

## Summary of legislation changes

## Summary of legislation changes

## NDIS legislation changes have now started

The table below highlights the legislative changes that have now come into effect on 3 October 2024.

We will continue to support participants and providers by sharing important information and updates.

Some changes will start on 3 October 2024.

Other changes will start later once they are designed and implemented.

Amendment	New legislation	Impact	When the changes start
Section 21 Separate pathways	<p>When you apply to access the NDIS, the NDIA will consider, decide and tell you if you have met the disability requirements, early intervention requirements, or both.</p> <p>This change supports the creation of new participant pathways, for example, for participants who will benefit from early intervention.</p> <p>For further information refer to the new <a href="#">Applying to the NDIS guideline</a>.</p>	<p>This impacts people applying to access the NDIS.</p> <p>Now: We will tell you how you've met access to the NDIS – that is, whether you have met the disability or early intervention requirements. This will not change how you experience the NDIS until the new participant pathways are designed in the future.</p> <p>Later: You'll be supported by the relevant participant pathway depending on how you meet access to the NDIS.</p>	This applies to access requests made on or after 3 October 2024.
Section 24 Disability requirements	<p>Disability requirements have been updated to clarify that a person should only access the NDIS if they require supports which are NDIS supports.</p> <ul style="list-style-type: none"> <li>● existing participants upon eligibility reassessment.</li> </ul> <p>This makes it clearer when a mainstream system is responsible for providing support.</p> <p>For further information refer to the new <a href="#">Applying to the NDIS guideline</a>.</p>	<p>This impacts:</p> <ul style="list-style-type: none"> <li>● people applying to access the NDIS</li> <li>● existing participants upon eligibility reassessment.</li> </ul> <p>Now: There will be clearer guidance for prospective participants and access delegates about the supports available under the NDIS.</p>	From 3 October 2024, when the laws start.
Section 25 Early intervention requirements	<p>Early intervention requirements have been updated to clarify that a person should only access the NDIS if they require supports which are NDIS supports.</p> <ul style="list-style-type: none"> <li>● existing participants upon eligibility reassessment.</li> </ul> <p>This makes it clearer when a mainstream system is responsible for providing early intervention support.</p> <p>For further information refer to the new <a href="#">Applying to the NDIS guideline</a>.</p>	<p>This impacts:</p> <ul style="list-style-type: none"> <li>● people applying to access the NDIS</li> <li>● existing participants upon eligibility reassessment.</li> </ul> <p>Now: There will be clearer guidance for prospective participants and access delegates about the supports available under the NDIS.</p>	From 3 October 2024, when the laws start.
Section 19 Limit on making new access request	<p>If you have your status as a participant revoked and request a review of that decision, you cannot make another access request until your review is complete.</p> <p>For further information refer to the new <a href="#">Applying to the NDIS guideline</a> and <a href="#">Leaving the NDIS guideline</a>.</p>	<p>This impacts people applying to access the NDIS.</p> <p>Now: You can apply to access the NDIS again if we decide or are taken to have decided that you don't meet the access criteria, but only after your review is complete.</p>	From 3 October 2024, when the laws start.
Section 34 Supports for impairments	<p>The NDIS will only fund NDIS supports for the impairments that meet the disability or early intervention requirements, or both.</p> <p>For further information refer to the new <a href="#">Reasonable and necessary supports guideline</a>.</p>	<p>This impacts participants at planning and using their plan for plans approved or varied after the law starts.</p> <p>Now: NDIS supports in your plan must relate to your impairments that meet the disability or early intervention requirements, or both.</p>	From 3 October 2024, when the laws start.

Amendment	New legislation	Impact	When the changes start
Section 32BA Impairment notices	<p>Participants will receive an impairment notice when they meet access to the NDIS or transition to new framework plans. This will list their impairment(s) in relation to which they met the disability and/or early intervention requirements.</p> <p>For further information refer to the new <a href="#">Creating your plan guideline</a>.</p>	<p>This impacts people applying to access the NDIS.</p> <p>Later: Impairments are clearly identified and communicated as part of access and planning.</p> <p>Current participants will receive a notice of impairment(s) prior to their transition to new framework plans</p>	From 1 January 2025 for new access requests, and at a date to be confirmed for existing participants.
Section 10 NDIS supports	<p>Introduces a definition of NDIS supports – supports that can be funded by the NDIS and declared by the NDIS rules to be NDIS supports.</p> <p>A replacement rule will enable participants to request a replacement support that is not an NDIS support (in individual circumstances) so they can claim and use that support.</p> <p>For further information refer to <a href="#">What does NDIS fund? (the lists)</a> and <a href="#">Principles we follow to create your plan</a>.</p>	<p>This impacts all participants.</p> <p>Now: You can only spend your NDIS funds on NDIS supports. This change will impact access and planning decisions and funding acquittal practices.</p>	From 3 October 2024, when the laws start.
Section 44 Plan management decision	<p>When deciding your plan management type we need to consider if you or your nominee have been convicted of an offence punishable by 2 years or more or involving fraud or dishonesty.</p> <p>For further information refer to the new <a href="#">Guide to self-management</a> and <a href="#">Creating your plan guideline</a>.</p>	<p>This impacts participants who self-manage.</p> <p>Now: The NDIA may change the way your plan is managed.</p>	From 3 October 2024, when the laws start.
Section 44 Plan management decision	<p>The NDIA can consider changing your plan management type in certain circumstances, including if we think:</p> <ul style="list-style-type: none"> <li>● you</li> <li>● your nominee</li> <li>● your plan manager</li> <li>● a child representative</li> </ul> <p>Are unlikely to spend your NDIS funds properly relating to:</p> <ul style="list-style-type: none"> <li>● NDIS supports and</li> <li>● in line with your plan.</li> </ul>	<p>This impacts participants who self-manage or use a registered plan manager.</p> <p>Later: The NDIA may change the way your plan is managed.</p>	Implementation timing to be confirmed.
Section 33 Total funding amounts, funding component amounts and funding periods.	<p>Plans approved after the law comes into effect will have total funding amounts, funding component amounts and funding periods.</p> <p>This clarifies the amount of funds available in the plan and how long the funds need to last.</p> <p>For further information refer to the new <a href="#">Your plan guideline</a>.</p>	<p>This impacts participants (existing and new) upon new plan approval – it will not be retrospectively applied to all plans.</p> <p>Now: You will need to spend within the funding amount in a given funding period.</p> <p>For now, funding periods will be 12 months. This will not reduce your total plan funds.</p> <p>Later: There may be more variability in the length of funding periods, however funding periods can be no longer than 12 months.</p>	Implementation timing to be confirmed.

Amendment	New legislation	Impact	When the changes start
Section 47A Plan variations	<p>Specific changes can be made to your plan without needing to create a new one.</p> <p>For further information refer to the new <a href="#">Changing your plan guideline</a> .</p>	<p>This impacts participants who have a new plan created after the law comes into effect – a plan with total funding amounts, funding components and funding periods.</p> <p>Now: If your plan has funding amounts and funding periods, these can be varied in some circumstances.</p>	From 3 October 2024, when the laws start.
Section 30 Information gathering for deciding whether to revoke participant's status	<p>The NDIA can request specific information or require you to do certain things like undergo an assessment if we are considering revoking your status as a participant.</p> <p>If you do not comply with the request within a reasonable time, the NDIA may revoke your access to the NDIS.</p> <p>For further information refer to the new <a href="#">Leaving the NDIS guideline</a> .</p>	<p>This will impact participants if the NDIA is considering revoking their status as a participant.</p> <p>Now: If you don't provide requested information within the timeframe, your access to the NDIS may be revoked. More time can be allowed if this is reasonable.</p>	From 3 October 2024, when the laws start.
Section 30A Eligibility reassessment	Allows Rules to require that certain cohorts undergo an eligibility reassessment in particular circumstances, for example when children turn 9.	<p>This will impact participants who undergo eligibility reassessment.</p> <p>Later: The Rules may set out circumstances in which particular cohorts undergo eligibility reassessments.</p>	Implementation timing to be confirmed
Section 45A Claims and payments framework	Introduction of a legislative claims and payments framework for the NDIS to provide clarity on how claims should be made.	<p>This impacts all participants and providers from commencement.</p> <p>Later: All claims must be made within two years of providing the support.</p>	From 3 October 2024, when the laws start.
Section 32K New planning framework	Under the new planning framework, a flexible budget will be determined by a new budget method, informed by a support needs assessment.	<p>This will impact participants who have transitioned to new framework plans.</p> <p>Now: There is no impact until the new planning framework is created.</p> <p>Later: Existing participants will transition to new framework plans over time.</p>	Implementation timing to be confirmed
Section 32L Support needs assessment	<p>Under the new planning framework, participants will undergo a needs assessment which records their whole-of-person disability support needs.</p> <p>The NDIS will fund needs which arise from the impairments in relation to which a participant meets the disability requirements and/or the early intervention requirements.</p>	<p>This will impact participants who have transitioned to new framework plans.</p> <p>Now: There is no impact until the support needs assessment process is created.</p> <p>Later: Existing participants will transition to new framework plans over time.</p>	Implementation timing to be confirmed

## More information

If you have more questions about the changes to the NDIS, you can go to the [Department of Social Services website](#) or visit the [Frequently asked questions about legislation page](#).

## Get involved

Join [Participant First](#) for opportunities to get involved.

This page current as of 3 October 2024

