



ACCESS REQUIREMENTS OF THE NDIS

Access to the NDIS is determined by three separate and distinct legal requirements:

- the age requirements;
- the residence requirements; and
- the disability requirements or early intervention requirements.

These requirements are referred to as the NDIS access criteria. To access the NDIS a person *must* meet the access criteria (section 21).

The access criteria are designed to determine whether people with disability have a current need for support under the NDIS, based on one or more permanent impairments that have consequences for their daily living and social and economic participation on an ongoing basis.

A person will satisfy the access criteria when they meet **both** the age and residence requirements, and satisfy **either** the disability requirements or the early intervention requirements.

Generally speaking:

- a person will meet the disability requirements if they have a disability that is attributable to an impairment that is permanent or likely to be permanent and that results in substantially reduced functional capacity (rule 2.5(a) of the Becoming a Participant Rules);
- alternatively, a person can access the NDIS through the early intervention requirements without having substantially reduced functional capacity. Instead, the early intervention requirements consider the likely trajectory and impact of a person's impairment over time and the potential benefits of early intervention on the impact of the impairment on the person's functional capacity. The NDIA may consider a range of evidence in deciding the potential benefit of early intervention on a person's impairment (rule 2.5(b) of the Becoming a Participant Rules).

Once a decision is made under the NDIS Act, a person is an NDIS participant and they usually remain one for life. However, in some circumstances a person may cease being a participant.