



**Submission in response to the public consultation
on the NDIS New Framework Planning Rules**

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Who is the Physical Disability Council of NSW?

The Physical Disability Council of New South Wales (PDCN) is the peak advocacy organisation for people with physical disabilities in NSW. We stand up for the rights of people with physical disabilities, advocate for disability inclusion across Government and business, and drive systemic reform around accessibility.

The objectives of PDCN are:

- To advocate for the rights of people with physical disability in NSW.
- To educate people with physical disabilities in NSW about the range of services and programs available to support them.
- To develop the capacity of people with physical disability in NSW to identify their own goals and build the confidence needed to achieve their goals (i.e. self-advocate).
- To educate and inform stakeholders (i.e.: about the needs of people with a physical disability).

PDCN also convenes the NSW Disability Advocacy Network (NDAN), which is a network of 23 disability advocacy organisations across NSW. As a collective we advocate for people with physical disability, intellectual disability, psychosocial disability, people who are neurodiverse, have developmental delays and learning disabilities. We are funded by the NSW Department of Communities and Justice. Collectively we deliver systemic, representative and individual disability advocacy services across the state and represent people with disabilities in NSW at the National level.

It is important to note that PDCN's strategic plan lists the NDIS as a key strategic priority. PDCN is closely monitoring reforms to the NDIS. We understand that our community relies heavily on the NDIS for daily living and enhanced independence. Our community has been anxious about NDIS reforms for some time. By monitoring this space, we have been able to offer suggestions to the NDIA about how the NDIS could be improved.

The following submission draws on the knowledge and experience of people with lived experience of physical disability (and the lived experience of people with all types of disabilities shared through NDAN).

Introduction

The Department of Health, Disability and Aging (DHDA) opened a public consultation on the NDIS Framework Planning Rules. The New Framework Plan is part of a suite of reforms which the Department has stated are intended to make the NDIS fairer, more transparent, consistent and sustainable for the future. These reforms aim to make the interaction between the participant and the NDIA a more positive experience. Key to the new framework planning process is the supports needs assessment which will take a more person-centered approach to determining the disability services and supports needed by the individual participant.

The Physical Disability Council of NSW (PDCN) can see procedural improvements contained in the consultation material outlining the new framework plan, when compared to the old framework plan – which did not have a formal supports needs assessment process. However, PDCN wants to ensure that the new planning framework does not become a cost-containment- mechanism rather than a genuine improvement to planning quality.

People with physical disabilities represent approximately 75% of all people with disability in Australia, yet make up only 17% of current NDIS participants, demonstrating a significant and longstanding under-representation within the Scheme. This structural imbalance already limits equitable access to the NDIS.

It is essential that any planning reform remains needs -based, evidence -driven, and insulated from cost-reduction reduction pressures. PDCN wants to ensure that all participants transitioning to a new framework plan continue to receive the supports required to maintain safety, independence- and quality of life.

Section 1 - Response to the consultation materials about Step 1: Preparing for a support needs assessment

Point 1 – The consultation materials about the impairment notice and notice to transition to a new framework plan should stipulate that a participant must acknowledge receipt of the notices.

Impairment notice and notice to have a new framework plan

The key aspects of the process for preparing for a support needs assessment are the *impairment notice* and *notice to have a new framework plan*. An impairment notice formally confirms a participant’s permanent impairment(s), links them to the relevant NDIS access pathway, and establishes the legal basis and scope for future planning and funding decisions, including what impairments the NDIA will consider when assessing reasonable and necessary supports. Impairments are labelled by disability category i.e. physical disability, intellectual disability etc.

The notice to have a new framework plan is a notice addressed to an individual (or class of participants) that they are transitioning to the new framework plan. All NDIS participants must have a new framework plan within a five-year transition period as referenced in section 32C of the NDIS Act.

The NDIS rules for the impairment notice process and notice to transition to a new framework plan should stipulate that participant must acknowledge receipt of the notices/ before changes are made to a participant’s plan.

It states in the consultation material about the impairment notice that “All participants will receive a notice of impairments prior to transitioning to a new framework plan.” It does not state that a participant must acknowledge receipt of the impairment notice before being issued a notice to transition to a new plan.

It states in the consultation materials about the notice to transition to a new plan “A participant is contacted by the NDIA to tell them they are moving to a new framework plan. The NDIA will explain the support needs assessment process including a Notice of Impairments”.

PDCN raised this at the NSW Department of Communities and Justice NDIS Rules Consultation meeting held on Wednesday 4 March 2026. The disability advocacy sector in NSW also recognised this as a potential risk. Importantly, concerns about how and when participants will be formally notified of their impairment notice was acknowledged by the NDIA as a potential problem.

Evidence that people with physical disabilities have experienced changes being made to their plans without being consulted before these changes have been made.

PDCN has case studies that NDIS participants with physical disabilities have had their NDIS plans changed without being consulted in the first instance. One of these case studies is drawn from PDCN’s Lived Experience Advisory Panel in 2025.

Case Study – PDCN Lived Experience Advisory Panel member consultation 2025

“I have been self-managing my care funds since 2007. I was a participant in the first trial of self-management for complex care supports that was run by the NSW government. Since starting on the NDIS I have continued to self-manage, setting up a system where I run my care delivery like any agency would. I have always kept clear records of monies spent so that my books can be audited easily.

In September (2025), I was sent an email by the NDIS fraud and integrity team saying that they would not pay my latest claim without proof of purchase. I sent the requested documents. The NDIA refused to pay the claim. Overnight they demanded that I change my whole system of tracking and making claims.

The short time frame caused me so much stress...”

While this example is not explicitly related to the new impairment notice and notice to transition to a new framework plan processes it does demonstrate the detrimental impact that occurs when a participant’s plan is changed without their knowledge.

Potential detrimental implications of not acknowledging receipt of the notices and being unaware that an individual participants plan has been changed.

There are negative consequences to a participant having their plan changed without their knowledge. Anxiety and stress are one of those consequences. Further, this type of situation could lead participants into a position where, for example, they are spending NDIS funds on disability services and supports they can no longer access. Or they are over-spending because funding has been reduced. This could give rise to allegations of mis-use of NDIS funding or the participant might find themselves in debt to the NDIA. The long-term consequences of changing a participants plan, without their knowledge, is the erosion of participant trust in the NDIA and the overall reputational impact on the scheme if this is not addressed.

Recommendation 1. The NDIS rules about the impairment notice and notice to transition to a new framework plan must stipulate that an NDIS participant must acknowledge receipt of these notices before changes can be made to their existing NDIS plan, including the disability services and supports that can be accessed and the funding amount.

Point 2 - The consultation materials do not provide details about plans and timeframes for transitioning cohorts to the new framework plan.

Information about the process for transitioning participants to the new framework plan.

Transitioning participants to the new framework plan is a legislative requirement in accordance with the NDIS Act s32C. The timeframe for transitioning participants on old framework plans to new framework plans is 5 years.

The consultation material about Transitioning to New Framework Plans is light in detail. It does state in the *Explanatory Document - Transition to a New Framework Plan page 3* “The two classes of participants [group 1 and group 2] will be broken down further administratively as transition planning continues. The NDIA will continue to work with States and Territories as well as the broader disability community....to monitor the progress of transition to new framework plans and identify appropriate cohorts for transition. This will depend on operational considerations as well as feedback from participants and the community on the process and progress of transition.”

At this current time there is no transparency around which cohorts of participants will be transitioned to new framework plans and the timeline for those transitioning. It is critical the disability advocacy sector is made aware of these timelines to safeguard their respective communities.

PDCN is concerned that people with disabilities will be transitioned to new framework plans without the knowledge and support of the disability advocacy sector and disability representative organisations.

As stated previously, people with physical disabilities represent approximately 17% of NDIS participants. People with physical disabilities can suffer from severe, complex and rare conditions and rely in the NDIS to live independently (or even survive).

We have already heard stories about people funding being significantly reduced in the face of NDIS sustainability measures.

Case Study: PDCN Lived Experience Advisory Panel Member Consultation 2025

“I was advised in June 2025 by the LAC that I had only been given \$18,115.30 for therapy over the next two years, which was a significant drop from my last plan, where I received \$17,133.12 for 12 months. I was told if I wanted to increase my funding to do a functional capacity assessment. Even though I had just given the NDIA a 34-page functional capacity assessment from an occupational therapist.

I sent a report from a podiatrist about my risk of falling over, requesting \$840 for orthotics to reduce this risk. The delegate refused this request and offered a \$50 for a walking stick instead, which is more dangerous for me, as I trip over the walking stick every time I use it.

In addition, I have complex psychosocial disabilities and provided three reports stating this, but all my funding for a psychologist was cut.

My funding has been cut every year since 2022, which has resulted in a decline in my overall functionality. Every year I have provided evidence that the cut to my funding has resulted in a decrease in my mobility and the use of my hand to complete everyday tasks.”

While this example is not explicitly related to the transition process, it does highlight how the NDIS reforms to date have placed people with physical disabilities in a position where their funding has been routinely reduced.

The complexity of physical disability

Physical disability is varied and widespread, it includes people who live with spinal cord injury, cerebral palsy, muscular dystrophy, multiple sclerosis and other degenerative conditions, people who are blind or have low vision, people who are Deaf or hard of hearing, a person with an amputee or limb difference, short stature, polio, paraplegia, quadriplegia, spina bifida, motor neuron disease, arthritis, Parkinson's disease, acquired brain injury, or someone who has suffered a stroke, chronic pain and autoimmune condition.

Given the complexity of physical disability it is critical participants, and the NDIA, have the support from the disability advocacy sector during the transition phase. If advocates are unaware of when their cohort is being transitioned it could be months before potential detrimental impacts of the transition are realised.

Benefits of being transparent about the plan for transitioning NDIS participants to the new framework plan.

Disability advocates and disability representative organisations will require the time and resources to prepare to support their communities during the transition phase.

This mitigates risk for people with disabilities because they will be more ready for the change, and the sector that supports their rights will be more ready for the change. Issues can be resolved sooner rather than later.

“I had to cancel 80 percent of my services because NDIS cut my funding dramatically. [now I don't have much for] every day living. Because of this [funding cut] I'm frightened to have a fall at home. [In this case I will have] no support services because NDIS cut this part of my funding”. Testimonial from the PDCN Member Survey administered June 2025.

Keeping disability advocates informed about the transition to new framework plans also mitigates economic risk for the NDIA. If there are significant problems during the

transition for a particular cohort, the NDIA will have the opportunity to resolve that issue at the time instead of managing the issue retrospectively.

The NDIA spent approximately \$60 million in the financial year 2024-2025 on legal fees at the Administrative Review Tribunal to defend decisions.¹ The transition phase to new framework plans could see these costs increase if proper safeguards are not put in place.

Recommendation 2. The NDIA must be transparent with the disability advocacy sector about which disability cohorts will be transitioned to the new framework plan and timeframes around this transition.

¹ <https://www.theguardian.com/australia-news/2025/sep/24/federal-government-waging-lawfare-against-disability-support-daunting-process-families-represent-themselves#:~:text=Kate%20Lyons,figures%20from%20the%20tribunal%20show>. [Accessed 5th March 2026]

Section 2 – Response to the consultation materials about Step 2: the Supports Needs Assessment

Points 3 – The consultation materials do not provide details about the Personal and Environmental Questionnaire and the testing of the iCan Assessment tool.

The support needs assessment process

It states in the consultation materials *Factsheet – Step 2: the support needs assessment* that the support needs assessment will consist of:

- the core needs assessment tool
- a personal and environmental circumstances questionnaire
- the targeted assessment processes (for example, assessments from an allied health professional for assistive technology, home and vehicle modifications and disability-related health supports).

Information gathered during the support's needs assessment will be drafted into a support needs assessment report. The approach to support needs assessment in the new framework is intended to be more standardised compared to the old planning framework.

These tools used in combination have the potential to create a fairer supports needs assessment process as it does not rely only on allied health and medical reports – which only some people can afford.

The concern with the consultation material on the supports needs process is that it lacks detail around the Personal and Environmental Questionnaire and the outcomes from the testing being done with the iCan assessment tool.

Problems are often created when the NDIS does not consult people with disabilities and disability advocacy organisations. It causes stress, anxiety and hardship for people with disabilities and creates issues for the NDIS that must be resolved retrospectively.

a. Concerns about the lack of detail around the Personal and Environmental Questionnaire

We acknowledge that the new framework planning rules are an iterative process. In saying this, the design and content of the personal and environmental questionnaire is a critical part of the process that we have not been able to review. This information has not been made public. We cannot determine if this questionnaire will be fit for purpose.

b. Concerns about the lack of detail of the testing of the iCan tool

We also note from the DHDA website that the iCan tool is being tested with people with disabilities to assess its effectiveness. It is important the results of this test are made publicly available. Clarity needs to be provided on who was involved in the test. Were all disability cohorts included in the testing process? We have heard anecdotal information from people with physical disabilities that they are concerned that the iCan tool may not be sophisticated enough to capture their complex disability related needs.

c. Problems when details about NDIS reforms are not made clear to the public, and particularly the disability advocacy sector.

Consultation and sense checking decisions with the disability advocacy sector and people with disabilities is critical to avoid mistakes that cause anxiety for the disability community and cost the NDIA money and resources correcting issues retrospectively.

Recommendation 3. The Personal and Environmental Questionnaire should be made available to the disability advocacy sector and the public for comment and feedback. The outcomes from the testing of the iCan tool with people with disabilities should be made available for comment and feedback.

Section 3 – Response to Step 3 Building a Plan

Point 4 – The consultation materials do not include the budget method rule.

Preliminary information about the budget method rule

Budget method rules will clearly outline how the NDIA works out a participant's funding. To work out how much funding a person needs (the reasonable and necessary budget) the NDIA will use the information gathered during the support needs assessment and a set of calculations outlined in the budget method rules.

The budget method rules will outline the steps the NDIA will apply when working out total funding amounts for flexible and stated supports funding. They will also outline a set of calculations to determine total funding amounts and any adjustments required.

The consultation materials also state “More information on the budget method steps will be published to support this consultation process”.

The lack of detail about the budget method rule is causing concern across the disability advocacy sector.

The issue is of course that the budget method rule was not included in this consultation process. This was a critical discussion item at the NSW Interagency Disability Policy meeting held on Thursday 26 February 2026. As a collective, NSW Disability Advocacy organisations were concerned about what the budget method rules would look like and what the implications will be for participants.

The lack of detail about the budget method rule was also raised in the NSW NDIS Rules Consultation meeting held on Wednesday 4 March 2026. As a collective, disability advocates reinforced the importance of consulting on this critical aspect of the new planning framework. It was made clear that the public consultation of the New Planning Framework dated 6 March 2026 does not constitute consultation on the budget method rule.

If the calculations and criteria of the budget rules are not sense checked it could have serious repercussions for people with disabilities. For example, in 2025 one of the

members on the PDCN Lived Experience Advisory Panel who has cerebral palsy said that “*even though my condition is significant and permanent, my funding for speech and physiotherapy was significantly reduced.*” We don’t want to see these errors in large scale numbers through the application of a budget rule that hasn’t been properly tested.

Recommendation 4. The Budget Method Rule must be made available for comment and feedback through a public consultation process.

Point 5 - The New Framework Plan Spending Rules enable a requirement that participant obtain quotes for some flexible and states supports.

The elements of a reasonable and necessary budget (flexible funding and stated supports)

New framework plans include a participant’s reasonable and necessary budget which is made up of one or both of flexible funding and funding for stated supports. Flexible funding can be used by a participant on any support that is a NDIS support for that participant, subject to any restrictions and requirements that may be placed on that funding. Funding for stated supports must be spent on the stated support as described in a participant’s plan.

Concerns about restrictions and conditions for funding: the requirements to obtain quotes.

It states in the consultation material that “*The CEO may also provide that flexible funding and/or funding for stated supports will only be provided where certain requirements are met...For example, a requirement may be that a participant obtain a certain number of quotes for home modifications or major assistive technology before funding for that support is included in the reasonable and necessary budget.*”

For people with physical disabilities, assistive technology is often highly specialised and critical to safety and independence. Participants frequently have strong expertise about which providers and products meet their needs. In specialised and thin markets, provider options may be limited. This issue was raised at the NSW NDIS Consultation Rules Group on Wednesday 4 March 2026.

A key discussion item was whether this rule was practical for people living in regional and rural areas. Thin NDIS markets in these areas mean that often there are fewer disability providers; in some areas service providers have a monopoly. This makes obtaining multiple quotes challenging or even impossible.

It is critical the NDIA understand that a mandatory multi-quote process can create risks. Some of these risks include:

- Delays in accessing essential equipment
- Prioritising cost over suitability
- Undermining established clinical and provider relationships

Choice and control must remain central, particularly where equipment is safety critical.

Recommendation 5. The NDIA should apply the principle of choice and control and take into account the preferences and knowledge of a participant when making decisions about selecting a quote for a disability service and support.

The requirement to obtain multiple quotes for disability service and supports should not be necessary for participants living in geographical areas where there are thin markets.

Section 4 – Ancillary point related to the consultation material.

Point 6 – Information about the qualifications and skills of NDIA Assessors and NDIA delegates are not provided in the consultation material.

Concerns about the lack of details about qualifications for NDIA assessors and NDIS delegates.

The NDIA conducted a consultation with the disability advocacy sector on the 9 September 2025. The NDIS New Planning Framework ‘What we heard’ Report was published with key outcomes from this consultation. One of the key issues raised was qualifications and skills of NDIA staff.

Excerpt from What we Heard report (page 2)

“People said they want clear information about who will do the support needs assessments...

They were concerned that assessors without the right skills might not understand what people need.

People said assessors should have:

- *knowledge about different disabilities*
- *understanding of different cultures*
- *official checks and registration (for example, through the Australian Health Practitioner Regulation Agency).*

People wanted to know what training assessors will get and who will teach it. They suggested training should include:

- *supporting people who have experienced trauma*
- *understanding neurodiversity*
- *ways to help with communication*
- *rare and complex conditions*
family violence risk”

None of this information was contained in the consultation material.

Concerns about the qualifications and skills of NDIA staff have been raised by the disability advocacy sector in previous submissions.

Case Study – PDCN Individual Member Consultation 2025

“My son waited for 6 months to have a planner allocated for his NDIS change of circumstances application. His change of circumstance is transitioning from a child plan to an adult plan. A significant change.

The planner was clearly inexperienced and not fit for the job. There were various indications of this. For example, the planner got my son’s name and address wrong. They had no idea about the occupational therapy process required to get a new wheelchair assessment.

She had not read any of the evidence provided. This felt disrespectful as I had spent months preparing. It was also disrespectful that she suggested that my son could get driving lessons as he is now 18 and would probably want more independence. My son won’t ever have capacity to drive a car and if the planner had taken the time read all his reports, she would have known this.

I requested a new planner and have now been allocated a Senior Planner whom I feel very confident with.”

The success of the new Planning Framework does rely in a large part on the skills of the NDIA staff undertaking the supports needs assessment and building a participant plan. It is critical the disability advocacy sector can review the ‘training plan’ for NDIA staff.

Recommendation 6. The qualifications and skills of NDIA assessors and NDIA delegates should be considered and materials provided for feedback through public consultation.

Section 5 - Conclusion

Co design and consultation must continue as a key component of building a sustainable NDIS that is fit for purpose. The DHDA has consulted with disability advocates about the new framework through a consultation held on 9 September 2025. This consultation could have been held earlier, noting the changes to the NDIS review Act occurred in October 2023. More details about the New Framework Plan rules should have been provided. However, the key outcomes from this consultation were published in the NDIS New Framework Planning 'What We Heard' Report which was a positive step PDCN also participates in the DCJ NSW NDIS Rules Group.

The NDIS Rules should require participants to formally acknowledge receipt of an impairment notice or transition notice before any changes are made to their plan, including alterations to approved supports or funding levels. Without mandatory acknowledgement, participants may be unaware their plan has changed, leading to significant stress and anxiety. They may unknowingly access supports that are no longer approved or overspend following funding reductions, exposing them to allegations of misuse and potential debt recovery by the NDIA.

It is critical that future public consultations are held about the Budget Method Rules and NDIA Assessor and NDIA delegate qualifications and skills. The outcomes and calculation methods from the testing on the iCan tool should be made publicly available for comment. Assuming the Personal and Environmental Questionnaire is also going to be tested to assess if it is fit for purpose, these outcomes should also be made publicly available for comment.

It is also critical that the DHDA is transparent about the plan to transition cohorts to new framework plans. We understand that plans can be subject to change. However, having a plan of which disability cohorts will be transitioned to new framework plans with anticipated timeframes will help the disability advocacy sector prepare to support the NDIA with the transition process and prepare to support and safeguard participants.

The NDIS has been lifechanging for many people with physical disabilities. We want to see the NDIS made fairer, more transparent, consistent and sustainable for the future.