



NDIS Legislation Changes July 2022

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Fighting Chance*



NDIS Act 2013: Amendments as of July 1 2022

- New language
- New forms
- New processes
- New options

<https://www.ndis.gov.au/news/7975-2022-ndis-legislation-amendments-july-update>



Plan Variation and Plan Reassessment

NDIS Media Release 30.6.22:

1. From 1 July, when participants and their authorised representatives ask for a change to their NDIS plan, the Agency will be able to do this in some circumstances without having to replace the current plan with a new one. **This will be called a plan variation.**

These variations will help participants access new supports quickly without having to go through a full plan reassessment.

2. We will also start using the term '**plan reassessment**' instead of 'plan review' to avoid confusion with an internal review of decisions at the request of a participant (known as a review of reviewable decisions).

Participants and authorised representatives will still have the right to appeal our decisions through the current internal and external review processes.

Other changes to the NDIS ACT from 1 July '22

- Recognising the importance of carers and family in the principles of the NDIS Act.
- Adding lived experience of disability as a consideration for membership of the NDIS Board.
- Clarifying that episodic and fluctuating impairments can be considered permanent when determining eligibility to the Scheme, including for people with psychosocial disability.
- Putting risk assessments in place for participants who want to use a plan manager to purchase supports from unregistered providers.

A change to the legislation on 8 April '22

Section 100(1)

The NDIA must give reasons for reviewable decisions to each person who is directly affected by the decision.

This change will provide greater transparency around the decisions we make.

<https://www.ndis.gov.au/news/7975-2022-ndis-legislation-amendments-july-update>



Plan variation

What it used to be called	What it means
<ul style="list-style-type: none">• Light touch plan review• Plan extension, rollover or continuation• New plans with similar supports• New plans with minor changes	<ul style="list-style-type: none">• In some situations plans can be varied without a full reassessment (next slide).• A participant can request a variation at any time using the Change of Details or Situation form.• The NDIA will respond to a request for plan variation within 21 days. Response may be:<ul style="list-style-type: none">a. Deciding to vary the plan;b. Deciding not to vary the plan; orc. Notification that the NDIS need more time.• Where a plan is varied the participant will receive a copy of the varied plan within 7 days.• Where a plan reaches its end date (reassessment date) before a reassessment is completed the plan will be varied to extend by 12 months.

Plan Variations: When?

- To fix an error
- To change the funds management (Agency, Plan, Self)
- To add an item of assistive technology (equipment) or funds for home mods
- To make a change to an existing stated support
- In crisis or emergency where funding needs to be added
- If a minor variation is required to increase the funding of supports in the plan



Plan Reassessment


What it used to be called	What it means
<ul style="list-style-type: none">• Full plan review or plan review• Scheduled or unscheduled review• Change of Circumstances (CoC) review or an S48 review	<ul style="list-style-type: none">• A participant can ask for a reassessment at any time using the Change of Details or Situation form. The NDIA will respond within 21 days. A reassessment may result in:<ul style="list-style-type: none">■ a new plan■ a variation to the current plan■ the decision not to reassess the plan• The NDIA may choose to do a reassessment at the end of a plan to:<ul style="list-style-type: none">a. build a new planb. vary the existing plan

The language has changed: Internal review of decision

What it used to be called	What it means
<ul style="list-style-type: none">• S100 review• Review of reviewable decision (RORD)	<ul style="list-style-type: none">• Participants can ask for a review of NDIA decisions using the Request for A Review of a Decision form within 3 months of the decision.• If a participant is not happy with the outcome of this review, they can also ask the Administrative Appeals Tribunal to review our decision.

Forms

Form



Change of details or change of situation

You can use this form to let us know if:

- your details have changed. You can change your contact details or who you give consent to at any time.
- you want to change something in your current plan, for example how funding in your plan is managed.
- your situation has changed and your plan no longer meets your disability support needs so you want a new plan.

When you ask us to change your plan we call this a participant requested plan change. Depending on what's changed for you, we may be able to work with you to change your current plan. We call this a **plan variation**.

Or we may need to create a new plan with you. We call this a **plan reassessment**.

We generally won't change your plan if you want more funding because you've used all the funding in the plan, or you want the same supports others have received.

If there are significant changes to your situation, such as starting work for the first time or moving out of home, we might need to do a plan reassessment and create a new plan.

For a plan reassessment you'll need to give us any new information to help us decide if we need to reassess your plan this may include any assessments, reports or other information.

Please send this information to us with this form.

Check the 'Our Guidelines' website ([ourguidelines.ndis.gov.au](https://www.ndis.gov.au/our-guidelines)) to get more information about when you need to tell us about changes in your life. Select 'Your Plan' and 'Changing Your Plan' to read more.

How to use this form:

If you are the **applicant, participant or authorised representative**, please complete **Part A, Part C, and Part I**.

You can ask someone to complete this form for you, however you must provide consent before they can. You can provide consent by:

- calling us
- sending us a letter or email

V3.0 2022-06-30


Form change of details or change of situation

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This document is uncontrolled when printed

<https://www.ndis.gov.au/participants/using-your-plan/changing-your-plan/change-circumstances>

Form



Request for a Review of a Decision

The content of this document is **OFFICIAL**. You can use this form when:

- we have told you about a decision we have made
- you do not think our decision is right and want to ask for a review
- you are directly affected by the decision
- this request is within 3 months of the decision
- the decision is one that is reviewable under the law for the NDIS.

Check the 'Our Guidelines' website ([ourguidelines.ndis.gov.au](https://www.ndis.gov.au/our-guidelines)) to get more information about the decisions we can review and who can ask for a reviews of these decisions. Select 'Reviewing our Decisions' to read more.

How to use this form:

If you are the **applicant or participant**, complete **Part A, Part C and Part D**.

You can ask someone to complete this form for you but must let us know that they have your permission **before they can do this**, by:

- calling us
- sending us a letter or email
- sending us a completed [Consent for a Third Party to Act on Behalf of a Participant form](#) from the 'Consent forms' website.

Then they can complete **Part A, Part B, Part C and Part D** for you. We can't accept a form from someone on your behalf without your permission.

How do I return this form to the NDIA?

There are a few ways you can return this form to us:

- **Email:** enquiries@ndis.gov.au
- **Mail:** NDIA, GPO Box 700, Canberra ACT 2601
- **In person:** Visit a Local Area Coordinator, Early Childhood Partner or NDIS office in your area.

Form – Request for a Review of a Decision

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<https://www.ndis.gov.au/applying-access-ndis/how-apply/receiving-your-access-decision/internal-review-decision>

Review escalation pathway

Reviewable decision

Internal review of a decision

3 months

External review, AAT

28 days

Federal Court of Australia

Legislation changes



<https://www.summerfoundation.org.au/wp-content/uploads/2022/04/NEW-NDIS-LEGISLATION-guide.pdf>



Questions?

