

Make an access decision - post legislation changes

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Table of Contents

1	Recent updates	4
2	Before you start	5
3	Check legislative timeframes	6
4	Complete disability evidence	7
5	Request further information	8
5.1	Check correspondence	8
5.2	Notify the justice liaison officer (JLO) (if relevant)	9
5.2.1	Create the enquiry case	9
5.2.2	Assign the enquiry case	9
6	Approve or override the streaming case	10
7	Record access decision	11
7.1	Age and Residency Sub Criterion	11
7.1.1	Age Criterion 1: (Section 22(1)(a))	11
7.1.2	Residency Criterion 1: (Section 23(1)(a))	11
7.1.3	Residency Criterion 2: (Section 23(1)(b))	11
7.2	Early Intervention Sub Criteria	12
7.2.1	Early Intervention Criterion 1: (Section 25(1)(a))	12
7.2.2	Early Intervention Criterion 2: (Section 25(1)(b))	12
7.2.3	Early Intervention Criterion 3: (Section 25(1)(c))	12
7.2.4	Early Intervention Criterion 4: (Section 25 (d))	12
7.3	Disability Sub Criterion	13
7.3.1	Disability Criterion 1: (Section 24 (1)(a))	13
7.3.2	Disability Criterion 2: (Section 24 (1)(b))	13
7.3.3	Disability Criterion 3: (Section 24 (1)(c))	13
7.3.4	Disability Criterion 4: (Section 24 (1)(d))	13
7.3.5	Disability Criterion 5: (Section 24 (1)(e))	13
7.4	Evidence Used for Decisions (access not met only)	13
7.5	Decision Main Criteria	14
7.5.1	If access met for applicant with chronic health condition	15
7.5.2	If access met and the applicant resides in hospital	15
8	Submit decision for quality check	16
8.1	Submit proposed decision for potential quality check	16
8.2	Review quality check feedback	16
8.3	Approve access decision	16
9	Complete access decision correspondence	17
9.1	Automated Access Met letter	17
9.1.1	Check correspondence	17
9.2	Manual Access Not Met letter	17
10	Notify early childhood partner of access not met decision (developmental delay only)	18
11	Check disabilities tab (access met only)	19
12	Assign plan approval case (Motor neurone disease only)	20
13	Next steps	21

This article provides guidance for an access delegate (assessor) to:

- check legislative timeframes
- complete disability evidence
- request further information
- approve or override the streaming case
- record access decision
- submit decision for quality check
- complete access decision correspondence
- notify early childhood partner of access not met decision (developmental delay only)
- check disabilities tab (access met only)
- assign plan approval case (Motor neurone disease only).

The legislation you need to use automatically populates in the access decision case based on what is selected in the access request case.

Go to article [Complete pre-assessment of access decision](#) to decide which version of the legislation and article you need to use to make an access decision.

Use this article if you need to use the **post-legislation changes** version of the legislation to make an access decision.

1 Recent updates

3 October 2024

Updated guidance to:

- reflect legislation changes from 3 October 2024
- Update title from Make access decision to make it clear to use this article when making a decision using the post-legislation changes version of the legislation.
- Remove step to consider if the person is from a defined program as defined programs no longer apply.
- To be eligible under the disability requirements, there must be evidence the person requires NDIS supports for their lifetime. NDIS supports are the services, items and equipment that can be funded by the NDIS.
- To be eligible under the early intervention requirements, there must be evidence that supports that are likely to benefit the person will be NDIS supports.
- If the age and residence requirements are met, you must consider both the disability and early intervention requirements. The person may meet both, rather than only one or the other.
- If eligible, you must select the impairments that met the requirements for disability, early intervention requirements or both. Impairments include intellectual, cognitive, neurological, sensory, physical, or impairments to which a psychological disability is attributable. Or you can select developmental delay, and you do not need to select impairments.
- New step to advise the justice liaison officer (JLO) when requesting more evidence (if relevant)
- New step to notify early childhood partner of access not met decision (developmental delay only)
- New step to assign plan the approval case (Motor neurone disease only).

2 Before you start

You have:

- completed the pre-assessment and checked you need to use the **post-legislation changes** version of the legislation to make an access decision using article [Complete pre-assessment for an access decision](#)
- checked there is evidence of identity or an internal note to explain why it can't be provided
- checked the application is complete with evidence of consent to apply, age, residence and disability
- read article [Check eligibility – age and residence requirements](#)
- read article [Understand disability requirements](#)
- read article [Understand early intervention requirements](#).

3 Check legislative timeframes

You have **21 days** to make a decision or request further information.

When a request for further information has been made, you have **14 days** from the date that the last information or report was received to make a decision.

1. Use article [Check decision – legislative timeframes](#) to check if your decision or request for further information will be outside legislative timeframes. If:
 - inside legislative timeframes: go to section **Complete disability evidence**.
 - outside legislative timeframes: use article [Check decision – legislative timeframes](#) to record an internal note. Then go to section **Complete disability evidence**.

4 Complete disability evidence

Links to evidence documents in the access request case will display here.

1. At **Have you verified the Evidence of Disability?**, select **Yes**. This is based on section **Check evidence of disability** in article [Complete pre-assessment of access decision](#).
2. At **Select assessed Impairment**, enter text into the field and a list will display. Select relevant option.
3. Make a note of the assessed impairment name and ICD code. You will need this for section **Decision Main Criteria**.
4. At **What evidence was used to confirm the Impairment?**, select the appropriate option.

Note: **Defined Program** no longer populates the access decision.

5. At **Does the applicant's impairment belong to List A, B or D?**, select the appropriate option.

Note: This no longer populates the access decision.

6. For more information about list conditions, go to articles:
 - o [Check eligibility – List A condition](#)
 - o [Check eligibility – List B condition](#)
 - o [Check eligibility – List D condition](#).
7. Select **Add** next to **Impairment Assessment** to record additional impairments. If an:
 - o **access met** decision, add all impairments that meet eligibility requirements
 - o **access not met** decision, add all reported impairments.

5 Request further information

1. Decide if you need more information to make an access decision. Only request more information if:
 - the application is complete
 - you need more evidence after receiving the applicant's disability evidence.
2. If the applicant is a child with developmental delay turning 6 within the next 90 days, ask your team leader before requesting more information.

In this situation, it may be more appropriate to make an access not met decision. For an access request, the child must be younger than 6 on the day the access decision is made. For an internal review, the child must have been younger than 6 at the time of the access not met decision. This reduces the risk of the child turning 6 before an access decision is made.

3. At **Do you require further information from the applicant?**, select **Yes** or **No**. If:
 - **No**, select **Next**, then go to section **Approve or override streaming case**.
 - **Yes**, continue to next step.
4. At **Enter the Required Information below**, copy relevant templates from [Templates for requesting further information to make a decision – Post-legislation changes](#).
5. Select **Next**.
6. Select one or more of the criteria for the requested information from the provided tick boxes.
7. Select **Next**.
8. Select **Done**.
9. Select **Next**.
10. At **Do you want to preview the document before sending it?**, select **Yes**.
11. Complete **Select a Recipient for preview** to preview the letter.
12. If correct, select **Next**. If incorrect, select **Previous** to update the fields that populate the letter.
13. Select **Submit Correspondence**.
14. Select **Next**. A letter will automatically be sent to the applicant or their authorised representative to request further information. The access decision case is automatically closed.

5.1 Check correspondence

1. From the **Person Account** case, select the **Documents** tab.
2. Check for **Further Information Requested** letter. **Category** will be **Outbound Correspondence**. If:
 - **Yes**, if there is a justice liaison officer, go to section **Notify the justice liaison officer (JL) (if relevant)**. If not, go to section **Next steps**.
 - **No**, go to next step.
3. Submit a [Report a defect with PACE, my NDIS Provider or Participant Portal, or my NDIS App ticket](#)
4. Share the ticket with your team leader and assistant director.

5. If there is a justice liaison officer, go to section **Notify the justice liaison officer (JL) (if relevant)**. If not, go to section **Next steps**.

5.2 Notify the justice liaison officer (JLO) (if relevant)

5.2.1 Create the enquiry case

1. Create an **Enquiry** case and reassign to the **MyNDIS Contact** using article [Create an enquiry case](#).
2. At **Requested By**, select **General Enquiry Only**.
3. At **Case Origin**, select **Internal**.
4. At **Enquiry Type**, select **Access**.
5. At **Category**, select **Access Request**.
6. At **Sub Category**, select **Escalation Enquiry**.
7. In **Enquiry Notes**, use the following template:

Further information requested to support **<Applicant's name>** NDIS application.

More information is needed about <permanency/functional capacity/lifetime supports/future support needs/whether the NDIS is the most appropriate service> of <Impairment/Impairments>. <Reason this information is being requested>.

Refer to Request for More Evidence letter in the person account for more information.

Support the applicant to provide more evidence by **<Date>** (90 days).

8. At **Enquiry Outcome** select **Keep enquiry open - Do not re-assign**. This will allow you to assign the case to the JLO later with an email notification.

5.2.2 Assign the enquiry case

1. From the **Enquiry** case, select the **Change Owner** icon next to the current **Case Owner**.
2. At the **Search Users** free text field, search for the **MyNDIS Contact**.
3. Select the tick box next to **Send notification email**.
4. Select **Change Owner**.
5. Go to section **Next Steps**.

6 Approve or override the streaming case

The streaming case is critical to make sure the Typical Support Package (TSP) is generated for eligible applicants, and they're assigned to the correct team. This is important to make sure they receive the support level they need to engage with the NDIS.

Generally, the streaming case is completed by a local area coordinator, early childhood partner or planner and the case routes to an access delegate for approval.

1. Check for a streaming case. A streaming case **must** be completed and approved **before** completing the access decision case. If:
 - o **Yes**, continue to next step.
 - o **No**, create a streaming case. Go to article [Complete a streaming case \(Streaming and Restreaming\)](#). Then continue to next step.
2. Go to article [Approve or override a streaming case \(Streaming and Restreaming\)](#) to approve or override the streaming case.

7 Record access decision

7.1 Age and Residency Sub Criterion

1. Use article [Check eligibility – age and residence requirements](#) to help you decide if the age and residence requirements are met.

7.1.1 Age Criterion 1: (Section 22(1)(a))

1. At **Is the applicant under the age of 65 years old?** select **Yes** or **No**. If
 - o **Yes**, go to section **Residency Criterion 1: (Section 23(1)(a))** to consider the next criteria.
 - o **No**, continue to next step.
2. Select **Next**.
3. Select **N/A** for all early intervention and disability requirements. You don't need to consider the remaining eligibility requirements.
4. Go to section **Evidence Used for Decisions**.

7.1.2 Residency Criterion 1: (Section 23(1)(a))

1. At **Is the applicant currently living in Australia?** select **Yes** or **No**. If:
 - o **Yes**, go to section **Residency Criterion 2: (Section 23(1)(b))** to consider the next criteria.
 - o **No**, continue to next step.
2. Select **Next**.
3. Select **N/A** for all early intervention and disability requirements. You don't need to consider the remaining eligibility requirements.
4. Go to section **Evidence Used for Decisions**.

7.1.3 Residency Criterion 2: (Section 23(1)(b))

1. At **Is the applicant an Australian Citizen or a Current Eligible Visa Holder?** select **Yes** or **No**. If:
 - o **Yes**, select **Next** and go to section **Early Intervention Sub Criteria** to consider the next criteria.
 - o **No**, continue to next step.
2. At **Why does the applicant not meet the sub criteria?**, select the relevant option.
3. Select **Next**.
4. Select **N/A** for all early intervention and disability requirements. You don't need to consider the remaining eligibility requirements.
5. Go to section **Evidence Used for Decisions**.
6. Select **Next**.

7.2 Early Intervention Sub Criteria

1. Use article [Understand early intervention requirements](#) to help you decide if the early intervention requirements are met.
2. Consider if the applicant has an impairment on List B or D. This no longer populates in the access decision. You need to select the relevant criteria manually. If:
 - **list D** and the child is younger than 7, select **Yes** to all early intervention requirements and select **Next**.
 - **list B**, select **Yes** to **Early Intervention Criterion 1: (Section 25(1)(a))** and **Early Intervention Criterion 2: (Section 25(1)(b))**. Then consider the remaining early intervention requirements based on the evidence.
3. If none of the above, consider each early intervention requirement based on the evidence. All early intervention requirements must be answered.
4. If you select **No** for any criteria, select the reason the early intervention requirement is not met.

7.2.1 Early Intervention Criterion 1: (Section 25(1)(a))

1. At **Is there one or more identified intellectual, cognitive, neurological, sensory or physical impairments that are, or are likely to be permanent (section 25(1)(a)(i) or is there one or more identified impairments that are attributable to a psychiatric condition that are, or are likely to be, permanent (section 25(1)(a)(ii))?**:
 - Select **Yes** or **No**.
 - If **No** and the applicant is younger than 6, there will be questions to consider if the child has a developmental delay that meets the early intervention requirements.

7.2.2 Early Intervention Criterion 2: (Section 25(1)(b))

1. At **Is the provision of early intervention supports likely to benefit the person by reducing the person's future needs for supports in relation to disability?**
 1.
 - Select **Yes** or **No**.

7.2.3 Early Intervention Criterion 3: (Section 25(1)(c))

1. At **Is the provision of early intervention supports likely to improve, or reduce deterioration, of functional capacity or strengthen sustainability of informal supports?**:
 - Select **Yes** or **No**.

7.2.4 Early Intervention Criterion 4: (Section 25 (d))

1. At **Are any early intervention supports that would be likely to benefit the person as mentioned in paragraphs 25(1)(b) and (c) NDIS supports?**:
 - Select **Yes** or **No**.
2. Select **Next**.

7.3 Disability Sub Criterion

1. Use article [Understand disability requirements](#) to help you decide if the disability requirements are met.
2. Consider if the applicant has an impairment on List A or B. This no longer populates in the access decision. You need to select the relevant criteria manually. If:
 - **list A**, the disability requirements are met. Select **Yes** to all disability requirements and select **Next**.
 - **list B**, select **Yes** to **Disability Criterion 1: (Section 24 (1)(a))** and **Disability Criterion 2: (Section 24 (1)(b))**. Then consider the remaining disability requirements based on the evidence.
3. If none of the above, consider each disability requirement based on the evidence. All disability requirements must be answered.
4. If you select **No** for any criteria, select the reason the disability requirement is not met.

7.3.1 Disability Criterion 1: (Section 24 (1)(a))

1. At **Are the impairment(s) attributable to one or more intellectual, cognitive, neurological, sensory or physical impairments or to psychiatric condition(s)?**:
 - Select **Yes** or **No**.

7.3.2 Disability Criterion 2: (Section 24 (1)(b))

1. At **Are the impairment(s) permanent, or are they likely to be permanent?**:
 - Select **Yes** or **No**.

7.3.3 Disability Criterion 3: (Section 24 (1)(c))

1. At **Does the impairment(s) result in substantially reduced functional capacity?**:
 - Select **Yes** or **No**.

7.3.4 Disability Criterion 4: (Section 24 (1)(d))

1. At **Does the impairment affect the person's capacity for social and economic participation?**:
 - Select **Yes** or **No**.

7.3.5 Disability Criterion 5: (Section 24 (1)(e))

1. At **Is the person likely to require support under the NDIS for their lifetime?**:
 - Select **Yes** or **No**.
2. Select **Next**.

7.4 Evidence Used for Decisions (access not met only)

1. For any access criteria the person does not meet, record:
 - **Evidence type**
 - **Evidence** (if required) – start to enter the linked evidence name, then select relevant document.

- **Explanation** – record Criteria not met – see linked evidence.
2. Select **Next**.

7.5 Decision Main Criteria

1. These questions will automatically be completed with **Access Met**, **Access Not Met** or **N/A**:
 - **Does the person meet Age Criteria**
 - **Does the person meet Residency Criteria**
 - **Does the person meet Disability Criteria**
 - **Does the person meet Early Intervention Criteria**
 - **Overall decision.**

Note: An applicant may meet both the disability and early intervention requirements.
2. If **Overall decision** is:
 - **Access Not Met**, go to step 9.
 - **Access Met**, go to next step.
3. Open the [Impairment Categories Guide](#) to complete the next steps.
4. Search the **ICD 10 Code** or **Condition** name for **all** impairments that meets the requirements for disability, early intervention, or both.
5. Note the **Required impairment category** column.
6. Consider if any of the **Optional impairment categories** in the guide apply based on the evidence provided:
 - **Intellectual** – such as how they speak and listen, read and write, solve problems, and process and remember information.
 - **Cognitive** – such as how they think, learn new things, use judgment to make decisions, and pay attention.
 - **Neurological** – such as how their body functions.
 - **Sensory** – such as how they see or hear.
 - **Physical** – such as the ability to move parts of their body.
 - **Psychosocial** - This means they have reduced capacity to do daily life activities and tasks due to your mental health.
7. If the early intervention requirements are met, at **Which of the following meet the eligibility criteria for access?**, select options that apply for **all eligible** impairments that met the early intervention requirements:
 - **Intellectual**
 - **Cognitive**
 - **Neurological**
 - **Sensory**
 - **Physical**
 - **One or more impairments to which a psychological disability is attributable**
 - **Developmental Delay.**

8. If the disability requirements are met, at **Which of the following meet the eligibility criteria for access?**, select options that apply for **all eligible** impairments that met the disability requirements:

- **Intellectual**
- **Cognitive**
- **Neurological**
- **Sensory**
- **Physical**
- **One or more impairments to which a psychological disability is attributable.**

Note: This is important as we only fund NDIS supports for eligible impairments that meet the requirements for disability, early intervention or both.

9. If the decision isn't correct: Select **Back**.
- Re-check and update **previous** criteria as per above steps.
10. If the decision is correct:
- **Select Save for later.**

7.5.1 If access met for applicant with chronic health condition

You **must** request technical advice from the Technical Advisory and Practice Improvement branch (TAPIB).

1. First send a technical support request to [SEB.QUALITY](#) to request Quality Development Officer (QDO) feedback.
2. If the QDO agrees, request technical advice from TAPIB using the following articles:
 - [Create a technical advice case](#)
 - [Complete the risk matrix for a technical advice case](#)
 - [Review and action returned technical advice case.](#)

Note: You can review relevant article in the [TAPIB Digest](#) to help you refine your request.

If access met for applicant younger than 25 with primary psychosocial disability

You **must** receive endorsement from your team leader or assistant director.

- First send a technical support request (Review Request: Under 25 Psychosocial) to [SEB.QUALITY](#) to request QDO feedback.
- If the QDO agrees, they will email your team leader or assistant director to request endorsement.

7.5.2 If access met and the applicant resides in hospital

You **must** ask for QDO feedback.

1. Send a technical support request to [SEB.QUALITY](#) to request QDO feedback. They will decide if TAPIB advice is required.

8 Submit decision for quality check

8.1 Submit proposed decision for potential quality check

1. Complete the [Access Assessor Outcome Form](#) to submit the proposed access decision for a potential quality check. An email will advise you if the proposed decision is sent for quality check. If:
 - o **not sent** for quality **check**, go to section **Approve access decision**
 - o **sent** for quality check, go to section **Review quality check feedback**.

8.2 Review quality check feedback

1. Review quality check feedback when received by email. If:
 - o **no adjustment** required and **you** agree with the feedback, go to section **Approve access decision**
 - o **adjustment required** and you **agree** with the feedback, continue to next step.
2. Re-assess and amend access decision in line with the feedback.
3. From the **Decision Main Criteria** screen, select **Save for later**.
4. Go to section above **Submit proposed decision for potential quality check** to re-submit for a potential quality check.

Note: For technical support to understand the legislative criteria, please send a technical support request to [SEB.QUALITY](#).
If you **don't agree** with the feedback, contact your team leader about the reconsideration process.

8.3 Approve access decision

1. Return to **Decision Main Criteria** view.
2. Select **Approve** to submit decision.
3. Go to section **Complete access decision correspondence**.

9 Complete access decision correspondence

9.1 Automated Access Met letter

1. Check the correspondence preferences of the applicant are correct. Select **Next**.
2. At **Do you want to preview the document before sending it?** select **Yes** or **No**.
3. If you select **Yes**, you need to **Select a Recipient for preview?**. Select the applicant you wish to preview the correspondence for and select **Next**.
4. A letter preview will generate.
5. If correct, select **Next**. If incorrect, select **Previous** to update the fields that populate the letter.
6. Select **Submit Correspondence**. An automatic access met decision letter will be sent to the person or authorised representative.
7. At **Correspondence Summary** select **Next**.
8. Select **Done** to close the access decision case.

9.1.1 Check correspondence

1. In the **Access Decision** case, select the **Documents** tab.
2. Check for **Outcome of Application – Eligible letter**. **Category** is **Outbound Correspondence**. If:
 - **Yes**, go to section **Check disabilities tab**
 - **No**, go to next step.
3. Submit a [Report a defect with PACE, my NDIS Provider or Participant Portal, or my NDIS App ticket](#),
4. Share the ticket with your team leader and assistant director.
5. Go to section **Next steps**.

9.2 Manual Access Not Met letter

PACE **won't** generate an automatic **Access Not Met letter**. You need to complete and send a manual letter.

1. Select **Done** to close the access decision case.
2. Complete the manual access not met letter using these articles:
 - [Letter –Access not met decision](#)
 - [Template – Access not met decision – post legislation changes](#).

Note: Only the letter text is required from this resource. **Interactions are not required.**
3. Use article [Send a manual letter](#) to complete this process.

10 Notify early childhood partner of access not met decision (developmental delay only)

If the child is younger than 6 with a developmental delay, you need to notify the early childhood partner of the access not met decision.

1. Create an **Enquiry** case and reassign to the **MyNDIS Contact** using article [Create an enquiry case](#).
2. At **Requested By**, select **General Enquiry Only**.
3. At **Case Origin**, select **Internal**.
4. At **Enquiry Type**, select **Partner Supported Access**.
5. At **Category**, select **General Information**.
6. In **Enquiry Notes**, use the following template:
7. Access not met decision for developmental delay made on **<Date>**.

Evidence provided does not support the developmental delay criteria because <provide a summary of the justification for the decision e.g. the applicant does not have a significantly lower ability to do everyday activities, when compared to children of the same age>.

<If the child is turning 6 within 90 days: The child is turning 6 within 90 days. It may be more appropriate to support the applicant with an internal review, rather than a new access request. For an access request, the child must be younger than 6 on the day the access decision is made. For an internal review, the child must have been younger than 6 at the time of the access not met decision. This reduces the risk of the child turning 6 before an access decision is made.>

Access request outcome will be communicated to the applicant's authorised representative – refer to case activity for updates.

Please support applicant with next steps such as early connections.

8. At **Enquiry Outcome** select **Re-assign** this enquiry to another user.
9. At **Case Re-assignment Reason** select **Referral to Partner**.
10. At **Select User or Queue** select **User**.
11. At **Case Owner** enter the applicant's **MyNDIS Contact**.

11 Check disabilities tab (access met only)

The **Disabilities** tab **must** include all impairments that meet the requirements for disability, early intervention or both as this affects planning.

There may be impairments that you need to add or remove.

1. From the **Person Account**, select **My Profile**.
2. Select the **Disabilities** tab.
3. Review **Active status** to see what impairments are current.
4. If required, use article [Update a person account](#) to:
 - o add **impairments** that meet the eligibility requirements
 - o **remove** any impairments that don't meet the eligibility requirements by adding an **End Date**.

12 Assign plan approval case (Motor neurone disease only)

If you are in the Priority Health Access Team and have made an access met decision for an applicant with Motor neurone disease (also known as Lou Gehrig's disease or Amyotrophic lateral sclerosis), assign the **Plan Approval** case to the **Aged Care Referral Routing Queue**.

In all other situations, a plan approval case will automatically route to the relevant queue.

1. In the **Plan Approval** case, select the **Change Owner** icon next to the current **Case Owner**.
2. Select the **Users** icon (on the left of the search bar) then select **Queues**.
3. At the **Search Users** free text field, search and select **Aged Care Referral Routing Queue**.
4. Select **Change Owner**.

13 Next steps

1. After you complete the access decision case, an automatic contact applicant task will create. Contact the applicant or their authorised representative. If:
 - **Access met** or **access not met**, go to article [Contact to advise outcome of access decision](#).
 - **Further information requested**, go to article [Contact to request further information for access decision](#).
2. For an access met decision, a plan approval case will automatically route to the relevant queue for a planner to develop their first participant NDIS plan.