arrangements in each state and territory under the [National Disability Insurance Scheme \(Practice Standards—Worker Screening\) Rules 2018](#) (the Rules) and state and territory legislation that allow or do not allow a person to engage in a risk assessed role when the person is in the process of obtaining an NDIS Worker Screening Check.

The following tables should be read with the Rules and the relevant state/territory worker screening law.

'Work on application' jurisdictions and requirements	
NSW WA	<p>In NSW and WA, in accordance with the Rules, a registered NDIS provider may allow a person to engage in a risk assessed role at a time when the person is in the process of obtaining an NDIS Worker Screening Clearance if all of the conditions in one of the three arrangements set out in points 1, 2 or 3 below</p> <ol style="list-style-type: none"> 1. All of the following apply: <ol style="list-style-type: none"> a) The person has submitted a complete application for an NDIS Worker Screening Check to the NSW or WA Worker Screening Unit. An application is complete when: <ul style="list-style-type: none"> ▪ the Worker Screening Unit has issued a notice in writing to the applicant confirming that the application has been made; and ▪ if the applicant is a worker, has confirmed the application and the notice has been seen and recorded by the registered NDIS provider engaging them; and ▪ a registered NDIS provider has verified the worker in the NDIS Worker Screening Database; and b) The person is appropriately supervised by a person with an NDIS Worker Screening Clearance (a person with only an acceptable check under transitional and special arrangements does not meet this requirement); and c) The registered NDIS provider is implementing a risk management plan developed and maintained in accordance with section 12 of the Rules (including how to appropriately supervise a person). 2. All of the following apply: <ol style="list-style-type: none"> a) The person in the process of obtaining a NDIS Worker Screening Clearance (as per guidance at 1(a) above) meets the relevant requirements in the transitional arrangements (that is, they have an acceptable check in accordance with NSW or WA transitional arrangements or an acceptable aged care provider check); and b) The person has not been issued with an interim bar that is in force, is not subject to an exclusion in relation to an application for an NDIS Worker Screening Check, is not subject to a suspension that is in force in relation to an NDIS Worker Screen Clearance and has not had an NDIS Worker Screening Clearance cancelled (this can checked by a provider on the NDIS Worker Screening Database (including eligibility to work)). 3. The person is a secondary school student on a formal work experience placement with the registered NDIS provider and is directly supervised by a worker who has an NDIS Worker Screening Clearance or an acceptable check under the transitional or special arrangements.

‘Work on application’ jurisdictions and requirements

ACT	<p>In the ACT, in accordance with the Rules and the Working with Vulnerable People (Background Checking) Act 2011 (ACT) (the ACT Law), a registered NDIS provider may allow a person to engage in a risk assessed role at a time when the person is in the process of obtaining an NDIS Worker Screening Clearance if the person meets all of the conditions in one of the three arrangements set out in points 1, 2 or 3 below:</p> <ol style="list-style-type: none"> 1. All of the following apply: <ol style="list-style-type: none"> a) The person has submitted a complete application for an NDIS Worker Screening Check to the ACT Worker Screening Unit that has not been withdrawn. An application is complete when: <ul style="list-style-type: none"> ▪ the Worker Screening Unit has issued a notice in writing to the applicant confirming that the application has been made; and ▪ if the applicant is a worker, the notice has been seen and recorded by the registered NDIS provider engaging them; and ▪ a registered NDIS provider has verified the worker in the NDIS Worker Screening Database; and b) The person is appropriately supervised by a person with an NDIS Worker Screening Clearance (a person with an acceptable check under transitional and special arrangements does not meet this requirement) who (in accordance with the ACT Law) is present at all times while the person engages in regulated activity (as defined under the ACT Law and includes means a support or a service provided to people with a disability by a registered NDIS provider under the NDIS Act); and c) The registered NDIS provider is implementing a risk management plan developed and maintained in accordance with section 12 of the Rules (including how to appropriately supervise a person); and d) The person has not been issued with an interim bar or an NDIS Worker Screening exclusion (this can checked by a provider on the NDIS Worker Screening Database (including eligibility to work)); and e) The person included a named employer on their application and the named employer has agreed to engage the person to engage in regulated activity (as defined under the ACT Law). 2. All of the following apply: <ol style="list-style-type: none"> a) The person in the process of obtaining a NDIS Worker Screening Clearance (as per guidance at 1(a) above) meets the relevant requirements in the transitional arrangements (that is, they have an acceptable check in accordance ACT transitional arrangements); and b) The person has not been issued with an interim bar that is in force, is not subject to an exclusion in relation to an application for an NDIS Worker Screening Check, is not subject to a suspension that is in force in relation to an NDIS Worker Screen Clearance and has not had an NDIS Worker Screening Clearance cancelled (this can checked by a provider on the NDIS Worker Screening Database (including eligibility to work)). 3. The person is a secondary school student on a formal work experience placement with the registered NDIS provider and is directly supervised by a worker who has an NDIS Worker Screening Clearance or an acceptable check under the transitional or special arrangements.
TAS	<p>In TAS, in accordance with the Rules and the Registration to Work with Vulnerable People Act 2013 (TAS), (the TAS Law), a registered NDIS provider may allow a person to engage in a risk assessed role at a time when the person is in the process of obtaining an NDIS Worker Screening Clearance if a person meets all of the conditions in one of the three arrangements set out in points 1, 2 or 3 below:</p> <ol style="list-style-type: none"> 1. All of the following apply: <ol style="list-style-type: none"> a) The person has submitted a complete application for an NDIS Worker Screening Check to the TAS Worker Screening Unit that has not been withdrawn. An application is complete when: <ul style="list-style-type: none"> ▪ the Worker Screening Unit has issued a notice in writing to the applicant confirming that the application has been made; and ▪ if the applicant is a worker, the notice has been seen and recorded by the registered NDIS provider engaging them; and ▪ a registered NDIS provider has verified the worker in the NDIS Worker Screening Database; and b) The person is appropriately supervised by a person with an NDIS Worker Screening Clearance (a person with an acceptable check under transitional and special arrangements does not meet this requirement) who (in accordance with the TAS Law) is present at all times while the person engages in regulated activity (as defined under the TAS Law and includes an activity or service relating to or involving an NDIS participant); and c) The registered NDIS provider is implementing a risk management plan developed and maintained in accordance with section 12 of the Rules (including how to appropriately supervise a person); and d) The person has not been issued with a negative notice (as defined under the TAS Law, including an NDIS Worker Screening exclusion issued in TAS or another state or territory) or similar in another state or territory; and e) The person has not had a registration under the TAS Law (including an NDIS Worker Screening Clearance) suspended or cancelled; and f) If the person had a registration under the TAS Law (registration to work with vulnerable people), the most recent registration was not conditional; and g) The person has not been issued with an interim bar or an NDIS Worker Screening exclusion (this can checked by a provider on the NDIS Worker Screening Database (including eligibility to work)); and

'Work on application' jurisdictions and requirements

- h) The person **included a named employer on their application** and the **named employer has agreed to engage** the person to engage in regulated activity (as defined under the TAS Law); and
 - i) The named employer is **satisfied that the person has applied for registration** (including an NDIS Worker Screening Clearance) and the **application has not been determined**.
2. All of the following apply:
- a) The person in the process of obtaining a NDIS Worker Screening Clearance (as per guidance at 1(a) above) **meets the relevant requirements in the transitional arrangements** (that is, they have an [acceptable check in accordance TAS transitional arrangements](#)); and
 - b) The person has **not been issued with an interim bar** that is in force, is **not subject to an exclusion** in relation to an application for an NDIS Worker Screening Check, is **not subject to a suspension** that is in force in relation to an NDIS Worker Screen Clearance and has **not had an NDIS Worker Screening Clearance cancelled** ([this can checked by a provider on the NDIS Worker Screening Database](#) (including eligibility to work)).
3. The person is a **secondary school student on a formal work experience placement** with the registered NDIS provider and is **directly supervised by a worker** who has an NDIS Worker Screening Clearance or an acceptable check under the transitional or special arrangements..

NT

In the NT, in accordance with the Rules and the [National Disability Insurance Scheme \(Worker Clearance\) Act 2020 \(NT\)](#) (the NT Act), a registered NDIS provider may allow a person to engage in a risk assessed role at a time in the NT when the person is in the process of obtaining an NDIS Worker Screening Clearance if a person meets all of the conditions in one of the three arrangements set out in points 1, 2 or 3 below:

1. All of the following apply:
- a) The person has **submitted a complete application** for an NDIS Worker Screening Check to NT Worker Screening Unit that has not been discontinued or withdrawn. An application is complete when:
 - the Worker Screening Unit has **issued a notice in writing** to the applicant confirming that the application has been made; and
 - if the applicant is a worker, the **notice has been seen and recorded** by the registered NDIS provider engaging them; and
 - a registered NDIS provider has [verified the worker](#) in the NDIS Worker Screening Database; and
 - b) The person is **appropriately supervised** by a person with an NDIS Worker Screening Clearance (a person with an acceptable check under transitional and special arrangements does not meet this requirement); and
 - c) The registered NDIS provider is **implementing a risk management plan** developed and maintained in accordance with [section 12 of the Rules](#) (including how to appropriately supervise a person); and
 - d) The person has **not been previously subject of an NDIS Worker Screening exclusion**; and
 - e) The person is **not subject of an interim bar** ([this can checked by a provider on the NDIS Worker Screening Database](#) (including eligibility to work)); and
 - f) The person's **employer has agreed** the person can work while the person's NDIS Worker Screening application is being assessed; and
 - g) If the application for an NDIS Worker Screening Check was made in another jurisdiction, that **jurisdiction allows a person to engage in a risk assessed role** while the person's application is being determined.
2. All of the following apply:
- a) The person in the process of obtaining a NDIS Worker Screening Clearance (as per guidance at 1(a) above) **meets the relevant requirements in the transitional arrangements** (that is, they have an [acceptable check in accordance with NT transitional arrangements](#)); and
 - b) The person has not been issued with an interim bar that is in force, is not subject to an exclusion in relation to an application for an NDIS Worker Screening Check, is not subject to a suspension that is in force in relation to an NDIS Worker Screen Clearance and has not had an NDIS Worker Screening Clearance cancelled ([this can checked by a provider on the NDIS Worker Screening Database](#) (including eligibility to work)).
3. The person is a **secondary school student on a formal work experience placement** with the registered NDIS provider and is **directly supervised by a worker** who has an NDIS Worker Screening Clearance or an acceptable check under the transitional or special arrangements.

‘No card, no start’ jurisdictions and requirements

QLD	<p>The Rules and the Disability Services Act 2006 (QLD) provide that:</p> <ul style="list-style-type: none"> ▪ a person in the process of obtaining an NDIS Worker Screening Clearance (i.e. submitted application and awaiting outcome), cannot start, or continue, an engagement to carry out work in a risk assessed role for a registered NDIS provider in QLD unless they hold an NDIS Worker Screening Clearance (issued in QLD or interstate). <p>There are exceptions that allow a person to start, or continue, an engagement to carry out work in a risk assessed role for a registered NDIS provider in QLD without an NDIS Worker Screening Clearance, being:</p> <ul style="list-style-type: none"> ▪ the person is in the process of obtaining an NDIS Worker Screening Clearance and holds a valid acceptable check under the transitional and special arrangements that apply in QLD (e.g. a yellow card, yellow card exemption, current registration as a health practitioner in accordance with the <i>Health Practitioner Regulation National Law 2009</i> (Qld), blue card or blue card exemption if working with children with disability only, or an acceptable aged care provider check); or ▪ the person is a secondary school student on a formal work experience placement with a registered NDIS provider and is directly supervised by a worker of the provider who has an NDIS Worker Screening Clearance or an acceptable check under the transitional or special arrangements.
SA	<p>The Rules and the Disability Inclusion Act 2018 (SA) provide that a person who is in the process of obtaining an NDIS Worker Screening Clearance (i.e. submitted application and awaiting outcome) cannot engage in a risk assessed role for a registered NDIS provider in SA until they obtain an NDIS Worker Screening Clearance.</p> <p>There are exceptions that allow a person to start, or continue, to work in a risk assessed role for a registered NDIS provider in SA without an NDIS Worker Screening Clearance, being:</p> <ul style="list-style-type: none"> ▪ the person is in the process of obtaining an NDIS Worker Screening Clearance and holds a valid acceptable check under the transitional and special arrangements that apply in SA (e.g. a disability services check or working with children check); and/or ▪ the person is a secondary school student on a formal work experience placement with the registered NDIS provider and is directly supervised by a worker of the provider who has an NDIS Worker Screening Clearance or an acceptable check under the transitional or special arrangements.
VIC	<p>The Rules and the Worker Screening Act 2020 (VIC) provide that a person who does not hold an NDIS Worker Screening Clearance including one given by another state or territory must not engage in a risk assessed role for a registered NDIS provider in VIC except if:</p> <ol style="list-style-type: none"> a) The person is in the process of re-applying for an NDIS Worker Screening Clearance and the application has not been finally decided or withdrawn; and <ul style="list-style-type: none"> ▪ has not been issued with an interim NDIS Worker Screening exclusion (this can be checked by a provider on the NDIS Worker Screening Database); and ▪ has not been issued with an NDIS Worker Screening exclusion (in VIC or another state or territory) (this can be checked by a provider on the NDIS Worker Screening Database); and ▪ is not on the Sex Offenders Register or subject to a supervision order, detention order or emergency detention order; and ▪ has not been charged with, convicted or found guilty of an NDIS category A offence or NDIS category B offence under the <i>Worker Screening Act 2020</i> (Vic) that was committed when they were an adult. b) The person does not hold an NDIS Worker Screening Clearance, however: <ul style="list-style-type: none"> ▪ the person has applied in another state or territory for an NDIS Worker Screening Clearance and the application has not been finally decided or withdrawn; and ▪ the law of that state or territory permits the worker to engage in a risk assessed role pending determination of that application (NSW, ACT, WA, NT and TAS). <p>There are further exceptions that allow a person to engage in a risk assessed role for a registered NDIS provider in VIC without an NDIS Worker Screening Clearance, being:</p> <ol style="list-style-type: none"> a) the person holds a valid acceptable check under the special and transitional arrangements; and/or b) the person is a secondary school student on a formal work experience placement with the registered NDIS provider and: <ul style="list-style-type: none"> ▪ is directly supervised by a worker of the provider who has an NDIS Worker Screening Clearance or an acceptable check under the transitional or special arrangements; and ▪ has not been given at any time an NDIS Worker Screening exclusion (in VIC or another state or territory); and ▪ is not on the Sex Offenders Register or subject to a supervision order, detention order or emergency detention order.

Residential Aged Care providers

Residential Aged Care provider

A registered NDIS provider may allow a person to engage in a risk assessed role at a time when the person does not have a clearance if:

- (a) the registered NDIS provider is an approved provider (within the meaning of the *Aged Care Quality and Safety Commission Act 2018*); and
- (b) the person is:
 - (i) a staff member of the approved provider; or
 - (ii) a volunteer for the approved provider; or
 - (iii) one of the approved provider's key personnel (within the meaning of the *Aged Care Quality and Safety Commission Act 2018*); and
- (c) the person has an acceptable aged care provider check

If the worker does not satisfy any of the above the relevant state and territory rules apply as above.