



Queensland Independent
Disability Advocacy Network

QIDAN Response to the Consultation on the New NDIS Framework Planning Rules

To the Department of Health, Disability and Ageing

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About QIDAN

The Queensland Independent Disability Advocacy Network (QIDAN) is a statewide network of independent organisations that provide individual advocacy to Queenslanders with disability.¹ Our members include: Aged and Disability Advocacy; AMPARO Advocacy Inc; Capricorn Citizen Advocacy; Mackay Advocacy Inc; People with Disability Australia; Queensland Advocacy for Inclusion; Rights in Action; Speaking Up For You; TASC; and Yarn2Action run by Aged and Disability Advocacy.

QIDAN member organisations are independent from government and service providers. This independence enables advocates to provide rights-based support that centres the voice, will and preferences of people with disability. Disability advocacy is a crucial in strengthening the effectiveness and integrity of the NDIS. Advocates support individuals to understand and exercise their rights, participate meaningfully in decision-making, resolve issues, and navigate complex systems. In doing so, we see firsthand how policy and planning settings operate in practice, including where they work well and where improvements would enhance participant experience and outcomes.

Over the 2025-26 financial year, QIDAN advocates delivered 3,409 advocacy matters to 1,746 people with disability. Of these, 40% (1,151 matters) were NDIS related. The people who seek advocacy often experience multiple and intersecting forms of disadvantage. Of all NDIS-related advocacy matters:

- 14.3% were provided to Aboriginal and / or Torres Strait Island people with disability
- 21.3% were provided to people from culturally and linguistically diverse (CALD) backgrounds
- 19% were provided to people experiencing, or at-risk of, homelessness
- At least 10% involved a person experiencing Domestic and Family Violence (DFV)

These figures demonstrate the diversity and complexity of the cohort engaging with NDIS planning. Planning processes therefore need to be sufficiently flexible, culturally

¹ <https://qidan.org.au/>

responsive and transparent to meet people where they are, particularly those facing compounding barriers.

QIDAN advocates meet regularly through our Community of Practice, which includes regular participation of the NDIA, the NDIS Quality and Safeguards Commission, and Local Area Coordinator Partners in the Community. These forums support constructive dialogue, shared problem solving, and early identification of emerging issues.

This submission reflects both our individual advocacy and our ongoing systems advocacy.

A note on language

Language is a powerful tool for building inclusion. We use person-first language by using the term 'people with disability' but recognise that many people with disability prefer identity first language (i.e. a disabled person).

For the purpose of this submission, we use the reference to Support Needs Assessment process (or **SNA**) as the process that includes the comprehensive core needs assessment tool (or **ICAN tool**), the personal and environmental circumstances questionnaire and the targeted assessment processes. We use 'participants' to describe people with disability who have met access to the NDIS and are a NDIS participant.

QIDAN Recommendations

1. Enshrine meaningful and ongoing consultation with Aboriginal and Torres Strait Islander and culturally and linguistically diverse (CALD) people with disability in the NDIS Rules.
2. Ensure that the new SNA process is gradually implemented and tested, to promote transparency and a smooth and fair transition for participants, as per NDIS Independent Review Action 3.8. This must include a mandatory public feedback process on the three tools that constitute the SNA: the ICAN tool, the personal and environmental questionnaire and the targeted assessment process.
3. Establish clear expectations in the NDIS Rules about how the NDIA will prepare the participant for their SNA. This must include clear communication and supports to new and existing participants, ensuring continuity of supports at all times.
4. Institute minimum requirements for the qualifications, training, skills and accreditation of NDIS Assessors in the NDIS Rules. This must guarantee that SNAs will be flexible and tailored to the individual needs of the participant and include the provision of First Nations and culturally and linguistically diverse assessors.
5. Clarify in the NDIS Rules that the SNA consists of the ICAN tool, the personal and environmental questionnaire and the targeted assessment process, and all three distinct tools will be used collectively to form the SNA for all participants.
6. The NDIS Rules must introduce requirements for participants to have the opportunity to check, challenge, confirm and further substantiate the information collected during the SNA process, before and after the SNA Report is produced.
7. The NDIS Rules must require that the SNA Report is accurate, delivered in a timely manner and approved by the participant.
8. The NDIS Rules must provide clarity and transparency in relation to the replacement needs assessment. Clear circumstances that must be considered are suggested under section "Replacement Needs Assessment – s32L(7A) of the NDIS Act".

9. Publish a draft of the new budget method rules for consultation before its implementation. These rules must ensure that participant plans are designed, reviewed and approved by highly trained and qualified NDIA delegates rather than automated systems (including the use of algorithms and Artificial Intelligence).
10. Revise the list of stated supports and funding periods to prioritise the dignity of risk and flexibility. The NDIS Rules must prescribe short-term respite as a flexible support and 12 months as the default funding period.
11. Introduce minimum standards for implementation meetings and clear but limited circumstances for which a new SNA is needed for plan variations in the NDIS Rules. For true flexibility, this should be accompanied by a review of decisions that are reviewable for the purposes of s 99 of the National Disability Insurance Scheme Act 2013 (**the NDIS Act**).

Introduction

QIDAN welcomes the Australian Government's commitment to improving the NDIS through the development of new framework plans. The move towards clearer, more transparent, and more consistent planning processes aligns with the vision articulated in the NDIS Independent Review Report (**the NDIS Review**).²

QIDAN contributed to the NDIS Review and made recommendations grounded in the principles of disability awareness, co-design, independence, choice and control, supported decision making and person-centred practice.³ These principles must remain central as the new NDIS framework planning rules (**NDIS Rules**) are developed and implemented.

The detailed recommendations set out above are grounded in QIDAN's frontline individual and systemic advocacy. Collectively, they are directed toward strengthening the integrity, fairness and workability of the new framework. Our recommendations seek to ensure that the new NDIS Rules:

- Embed meaningful consultation and cultural responsiveness at their foundation
- Support a gradual, transparent and publicly accountable implementation of the SNA
- Establish clear procedural safeguards around notice, preparation and communication
- Require appropriately qualified and culturally competent assessors
- Guarantee participant choice, flexibility and supported decision-making throughout the assessment process
- Ensure transparency, timeliness and participant oversight in assessment reporting and review processes
- Promote clarity in budget-setting and protect flexibility in plan design and implementation

² NDIS Review, *Working Together to deliver the NDIS: Independent Review into the National Disability Insurance Scheme - Final Report* (2023), Actions 3.3 to 3.8, pages 100-103 <https://www.ndisreview.gov.au/sites/default/files/resource/download/working-together-ndis-review-final-report.pdf> ('NDIS Review Report').

³ QIDAN, *Submission to the NDIS Review* (2023) <https://qidan.org.au/submissions/qidan-submission-ndis-review/>

It is imperative that the new framework planning is supportive, strengthens participant confidence, reduces unnecessary disputes, and delivers fair and transparent outcomes for people with disability.

QIDAN acknowledges the work the NDIA is undertaking with the disability community to develop this new approach to framework planning. We also commend the NDIA's plan to undertake further consultation with the Participant Reference Group (PRG), Disability Representative and Carers Organisations (DRCO), the Independent Advisory Council (IAC) and other advisory groups.

New framework planning design

The success of the new framework planning requires that the disability community can hold the NDIA accountable for this process. The following considerations must guide the implementation of these reforms.

Principles to underpin the new framework planning

Key to the instigation of this reform is Recommendation 3 of the NDIS Review – Provide a fairer and more consistent participant pathway, with Actions 3.3 and 3.8 sitting under this recommendation.⁴

The NDIS Review further stated that the implementation of reforms should be guided by lessons from the past. Such lessons include the inquiry into independent assessments under the NDIS, conducted by the Joint Standing Committee on the National Disability Insurance Scheme (**the Committee**).⁵

In October 2023, noting that changes must be designed transparently with people with disability and other relevant experts⁶, the NDIS Review recommended the following Action 3.8:

⁴ NDIS Review Report (2023), page 91.

⁵ Joint Standing Committee on the National Disability Insurance Scheme, *Independent Assessments* (2021) https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/National_Disability_Insurance_Scheme/IndependentAssessments

⁶ NDIS Review, *Working Together to deliver the NDIS: Independent Review into the National Disability Insurance Scheme - Final Report, Supporting Analysis* (2023), p 237. <https://www.ndisreview.gov.au/sites/default/files/resource/download/NDIS-Review-Supporting-Analysis.pdf>

The National Disability Insurance Agency should implement reforms to the participant pathway using an iterative, inclusive approach to design and testing, and ensure participants experience a smooth transition to the new arrangements.

Despite scattered interactions with people with disability, the proposed reform lacks clarity, testing, transparency and fails to build trust between the NDIA and participants which are essential for the success of the proposed reforms. This approach seems to step away from the original intention of the NDIS Review and the principles proposed to redesign the participant's experience.⁷

With the principles of the NDIS Review in mind, QIDAN strongly advocates for new NDIS Rules that are easy for participants to navigate and follow. At its core, the NDIS is about improving the lives of Australians with disability, and this must remain at the forefront of policy reform. Therefore, the new framework planning must be gradually tested and refined, allowing for amendments as these reforms roll out.

Ensuring processes are culturally and appropriately implemented

To ensure that the new framework planning approach is culturally respectful and appropriate, consultation must be ongoing and emphasise Aboriginal and Torres Strait Islander people with disability and people from CALD backgrounds.

With the roll out of new framework planning, it is essential that all important communications and documents from the NDIA to the participant must be made available in the participant's preferred language. Currently, QIDAN advocates that work with linguistically diverse participants repeatedly experience great difficulty and delay in obtaining correspondence and documents in their client's preferred language. Furthermore, important communications, including planning meetings and NDIS plans, are not offered in a preferred language unless the participant makes an express request. Even then, there is often considerable follow-up required. As a result, not being able to completely understand often complex correspondence related to processes or the details of their own NDIS plan is the disappointing reality for lots of CALD participants. This mean that

⁷ NDIS Review, Supporting Analysis, *Appendix B: Co-Group Feedback to the NDIS Review Panel* (2023), and p 275-277.

linguistically diverse participants are missing crucial information from the NDIA or utilising advocacy resources to ensure information is available and accessible.

QIDAN therefore recommends that upon the NDIA's first contact with the participant, the participant is proactively asked about their preferred language/s and whether this is the language they wish to receive important communications and documents in moving forward. There should also be a choice for the participant to have more than one preferred language, especially where the participant's support person might speak a different language to the participant's preferred language.

Offering culturally appropriate processes are essential not only to people from CALD backgrounds, but for Aboriginal and /or Torres Strait Islander people who will have different needs and preferences. It is crucial that these processes are regularly discussed and informed by the people who are impacted by such decisions.

Gradual testing and implementation

The NDIS Review Panel made clear that implementation of the new assessment process should only begin following rigorous testing and refinement, and once Disability Reform Ministers have endorsed the assessment, budget setting methodology and proposed implementation approach.⁸ Despite this, we note that only as of early February 2026, has the NDIA started face-to-face testing of the new SNA with an initial group of 30 participants undertaking simulated assessments.⁹ A second, "more comprehensive" testing phase is due to start in March.¹⁰ Further, at the time of writing this submission in early-March 2026, QIDAN have been informed that the NDIA has not finalised its transition plan, and therefore, it has not been endorsed by Disability Reform Ministers either. Similarly, information on the budget method steps have not been published as it had been promised on Factsheet – Step3: Building a plan.¹¹

⁸ NDIS Review, Supporting Analysis (2023), p. 308.

⁹ NDIS Website, *Participants are shaping a new way of planning for the NDIS* (February 2023) <https://www.ndis.gov.au/news/11098-participants-are-shaping-new-way-planning-ndis>

¹⁰ Ibid.

¹¹ Australian Government, Department of Health, Disability and Ageing, *New framework planning rules: Step 3. Building a plan* (January 2026) https://consultations.health.gov.au/ndis/nfp-public-consultation/user_uploads/fact-sheet---step-3.-building-a-plan.pdf

The approach to testing is concerning with the new framework planning process beginning in mid-2026 for people over the age 16 and 761,442 participants with approved NDIS plans at 31 December 2025. Moreover, the extent to which this new process has been tested and refined does not seem sufficient or proportional to the number of current and new participants that the new framework planning process will impact.

QIDAN understands that the new framework planning approach will have a 5-year transition period. However, with a mid-2026 start date, QIDAN is concerned that the customised version of the ICAN tool, the personal and environmental questionnaire and the targeted assessments have not yet been made publicly available for feedback. It seems remiss that the broader disability community has not yet been given an opportunity to provide meaningful feedback on the tools that, for some, will dictate their support needs starting in a matter of months. In addition, existing participants and prospective participants should have as much time as possible to prepare for the assessment process they will be required to undertake. QIDAN therefore recommends that the NDIS Rules mandates a public feedback process on the three SNA tools which includes the circulation of the draft versions of the ICAN tool, the personal and environmental questionnaire and the targeted assessment process.

NDIS Assessors

Action 3.4 of NDIS Review found that a significant investment must be made in the time spent on each person's assessment and in the experience of NDIS Assessors, which includes training and qualifications.¹² QIDAN is aware that the first group of NDIS Assessors were recruited by a merit-based expression of interest, with allied health qualifications viewed as highly desirable due to current ICAN accreditation requirements. We also understand that, in November 2025, a pathway for non-allied health staff was under development.¹³

¹² NDIS Review Report (2023), Recommendation 3, Action 3.4, p.93.

¹³ FOI Request, 29 January 2026, "New Framework Awareness Briefing", Available at: https://www.righttoknow.org.au/request/14068/response/45287/attach/7/FOI%2025.26%201481%20Decision%20Documents.pdf?cookie_passthrough=1

However, we have not been able to find any further public facing implementation on the progress of the development of this pathway.

QIDAN supports a background of allied health as a minimum requirement for NDIS Assessors. We believe that qualifications in social work and youth work should also be prioritised as well as people with lived experience of disability.¹⁴ If these cohorts of people are not able to be recruited internally, they should be proactively sought out and supported into NDIS Assessor roles by the NDIA. In addition to this, it is critical that where possible, the qualifications and background of the NDIS Assessor align with the participant they are assessing. For example, the SNA for a participant under the age of 16 with a complex psychosocial disability should be undertaken by a youth worker or social worker who has experience working with young people with psychosocial disabilities. Similarly, the assessment may also be completed by a person with lived experience of psychosocial disability.

In addition, QIDAN agrees that NDIS Assessors must have the skills and experience to conduct assessments in a culturally appropriate and trauma-informed way that is grounded in human rights.¹⁵ These skills are critical to ensuring that NDIS Assessors are engaging respectfully and directly with participants and their families, as well as providing accurate and reliable assessments. These skills build trust between the NDIS Assessor and the participant which is vital not only to ensure that the assessment appropriately reflects the support needs of the participant but also to instil trust and confidence in the new framework planning approach more broadly within the disability community.

Training that focuses on these important skills should be designed and delivered by the relevant representative organisations, such as First People Disability Network, The National Ethnic Disability Alliance and Women with Disability Australia or other representative organisations.¹⁶ In line with the finding of the NDIS Review Panel, QIDAN agrees that the development of a distinct and targeted workforce of First Nations and

¹⁴ NDIS Review, Supporting Analysis (2023) p. 287.

¹⁵ Ibid.

¹⁶ NDIS Review, Supporting Analysis (2023) p. 288.

CALD identifying assessors should be prioritised.¹⁷ Aboriginal and / or Torres Strait Islander participants and those from CALD backgrounds should then be able to request a NDIA Assessor who identifies as having a similar cultural background to the assessor to ensure that the assessment is culturally safe. Similarly, participants should be given the choice of a NDIS Assessors, including being able to provide a list of credentials and characteristics they would like to see in their NDIS Assessor, resulting in an appropriate match between participant and assessor as per requirements.

At the time of writing this submission, QIDAN understands that accreditation of the first round of NDIA delegates selected as NDIS Assessors is underway with the Centre for Disability Studies. QIDAN encourages the use of an external accreditation system. We are, however, concerned that without any transparency regarding the standards for accreditation or any clear oversight mechanism, that NDIS Assessors may not be suitably qualified to perform SNAs, further eroding the trust in the NDIS. In turn, causing more anxiety and psychological harm to participants. Information on the accreditation standards that NDIS Assessors must meet and how accreditation is reviewed should therefore be made publicly available to promote transparency and increase the trust of participants in the NDIS assessors and the scheme more broadly.

We note the unsettling lack of NDIS Rules proposed in relation to the NDIS Assessor. QIDAN therefore recommends that the NDIS Rules sets out clearly the minimum qualifications, skills, training and accreditation requirements for NDIS Assessors.

Preparing for a SNA

Notice of impairment and notice to have a new framework plan

We understand that the notice of impairments (s 32BA of the NDIS Act) will inform participants of the category or categories of impairment for which they meet access to the Scheme and will define the scope of the SNA. We also understand that participants will receive a notice to have a new framework plan prior to transitioning to the new planning approach (s 32B(2) of the NDIS Act).

¹⁷ NDIS Review, Supporting Analysis (2023) p. 308

Given the significance of the notice of impairments in shaping the scope of the SNA and ultimately the supports available to a participant, the sequencing of notices is critical.

Transitional Arrangements – Existing Participants

For existing participants who already have an approved plan in place, the notice of impairments should be issued before the notice to have a new framework plan, with a minimum period of three months between the two.

This period is necessary to allow participants to:

- Seek a variation of the notice of impairments where appropriate; and
- Exercise their right to internal review if they disagree with the categorisation of their impairments.

Where a review is requested, the process of issuing a notice to have a new framework plan should be paused until the review is concluded. Transitional arrangements should guarantee continuity of supports so that participants are not placed at risk of service disruption while exercising their review rights.

Importantly, during this period, existing plan funding must continue without interruption. Exceptions to the period of three months should apply in cases where the participant confirms they agree with their notice of impairment and they are happy to proceed with the new framework planning.

Transitional arrangements should guarantee continuity of supports so that participants are not placed at risk of service disruption while exercising their review rights.

Providing adequate time at this stage promotes both fairness and efficiency. Addressing disputes about impairment categorisation early will reduce the likelihood of flawed assessments, inappropriate budgets, and avoidable plan reviews later in the process.

New Participants

For new participants entering the Scheme, different considerations apply. In these cases, safeguards must be designed to protect review rights without creating unnecessary delays in access to funding.

While new participants must retain the right to challenge the content of a notice of impairments, this should not operate to delay the development of their first framework plan. The Rules should ensure that:

- The SNA and plan development process can proceed in parallel with any review of the impairment categorisation; and
- Participants are not left without timely access to reasonable and necessary supports due to procedural sequencing.

For new participants, the priority must be prompt access to supports, alongside clear and accessible mechanisms to correct errors if they arise.

Communication and Support

At this stage, it is unclear how the notices will be delivered to participants. Given the technical nature and significance of these notices, written communication alone is unlikely to be sufficient. We recommend that participants are contacted by phone, and accessible information and explanation are provided alongside formal written notices.

From QIDAN's advocacy experience, a lack of clear communication has been a significant contributor to participant distress and distrust. Transparent and proactive communication at this early stage will be critical to building confidence in the new framework.

We also recommend the introduction of a formal pathway to individual advocacy at the point when notices are issued.

This pathway should be available where:

- The NDIA delegate identifies that a participant may benefit from advocacy support; or
- The participant indicates that they would like an advocate to assist them through the transition to the new planning approach.

QIDAN's experience consistently demonstrates that when participants are supported by advocacy at key decision points, planning processes are more efficient, disputes are reduced, and plans are more likely to accurately reflect the participant's needs.

A clear, transparent and trust-based approach to the SNA

The SNA will sit at the centre of the new planning framework. For the reform to succeed, the SNA must not only be technically sound, but also perceived by participants as fair, culturally safe and transparent.

Reliability, flexibility and procedural fairness are not competing objectives, they are mutually reinforcing. When participants understand the process, feel heard, and are confident that safeguards exist to correct errors, trust in the Scheme is strengthened and disputes are reduced.

The SNA Tool and Process – s32L(2) of the NDIS Act

The SNA process envisioned by the NDIS Review is a person-centred, structured, reliable and valid assessment process that enables NDIS Assessors to accurately identify support needs and intensity rather than functional capacity.¹⁸ To achieve this vision in practice, the NDIS Rules must prioritise flexibility, transparency and trust building. A standardised assessment tool does not require a standardised or rigid experience for participants. The process must be sufficiently adaptable to reflect individual needs and circumstances. This is particularly important for Aboriginal and Torres Strait Islander people with disability and people from CALD backgrounds, for whom trust, rapport and cultural safety are foundational to meaningful participation in assessment processes.¹⁹

To ensure reliability, accuracy, flexibility and participant confidence, the NDIS Rules must have the following inclusions:

- Participants have genuine choice and control over the time and duration of the assessment, including the time of day, length of sessions and the option for multiple sessions where appropriate.
- Participants may choose the location of the assessment, including their home (including residential care services, group homes and other places of detention), by video conference, by phone or another agreed location.

¹⁸ NDIS Review Supporting Analysis p.306

¹⁹ Queensland Advocacy for Inclusion, *Independent Assessments* (2021) <https://qai.org.au/independent-assessments/>

- Participants have the right to have a support person present, including their nominee, family member, advocate, friend, or cultural support.
- The involvement of a multi-disciplinary team in the assessment process where the participant has multiple disabilities and / or experiences compounding symptoms
- Before the SNA Report is drafted, participants and their support persons (if present) are given the opportunity to check, challenge and confirm the information collected by the NDIS assessor at the end of the assessment.

The integrity of the SNA also depends on the competence of the NDIS Assessor. Even a well-designed tool will produce flawed outcomes if administered without appropriate expertise, cultural capability or disability awareness. Minimum qualification, training and accreditation standards for NDIS Assessors are therefore essential safeguards within the NDIS Rules.

It is important to note that section 32L(2) of the NDIS Act establishes that “the assessment must be undertaken using the assessment tool”, understood to be the ICAN tool. However, the SNA is described as consisting of three components: the ICAN tool, a personal and environmental circumstances questionnaire, and a targeted assessment process.

To promote consistency, fairness and transparency, the NDIS Rules must therefore clearly state that the assessment process has three distinct components that must be considered for all participants. A participant’s support needs can only be accurately or reliably captured if all three parts of the assessment are carried out for each participant.

Participants should be able to request a replacement needs assessment where procedural requirements are not met, as provided for under s 32L(7A), discussed further below.

Assessment Needs Report – s32L(6) of the NDIS Act

As the instrument that will substantially inform the participant’s plan, it is integral that the Needs Assessment Report (**the SNA Report**) is accurate, timely manner and reviewed by the participant. The associated NDIS Rules must therefore require that the SNA Report:

- Clearly sets out the evidence and associated findings from all three components of the SNA

- Specifies whether findings are drawn from the SNA tools, other relevant material provided by the participant, or existing NDIA file information, and
- Is provided to participants in both summary and full versions.

Participant oversight of the SNA Report is essential. To balance fairness with timely access to supports, the NDIS Rules should guarantee a review and response mechanism that:

- A clear opportunity for the participant to review and respond to the SNA Report
- The right to formally record disagreement with findings
- The ability to attach additional evidence or a written statement, and
- A requirement that the NDIA Delegate considers and responds to material disagreement when finalising the plan.

This approach preserves participants rights and ensures the most accurate information is informing the plan.

Clear Timeframes

The current requirement that the SNA Report be provided “as soon as practicable” lacks clarity. Defined timeframes, which must be included in the NDIS Participant Service Guarantee, would strengthen accountability and participant confidence.

QIDAN recommends that:

- The SNA Report be provided to the NDIA Delegate/ CEO within 28 days of the SNA
- The participant receives a copy within 14 days of the Delegate’s receipt. This timeframe would allow the NDIA to ensure the SNA Report is accessible to the participant based on their needs (e.g. translation to Braille and other languages or producing an easy read version of the document).
- The participant be afforded 21 days to review, respond to and provide additional evidence in relation to the Report.

Replacement Needs Assessment – s32L(7A) of the NDIS Act

Replacement needs assessments should be accessible where necessary, with clear and accessible processes. Assessment processes can be demanding, particularly where participants must repeatedly recount complex or traumatic histories. For Aboriginal and

Torres Strait Islander people with disability and people from CALD backgrounds, culturally unsafe assessment environments can compound this harm.

For this reason, the primary objective should be to ensure that the initial SNA is conducted correctly. Replacement assessments should function as a safeguard, not a routine feature of the system. To reflect this, avoid unnecessary repetition and delay, the NDIS Rules should establish that, where appropriate and agreed by the participant, a replacement assessment is conducted only in part to address the specific area of dispute. Full reassessments should be limited to circumstances where broader integrity concerns arise. When deciding whether to approve a replacement needs assessment (s 32L(7A)(b)), the NDIA Delegate should be required to:

- Obtain the participant's consent;
- Consider concerns raised before, during and after the initial SNA;
- Assign a different NDIS Assessor where suitability concerns have been identified.

The NDIS Rules must strike a balance, broad enough to protect participant rights and cultural safety, but structured enough to prevent excessive reassessment cycles that could increase wait times and reduce system efficiency.

At present, a replacement needs assessment before plan approval appears to be triggered at the discretion of the CEO or Delegate. To promote fairness and transparency, the NDIS Rules should establish a clear and accessible pathway for participants to request a replacement assessment.

QIDAN recommends prioritising the following circumstances when deciding to approve a replacement needs assessment request (s 32L(7A)(a) of the NDIS Act):

- The SNA does not reflect the participant's notice of impairments
- There is significant inconsistency between the findings of the NDIS Assessor and the participant's professional reports
- The NDIS Assessor has failed to take into account any requested information intended to inform the assessment pursuant to s 36 of the Act
- There is evidence that the SNA process has not been followed (e.g., the personal and environmental circumstances questionnaire has not been completed)

- The participant is unhappy with the SNA approach (including time, duration, location of the assessment and opportunity to have a support person attending the assessment)
- The participant, or the participant's support person, makes a request, via phone, email or in-person, within 21 days from the day the SNA was completed or 21 days from the date the SNA Report was received.

Building a plan that supports participants to participate and contribute to social and economic life

QIDAN welcome the proposed whole-of-person approach to planning and budgeting. In practice, this requires understanding the full context of a participants' impairments, functional impact and personal circumstances, and translating this into supports that are responsive and sustainable.

Budget method – s32K of the NDIS Act

For this approach to succeed, the budget setting process must be transparent, structured and equitable. Participants and their supporters must be able to understand how total funding amounts are determined, including how information from the SNA is translated into plan budgets.

At present, the proposed budget method rules have not been made available as part of this consultation. Without visibility of the methodology that will guide funding calculations and any adjustments, meaningful consultation is not possible.

To promote confidence and procedural fairness, a draft of the new budget method rules should be released for consultation prior to implementation.

In addition, participant plans and budgets must be designed, reviewed and approved by appropriately trained and qualified NDIA Delegates. While decision-support tools may assist consistency, final decision-making should not rely on automated systems, including the use of algorithms and Artificial Intelligence. Investment in training and capability development for NDIA staff will be essential to ensuring consistency, transparency and sound reasoning in budget decisions.

A whole-of-person planning approach cannot be achieved if the budget methodology is opaque or overly mechanised. Clarity at this stage will reduce disputes and strengthen participant trust in the new framework.

Stated supports – s32E(4) of the NDIS Act

The use of stated supports should remain limited to circumstances where restriction is clearly justified. Overuse of stated supports can undermine flexibility, choice and control by limiting how participants utilise their funding.

In general, the proposed list of stated supports does not appear problematic, with the exception of short-term respite. Including short-term respite as a stated support may unnecessarily restrict participant flexibility, particularly in rural and remote areas where provider options are limited. It may increase the likelihood of participants entering arrangements with providers simply because they meet a narrow definition of “respite support”, rather than because the support aligns with their preferences.

Allowing short-term respite to remain within flexible funding categories better reflects a whole-of-person approach. Participants may wish to access respite in their own home or in non-traditional formats that do not fit a prescribed model.

In determining which supports are designated as stated supports, the NDIA should prioritise dignity of risk and trust in participant decision-making. Where participants require assistance to exercise choice, supported decision-making mechanisms should be strengthened rather than restricting flexibility through funding categorisation.

Funding periods – ss32F(2)-(4), 32J and 32G(3)-(5) of the NDIS Act

Funding periods play a critical role in either reinforcing or undermining the stability and flexibility of plans. When funding periods were first introduced, the policy intent was to allow longer plan durations (for example, three years) with annual funding allocations. This approach aimed to reduce the frequency of full plan reviews, creating administrative efficiency and greater certainty for participants.

In practice, however, QIDAN advocates have observed increasing use of short funding periods, often as short as three months, within one-year plans. These short cycles can

create additional administrative burden and uncertainty, particularly where a participant is already disputing aspects of their plan.

Frequent funding period resets may result in interruptions to supports, heightened anxiety and reduced confidence in the planning framework. For participants with high-level support needs in particular, instability in funding arrangements often exacerbates existing risks and barriers to maintaining consistent supports.

While there may be circumstances where shorter funding periods are justified, these should be limited and clearly reasoned. Otherwise, it reflects a conduct of punishment, where participants are overcontrolled by the NDIA.

To promote stability and trust, the NDIS Rules should prescribe 12 months as the default funding period. Longer plan durations should continue to be available with the participant's consent. Establishing a clear default position will better align with the principles of choice, control and whole-of-person planning, while still allowing flexibility in exceptional circumstances.

Supporting participants to use their NDIS plan

Plan implementation meeting

QIDAN broadly supports the re-introduction of the plan implementation meeting. QIDAN advocates often hear with the current approach to planning that participants do not receive the support they need to understand their plan or to link in with appropriate services providers and supports. Unfortunately, this often leads to participants going without the supports they need and/ or a lack of understanding about the approved funding that can result in damaging funding cuts or lengthy reviews. NDIS Rules must establish clear requirements ensuring that participants will be adequately supported during their plan implementation, holding NDIA delegates accountable to their obligations to support participants to exercise choice and control. This should include a 2-day notice from the plan approval date to the starting date of the plan, allowing transition time for existing plans so participants can make arrangements where there are significant changes to their supports.

We have heard that participants are often called with no notice or consideration of communication preferences or accessibility and oftentimes, participants will participate in the conversation with no knowledge of the importance of the conversation. This is particularly concerning for people with CALD backgrounds where an interpreter or support person is often crucial.

To avoid replicating these issues in the new implementation meetings, QIDAN urges the NDIA to ensure the following minimum standards are included in the NDIS Rules:

- NDIA delegates must be proactive in their approach to setting up the implementation meeting to allow 7 days to contact the participant after the plan is received and a minimum of 14 days, but no longer than 21 days, for an implementation meeting to take place.
- The participant's support person or people are included in the meeting.
- The meeting must be delivered in a format that is most accessible to the participant including any communication preferences (i.e., in-person where the person resides or at a location chosen by the participant, by video conference or over the phone, in the person's preferred language or with an interpreter).
- Relevant and accessible resources must be provided to the participant so that they have an easily accessible copy of the information that was provided to them during the meeting. This must include resources in the person's preferred language.

The key to using and implementing a plan well is support from the NDIA, formal and informal networks. It is important that the NDIS Rules also prescribe that the NDIA must contact the participant and discuss any concerns about the participant's use of their budget as the spending occurs, instead of simply refusing to pay a claim (which is not a reviewable decision under s 99 of the NDIS Act. The NDIS Rules should therefore extend to ensure that participants cannot have their planned varied without notice.

Review rights

At its core, the intended purpose of new framework planning is to use a person-centred and strengths-based approach that results in simpler plans that are more flexible for participants. Flexibility is further enabled by plan variations, grievance mechanisms and

review rights when a participant does not agree with a decision that has been made by the NDIA in relation to their plan.

QIDAN is generally in support of the NDIA's current approach to plan variations and is of the opinion that the same approach should be applied for new framework planning. In a similar way to what we have recommended for replacement needs assessments, where re-assessment is required, this must be done in part where possible to limit the circumstances in which a new full SNA is required. We firmly believe that the NDIS Rules should prioritise emergency or crisis funding when setting out the circumstance for which a new SNA will not be required (either in part or in full).

Unfortunately, in practice, advocates see the restrictive nature of certain decisions that are made by the NDIA where complaint mechanisms are inadequate, and no review rights exist. QIDAN firmly believes that new framework plans can only be truly flexible if more decisions by the NDIA become reviewable for the purposes of s 99 of the Act.

One key example advocates have seen in practice is related to decisions under s 45 of the NDIS Act whereby participants have had a claim against their plan refused to be paid by the NDIA, especially where there is flexible funding available and the relevant NDIA guidelines have been adhered to. This is not a reviewable decision under the Act and the NDIA's internal complains team, as well as the Ombudsman, will not action related complaints as they are unable to change the original decision of the NDIA payments team. This means that when participants have acted in good faith and on advice only to have their claim refused, they are, in our experience, left in debt to service providers or out of pocket. QIDAN is concerned that with the introduction of the new approach to stated supports and flexible funding this risk may increase in the absence of a suitable legal remedy.

We understand this falls outside the scope of this consultation; however, it is undoubtedly well placed within the broader suite of reforms. We firmly believe that a review of decisions that are reviewable for the purposes of s 99 of the NDIS Act is critical to ensure the flexibility and sustainability of new framework planning.