



Building a fair, accessible and participant –
centred planning system.

Amaze submission to Public Consultation on New
Framework Planning.

5 March 2026

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ABOUT AMAZE

Amaze is a leading autism organisation driving change so that Autistic people and their families can live their best lives in a more autism inclusive Australia. For more than 50 years, Amaze has supported Autistic people, their families, and the broader community. While based in Victoria, our reach is national. We are home to Autism Connect – Australia’s first and only national autism helpline – which provides free, evidence-informed support to anyone in Australia.

We work closely with governments, partner organisations, employers, and community groups to deliver vital information, training, and advice to the autism community and beyond. Through Amaze Inclusion, we support workplaces, education providers and service systems to become more inclusive, respectful and responsive to the needs of Autistic people and neurodivergent people. Our work includes tailored training, advisory services and co-designed programs that build capability, shift attitudes and embed inclusive practice.

Across all areas, our work is informed by research, grounded in lived experience, and shaped by what the autism community tells us matters most. Alongside providing high-quality support and building broader understanding of autism, we translate community experiences into policy advice and systems-change efforts that aim to create lasting impact.

Our vision is inspired, and our ambitions significant. Our five strategic priorities (2022–2026) – Autism Assessment and Diagnosis, Education and Training, Employment, NDIS, and Health and Mental Health – reflect the areas where we believe change will make the greatest impact for Autistic people, their families and the wider community.

EXECUTIVE SUMMARY

Amaze welcomes the opportunity to contribute to the development of the New Framework Planning model. This is a valuable opportunity to promote greater equity and consistency in planning, while prioritising inclusive, accessible and fair practices that strengthen choice and control for all participants, including Autistic people. Our submission is grounded in what Autistic people and their families tell us matters most: a system that is accessible, understands and meets individual support needs, communicates clearly, and responds flexibly as circumstances change.

The proposed framework represents a significant system shift. Without strong safeguards, meaningful human oversight, flexibility, clear accountability and accessibility embedded at every stage of the planning pathway, it risks failing to meet participants' support needs and producing poor outcomes.

We are particularly concerned about the proposed Support Needs Assessment tool, which has not yet been tested for validity, accessibility or cultural safety with Autistic people. We are also concerned that very limited information has been publicly released regarding the total budget amount calculation method. Without this information, and without exposure drafts for all New Framework Planning rules, it is difficult for Amaze and the wider community to meaningfully contribute to the design of the new system and rules. Further consultation must occur once this information is publicly available, and implementation of the new framework should be delayed until the Support Needs Assessment tool and budget calculation methods are properly tested and validated.

In the meantime, based on what we know so far, it is clear that the success of the new framework will depend on ensuring the rules are designed to capture individual needs (with participants and lived experience at the centre), and that they embed meaningful human oversight, flexibility and accountability at every stage. To achieve this, the rules must ensure that:

- **Notices of Impairment** are evidence informed and reflect the full impairment profile of Autistic participants. Processes to vary Notices must be accessible, timely and procedurally fair.
- **Support Needs Assessments** are person-centred, accessible and valid for assessing the support needs of Autistic participants. The rules must prescribe minimum qualifications and training requirements for assessors, criteria for when an assessor must have regard to additional information/reports, and obligations to provide comprehensive, individualised SNA reports to participants (with rights to review draft reports).
- **Replacement needs assessments** are available whenever original assessments fail to accurately reflect a participant's goals or support needs, including where procedural fairness or reasonable adjustments were not provided.
- **Total funding amounts calculation methods** are transparent and informed by lived experience, with human oversight to adjust budgets where evidence shows needs were not fully captured. Further consultation must be undertaken when more information about the proposed total funding amount calculation method is made publicly available.
- **Funding periods** are fair and uphold choice and control. Default 12-month Funding Periods should apply to most supports, with shorter periods used only when requested or evidence shows they are necessary to protect a participant from significant risk of harm. Shorter funding periods must be proportionate to any risk, procedurally fair, and supported by transparent, individualised reasons.
- **Restrictions on flexible supports** are applied only at a participant's request or where independent evidence shows they are necessary to protect a participant from significant risk of harm. Restrictions must be the least restrictive option available, procedurally fair, practical, and supported by transparent, individualised reasons.

- **Plan reviews** provide genuine human oversight and meaningful remedies, with powers for reviewers to consider additional evidence and adjust budgets where Support Needs Assessments do not fully reflect participant support needs.
- **Plan variations** are easier, quicker and capable of making low-burden plan changes when needs shift.

We are ready to assist.

We welcome ongoing collaboration to ensure the new framework is neuro-affirming, inclusive, and responsive for Autistic people, and to share our ideas, expertise, and community insights. Please contact me at (03) 9657 1600 or david.tonge@amaze.org.au.



Mr. David Tonge
Chief Executive Officer

SUMMARY OF RECOMMENDATIONS

STEP 1 – PREPARING FOR A SUPPORT NEEDS ASSESSMENT

1. Commit to procedural fairness and evidence informed, accessible **Notices of Impairment** by prescribing in rules:
 - (a) Accessibility requirements, ensuring Notices are written in Easy English, clearly outline their implications for the participant (including plan spending) and clearly set out review and variation rights.
 - (b) Clear timeframes for issuing Notices to participants transitioning to new framework plans.
 - (c) Procedural fairness requirements for CEO initiated variations, including mandatory notice, access to the evidence relied upon, and a reasonable opportunity (at least 120 days, with extensions available) to respond.
 - (d) An explicit participant right to request a notice variation where a Notice does not reflect their full impairment profile, including co-occurring conditions, or where more than one category is required and not captured.
2. Ensure timely access to accessible **Notices to have a New Framework Plan** by prescribing:
 - (a) Minimum timeframes for issuing Notices (at least 60 days) to ensure participants have adequate time to prepare (and seek support if needed) for transitioning to a New Framework Plan.
 - (b) Accessibility requirements, ensuring Notices are written in Easy English and clearly outline implications, next steps (i.e. Supports Needs Assessments) and timeframes.

STEP 2 – THE SUPPORT NEEDS ASSESSMENT

3. Commit to person centred, fair, quality, accessible and transparent **Support Needs Assessments** that meet the needs of Autistic people.
 - (a) Rules regarding Support Needs Assessment (SNA) process and tools should prescribe rights to planning meetings; timeframes for adequate preparation time; choice and control for participants over assessors and assessment conditions; clear criteria for when an assessor must have regard to additional information or reports; minimum qualifications and training requirements for assessors; and rights for participants to review all information collected during the SNA before finalisation.
 - (b) Rules regarding SNA reports should prescribe rights to review a draft report and to accessible report formats. They should also prescribe rights to a report that includes: a clear explanation of how the report will be used; goals and strengths; rights to request a replacement assessment; transparent considerations of evidence and reasons for decisions, and the assessment conditions and participant's accessibility requests/preferences.
4. Ensure **replacement SNAs** are available whenever the original assessment fails to accurately or fairly reflect the participant's goals and/or support needs.
 - (a) Rules should specify when the CEO must arrange a replacement needs assessment, including if the assessor has failed to consider evidence or accord procedural fairness; take a person-centred approach; or provide sufficient adjustments, supports and assessment conditions to participate. A replacement needs assessment should also be required when new or previously unavailable evidence emerges, or when circumstances change.
 - (b) Rules prescribing when the CEO must not arrange a replacement needs assessment should cover decisions based on cost, diagnosis, or any matter unrelated to the individual participant's evidence and lived experience.

5. Additional Rules regarding replacement needs assessments should prescribe:
 - (a) Clear timeframes and rights, including to access draft assessments and plans, and sufficient time to request a replacement assessment. Participants should be able to seek a replacement assessment within 12 months of plan approval, providing time to fully consider whether their support needs were accurately captured.
 - (b) Accessibility and fairness obligations, requiring a simple, timely, and universally accessible request pathway that meets each participant's communication needs and preferences.

STEP 3 – BUILDING A PLAN AND PLAN DISCUSSION

6. Undertake further consultation once more information about the proposed **total funding amounts calculation method** is made publicly available, including how SNA scores will inform budget setting and how the underlying algorithm will operate, ensuring these methods and processes are informed by lived experience expertise.
7. **Prescribe a power to adjust total funding amounts** where evidence shows that the SNA has not accurately captured a participant's needs, and the resulting budget is inadequate. Clear rules should outline this process to maintain consistency, simplicity and equity while providing safeguards and upholding participant-centred planning.
8. In rules regarding **Funding Periods**, prescribe that:
 - (a) 12-month Funding Periods apply by default, with any shorter periods applied only where evidence shows a significant risk of overspending or a significant risk of physical, mental or financial harm.
 - (b) Shorter funding periods may only be applied if the participant has first been offered appropriate education and/or support to manage their funding and spending, the restriction is the least-restrictive option available, and full procedural fairness has been afforded.
 - (c) Mandate the provision of transparent, evidence-based and individualised reasons, where a shorter Funding Period is imposed.
9. Prescribe that **restrictions on flexible supports** may only be applied if:
 - (a) The participant requests the restriction, or independent evidence demonstrates that a participant will be at significant risk of physical, mental or financial harm, or a decline in functional capacity if the restriction is not in place.
 - (b) The restriction represents the least restrictive option available, procedural fairness has been accorded and the availability of NDIS providers has been considered.
 - (c) Transparent, evidence informed and individualised reasons are provided.
10. Ensure **internal reviewers and the ART** retain full independent review powers. The new framework must maintain powers to comprehensively review plan decisions, consider independent evidence and reassessments of support needs (where a replacement SNA is required), and vary or substitute decisions where support needs have not been appropriately funded.

STEP 4 – STARTING TO USE A PLAN (PLAN VARIATIONS)

11. Prescribe a simple, accessible and quick plan variation pathway, requiring the NDIA to apply a timely plan variation (rather than a full reassessment) whenever the change sought is minor, time-sensitive, or clearly linked to existing support needs.
12. Mandate transparent, reviewable decision-making, including written reasons for any refusal to vary a plan and full procedural fairness with reasonable timeframes for participants to respond or supply evidence.
13. Require the least-burdensome option for participants, ensuring variations are approved wherever they maintain continuity of supports, respond to fluctuating or urgent needs, or address issues caused by thin markets or provider availability.

STEP 1 – PREPARING FOR A SUPPORT NEEDS ASSESSMENT

(a) Notice of Impairments

The introduction of Notice of Impairments under the *National Disability Insurance Scheme Amendment (Getting the NDIS Back on Track No. 1) Act 2024* was intended to provide participants with greater clarity and transparency regarding the impairments underpinning their NDIS eligibility and supports. These notices identify the impairment categories—intellectual, cognitive, neurological, sensory, physical, or psychosocial—that form the basis for meeting disability or early intervention requirements.

We understand that the proposed National Disability Insurance Scheme (Notices of Impairment) Rules ('Rules') will set out circumstances in which the CEO may vary a Notice of Impairment on their own initiative and when a participant may apply for a variation. The Rules will also enable the issuing of notices to participants who entered the Scheme prior to 1 January 2025.

It is appropriate that the draft Rules specify circumstances in which the CEO may initiate a variation, such as where factual errors are identified or where new information becomes available about an existing or newly identified impairment. Examples include typographical errors, updated clinical evidence, progression or resolution of an impairment, or information previously held by the NDIA but not considered in issuing the notice. These mechanisms support the overarching purpose of ensuring notices remain accurate and up to date.

However, where a CEO-initiated variation proposes *removal* of an impairment category, the Rules must explicitly incorporate procedural fairness requirements, including notice to the participant, access to evidence relied upon, and a reasonable opportunity to respond before any variation is made (at least 120 days to enable applicants to obtain relevant reports, with a right to request an extension of time where they are faced with provider delays or are navigating thin markets).

For Autistic participants, accuracy of impairment categorisation is particularly important. Autism does not fit neatly within a single impairment category, and individual presentations commonly involve intersecting cognitive, neurological, sensory, and psychosocial impacts. A Notice that captures only one category risks misrepresenting functional needs and, in turn, constraining supports under the new framework, which requires supports to relate directly to impairments listed in the Notice. The Rules must therefore ensure participants have a clear, enforceable right to request a Notice variation where it does not reflect their full impairment profile or where multiple relevant categories should have been included from the outset.

Finally, the Rules should specify clear timeframes for issuing Notices to participants who entered the scheme before 1 January 2025 and must require that all Notices are accessible. To be accessible to Autistic participants they must be written in Easy English, well-structured, and accompanied by an adequate and simple explanation of what the Notice means for them and their plan spending, and how they may apply for a review.

(b) Notice to have a New Framework Plan

We understand that a rule is proposed to enable participants to receive a Notice to have a New Framework Plan, to inform participants of when they will receive a new framework plan during the phased roll out. This should ensure that Participants who will be part of the change know well before it happens and have support.

As per Impairment Notices, the rules should require that these Notices are accessible and specify timeframes for them to be issued (at least 60 days) to allow participants time to prepare and understand the implications of moving to the new framework model.

Recommendations

1. Commit to procedural fairness and evidence informed, accessible **Notices of Impairment** by prescribing in rules:
 - (a) **Accessibility requirements**, ensuring Notices are written in Easy English, clearly outline their implications for the participant (including plan spending) and clearly set out review and variation rights.
 - (b) **Clear timeframes** for issuing Notices to participants transitioning to new framework plans.
 - (c) **Procedural fairness requirements** for CEO initiated variations, including mandatory notice, access to the evidence relied upon, and a reasonable opportunity (at least 120 days, with extensions available) to respond.
 - (d) **An explicit participant right to request a notice variation where a Notice does not reflect their full impairment profile**, including co-occurring conditions, or where more than one category is required but not captured.
2. Ensure timely access to accessible **Notices to have a New Framework Plan** by prescribing:
 - (a) **Minimum timeframes for issuing Notices** (at least 60 days) to ensure participants have adequate time to prepare (and seek support if needed) for transitioning to a New Framework Plan.
 - (b) **Accessibility requirements**, ensuring Notices are written in Easy English and clearly outline implications, next steps (i.e. Supports Needs Assessments) and timeframes.

STEP 2 – THE SUPPORT NEEDS ASSESSMENT

We understand that the proposed Support Needs Assessment (SNA) will combine a comprehensive assessment tool [based on the Instrument for the Classification and Assessment of Support Needs V6 (I-CAN)], a personal and environmental circumstances questionnaire, and targeted assessments where required. While we acknowledge the intention to create a more structured and consistent planning process, we are deeply concerned about the ability of this assessment process to accurately identify the individual support needs of all Autistic participants.

Our overarching concern is that the assessment tool has not been tested for validity, accessibility, or cultural safety for Autistic people. This includes Autistic people across different ages, genders, cultural backgrounds, co-occurring conditions, and levels and types of support needs. Without autism-specific validation, there is a high risk of inaccurate or inconsistent assessments, unmet support needs, and inappropriate plans, which may worsen outcomes for Autistic participants. The new framework should not be rolled out until the full SNA process has been properly tested and validated.

We are also concerned that the assessment may be administered by professionals who do not have sufficient autism-specific or broader assessment expertise. At present, there is no evidence that the tool is effective when administered by non-allied health assessors, or for Autistic people - by assessors without appropriate training and experience in autism. It is also unclear whether participants will have any choice over assessors, or whether they will be guaranteed access to suitably qualified assessors with expertise relevant to their disability or disabilities. The potential rollout of SNAs in rural and regional areas before the workforce is ready may further compromise accessibility, forcing Autistic people to travel long distances or complete assessments online in environments that are not appropriate or safe for them. Participants must always have choice and control over whether their assessment is conducted in-person or online, regardless of where they live.

We understand the tool will take approximately three hours to administer. Many Autistic people will require breaks, changes in environment, or completion over multiple sessions. There is no indication that the tool will account for masking or difficulty interpreting questions, a significant risk for Autistic participants that could lead to dire outcomes. A framework that is not inclusive and does not mandate flexibility and human oversight will fail to meet the needs of many participants.

(c) Support Needs Assessment process and tools – s32L(2)

Section 32L(2) requires that the assessment be undertaken using the assessment tool, and in accordance with any other requirements specified in the NDIS rules. The rules must ensure that the assessment process is equitable, consistent and safeguarded by human oversight, with the individual needs of participants captured in a comprehensive and flexible way.

The rules should prescribe:

- **The right to a planning meeting or on the participants request, planning meetings, with a nominee, family member, or independent advocate present.** Participants must have access to free, independent advocacy services.
- **Timeframes for adequate preparation time,** requiring information about the assessment process and tools to be provided at least 60 days in advance. Where further information is sought by the NDIA, at least 120 days should be provided, with rights to apply for extensions of time (i.e. where thin markets, wait times and provider delays impact a participant's ability to obtain the information required).
- **Choice and control for participants over assessors and assessment conditions,** including preferred location, sensory environment, in-person vs online and completing the assessment in one or multiple sessions. Participants must have the right to choose their assessor from a panel

of assessors. The rules should prescribe that participant's requests must not be unreasonably refused.

- **Clear criteria for when an assessor must have regard to additional information or reports**, including where the assessor or participant considers the assessment tool has failed to capture or validly measure specific types of support needs or levels of support needs (embedding human oversight and flexibility).
- **Minimum qualifications and training requirements for assessors**, including that assessors must be allied health professionals, and undertake mandatory training and hold mandatory accreditation in the application of SNAs. Assessors working with Autistic people should be required to demonstrate a good understanding of autism, including the impact it may have on a person's engagement in the assessment and its outcomes (including masking, literal interpretation of questions, communication differences, sensory needs etc.)
- **Rights for participants to review all information collected during the SNA** before finalisation, embedding procedural fairness.

(d) Support Needs Assessment report – s32L(6)

Section 32L(6) states that a SNA report must identify the participant's disability support needs and include all information, and meet all requirements, prescribed in the NDIS Rules. It also requires that the CEO provide the participant with a copy of the report as soon as practicable after receiving it.

The rules should require that SNA reports accurately reflect a participant's support needs, goals, strengths, preferences, and life circumstances. They should ensure that reports provide a transparent account of the assessment process, including how the assessment tool was applied and the evidence considered.

The rules should prescribe rights to:

- **Review a draft report**, ensuring participants can check accuracy, correct factual errors, have the opportunity to add any further information or reports before the assessment report is finalised, or if necessary, request a replacement SNA.
- **Accessible report formats**, requiring the report to be provided in any communication mode the participant requires or prefers, including Easy Read.
- **A report that includes:**
 - **A clear explanation of how the report will be used**, including how it informs the participant's budget and how support needs relate to impairment categories.
 - **Goals and strengths**, documenting the participant's goals, strengths, preferences, and aspirations (not solely deficits or functional limitations) and explaining how the participants goals are reflected in the assessment.
 - **Rights to request a replacement assessment**, including when and how a participant can seek a new assessment, and on what basis.
 - **Transparent considerations of evidence and reasons for decisions**, including how conclusions were reached, what evidence or reports were relied upon, and how information was considered.
 - **The assessment conditions and participant's requests/preferences**, with reasons provided for any decision to deny a participant's request.

(e) Replacement needs assessment – s32L(7A)

Section 32L(7A) provides that the rules may set out when a replacement SNA should be undertaken, including both the circumstances in which the CEO must or must not arrange one, and the criteria or considerations the CEO must or must not apply in making that decision.

The rules should ensure that a replacement SNA is available whenever the original assessment fails to accurately or fairly reflect the participant's goals and/or support needs.

Relevant circumstances, criteria and considerations to be prescribed in the rules, for when the CEO **must** arrange a replacement needs assessment, should include:

- **Material omissions or misunderstandings**, where key support needs were missed because questions were inaccessible, participation barriers were present, or relevant functional impacts were misunderstood.
- **Failures to consider evidence or accord procedural fairness**, including where evidence has not been considered, reasonable requests to consider evidence have been denied or evidence relied on by the assessor has not been shared with the participant for comment.
- **Failures to take a person-centred approach**, including where an assessment was based on functional limitations only, not a holistic assessment of the level of support needed by the person to meet their goals.
- **Insufficient adjustments and supports to participate**, where the participant lacked necessary adjustments, advocacy, communication support, or supported decision-making to engage meaningfully.
- **Unsuitable assessment conditions**, where the assessment environment or process impeded participation (e.g., sensory overload, rushed timing, unfamiliar or distressing setting).
- **Inappropriate modality**, where a remote/online format was used despite being unsuitable for the participant's communication or environmental needs.
- **New or previously unavailable evidence**, including updated clinical, functional, or contextual information that would alter the support profile.
- **Changed circumstances**, where health, living situation, safety, work/study or caring arrangements etc have shifted such that the original assessment is no longer accurate.

Circumstances in which the CEO **must not** arrange a replacement needs assessment must centre the need to protect participants from arbitrary decision-making or decisions driven by cost containment or administrative convenience. This includes safeguarding against decisions based on a person's diagnosis, age, living arrangements, or other stereotypes rather than the individual participant's evidence and lived experience. The CEO must not apply criteria such as projected budget impacts or workload; the use of caps, benchmarks, or quotas unrelated to the person's evidence; or give determinative weight to tool scores without the necessary accompanying context and evidence.

The rules should also embed timeframes for applying for replacement needs assessments and obligations for timely decision making. If a participant may only apply for a replacement assessment before their plan is approved, the rules must embed rights to draft assessments and plans, and adequate timeframes for participants to lodge requests for replacement assessments. Preferably, participants should be permitted to apply for replacement assessments at any time within 12 months of their plan being approved to enable time to fully consider whether the assessment has captured their support needs or whether a new assessment may be required.

Accessibility and fairness must also be embedded to ensure the request pathway is simple, quick and accessible to all participants, via their preferred communication mode.

Recommendations.

3. Commit to person centred, fair, quality, accessible and transparent SNAs that meet the needs of Autistic people.
 - (a) **Rules regarding SNA process and tools should prescribe** rights to planning meetings; timeframes for adequate preparation time; choice and control for participants over assessors and assessment conditions; clear criteria for when an assessor must have regard to additional information or reports; minimum qualifications and training requirements for assessors; and rights for participants to review all information collected during the SNA before finalisation.
 - (b) **Rules regarding SNA reports should prescribe** rights to review a draft report and to accessible report formats. They should also prescribe rights to a report that includes: a clear explanation of how the report will be used; goals and strengths; rights to request a replacement assessment; transparent considerations of evidence and reasons for decisions, and the assessment conditions and participant's accessibility requests/preferences.
4. Ensure replacement SNAs are available whenever the original assessment fails to accurately or fairly reflect the participant's goals and/or support needs.
 - (a) **Rules should specify when the CEO must arrange a replacement needs assessment**, including where the assessor has failed to consider evidence or accord procedural fairness; take a person-centred approach; or provide sufficient adjustments, supports and assessment conditions to participate. A replacement needs assessment should also be required when new or previously unavailable evidence emerges, or when circumstances change.
 - (b) **Rules prescribing when the CEO must not arrange a replacement needs assessment should** cover decisions based on cost, diagnosis, or any matter unrelated to the individual participant's evidence and lived experience.
5. Additional Rules regarding replacement needs assessments should prescribe:
 - (a) **Clear timeframes and rights**, including to access draft assessments and plans, and sufficient time to request a replacement assessment. Participants should be able to seek a replacement assessment within 12 months of plan approval, providing time to fully consider whether their support needs were accurately captured.
 - (b) **Accessibility and fairness obligations**, requiring a simple, timely, and universally accessible request pathway that meets each participant's communication needs and preferences.

STEP 3: BUILDING A PLAN AND PLAN DISCUSSION

We understand that SNAs will be used to determine plan budget amounts, the duration of a plan, how it will be managed, any requirements for how funding can be used, and any limits placed on flexible funding. We acknowledge the policy intent to improve consistency and deliver a more streamlined, equitable planning system. However, given the central role SNAs will play in shaping budgets, plan duration and flexibility, it is essential that the rules underpinning their use provide clear and transparent processes, robust safeguards, meaningful human oversight, and promote choice and control for participants to the fullest extent possible.

(a) Method for calculating total funding amount for flexible and stated supports funding

We understand that the budget method rules will set out how the NDIA determines a participant's funding, including the steps used to calculate total flexible and stated funding amounts and any adjustments, such as remoteness loadings or compensation-related considerations.

However, it is extremely difficult to meaningfully comment on these rules without further detail about the proposed calculation method, how SNA scores will inform budget setting, or how the underlying algorithm will operate (including to capture the needs of participants with multiple disabilities, high and complex support needs and in regional and rural areas).

We hold significant concerns about the proposed reliance on inflexible computer-driven algorithms with limited human oversight, including reports that NDIA delegates will be unable to amend budget amounts. It is particularly troubling that, where a delegate considers a budget inadequate, their only option may be to order a replacement support needs assessment. If an initial assessment has failed to capture a participant's support needs, there is a substantial risk this will occur again unless specialist reports are both accessible and permitted to meaningfully inform the SNA.

Although the consultation materials state that "[m]ore information on the budget method steps will be published to support this consultation process", to our knowledge no additional information has been made available to assist stakeholders.

Once further information and draft budget method rules are released (together with exposure drafts of all New Framework Planning Rules) a further round of community consultation must occur to ensure the rules are shaped by community expertise and lived experience.

Based on what we know so far about the funding calculation method, we would submit that delegates must be granted powers to alter funding amounts when evidence demonstrates that the SNA has failed to capture the participant's needs and the funding amount will be inadequate to meet their individual support needs. Clear rules regarding this process will ensure that consistency, simplicity and equity is not compromised, while prioritising participant centred planning.

(b) Funding periods

We acknowledge the benefits of Funding Periods as a safeguard for some participants, particularly those who may be at significant risk of exhausting their funding early, or who may be vulnerable to fraud, coercion, or financial exploitation. Funding Periods can play a protective role in these circumstances.

At the same time, Funding Periods must operate in a way that preserves participant choice and control. Many Autistic participants experience fluctuating or episodic support needs and may need to use larger proportions of their funding at certain times (for example, when responding to new behaviours of concern, when engaging in intensive support programs, during periods of crisis or when assessments are required).

A review of the Act and the Explanatory Memorandum clearly confirm that Funding Periods were intended to be determined on a case-by-case basis, based on each individual participant's circumstances. The Explanatory Memorandum clearly highlights that Funding Periods shorter than 12 months were intended to be discretionary only, applied on a case-by-case basis related to individual circumstances, and used as a safeguard in situations where a participant is at significant risk of physical, mental or financial harm, or where there is a demonstrated risk of significant overspending.

For these reasons, the maximum Funding Period of 12 months should be applied as the default, unless the participant prefers a shorter period or their individual circumstances justify an exemption.

To achieve this, the rules should require that:

- **12-month Funding Periods apply by default, unless a shorter funding period is required for reason of a participant's individual circumstances**, specifically where:
 - the participant requests a shorter Funding Period to assist with managing their budget; or
 - there is clear evidence that the participant is at significant risk of overspending, based on a history of significant or systemic overspend; or
 - there is clear evidence that the participant faces a significant risk of physical, mental, or financial harm.
- **Any restriction is proportionate to the specific risk identified** and should not extend beyond what is reasonably necessary to manage that risk. Where a restriction is warranted, it should apply only to the relevant part of the participant's budget, rather than to all supports in a plan.
- **Shorter Funding Periods must not be automatically applied because a participant has overspent in the past or has been the victim of fraud.** Fraud can occur despite a participant exercising appropriate diligence, and past overspending must be understood in context. The rules should require that participant education and support are considered before any limit is imposed, and that delegates apply the **least restrictive option** based on the participant's individual circumstances.
- **Procedural fairness is upheld**, including a requirement for the CEO to consider the participant's preferences and requests, a right for the participant to comment on any evidence relied upon to justify a shorter Funding Period, and a right to provide independent evidence in response, within reasonable timeframes. Participants must be accorded the right to comment on any proposal for shorter funding periods before they are applied, with reasonable timeframes to acquire evidence where needed.
- **Delegates consider when higher-intensity or varying support needs may be expected (if applying shorter funding periods)**, including supports required to address behaviours of concern or to fund assessments, and ensure that Funding Periods do not obstruct timely access to these supports.
- **Where a shorter Funding Period is imposed, the CEO must provide transparent, evidence-based and individualised reasons**, clearly linked to the specific risks identified.

We support the proposed exclusion of certain stated supports from Funding Periods, including assistive technology, home modifications, medium-term accommodation, private vehicle transport, residential aged care and in-kind supports.

(c) Restriction on flexible supports

We support the introduction of rules that clearly define flexible and stated supports to ensure consistency in planning. However, this must be underpinned by a commitment to maximising flexibility and participants' choice and control wherever possible, while ensuring appropriate safeguards against harm and fraud.

The rules should require that:

- **Restrictions on supports only apply where the participant requests the restriction, or where independent evidence demonstrates that a participant would be at significant risk of physical, mental or financial harm, or a decline in functional capacity if the restriction is not in place.** We agree that the CEO must be required to consider the participant's goals and aspirations, individual circumstances and whether the NDIS supports that would be the subject of the restriction are likely to benefit the participant. We agree that the CEO must also be required to consider nature of the NDIS support, the NDIS provider (if known) that would provide the NDIS support, the manner in which the NDIS support would be provided and whether, during the provision of the NDIS support, there would, or would likely be an interim or ongoing need to use a regulated restrictive practice in relation to the participant.
- **Procedural fairness is upheld**, including a requirement for the CEO to consider the participant's preferences and requests, a right for the participant to comment on any evidence relied upon to justify restricting flexible supports, and a right to provide independent evidence in response, within reasonable timeframes. Participants must be accorded the right to respond before a restriction is put in place, with reasonable timeframes to acquire evidence where needed.
- **Any restriction is proportionate to the specific risk identified or limited to what the participant has requested.** Restrictions should apply only to the supports relevant to the identified risk or safeguard and must not extend beyond what is reasonably necessary. The application of a restriction on funding must be the least restrictive option, with transparent consideration given to all less restrictive options (including plan management). Where restrictions are being considered due to past mismanagement or accidental use of NDIS funds for non-NDIS supports, we support the proposed requirement that the CEO must first apply an educative process. The rules should prescribe this educative process/first response to ensure it is delivered consistently, transparently and in an accessible format for participants. We support the proposal that the CEO be required to consider whether any mismanagement or fraud resulted from genuine error, incorrect advice from a provider, or undue influence, and to weigh this against the importance of protecting choice and control.
- **The CEO must consider the availability of NDIS providers** to provide any supports that would be the subject of the restriction, ensuring participants are not left with funding they cannot use in thin markets.
- **The CEO must provide transparent, evidence informed and individualised reasons**, clearly linked to the specific risks identified and transparently addressing all relevant considerations under the rules.

We understand that in thin markets the NDIA may need to take direct steps to secure service delivery, including facilitating group arrangements or entering agreements with providers, and that in these cases a portion of a participant's flexible funding may need to be temporarily restricted to give effect to those arrangements. However, the rules must ensure that a participant's preferences are prioritised and that any request for supports to remain unrestricted is considered. For example, a participant experiencing a thin market in a rural or regional area may be comfortable and supported by an online therapist, it may not be their preference or in their best interests to participate in a local group arrangement. Restrictions on funding may also inadvertently stop other providers from entering these areas over time and providing choice over service providers. Choice and control must be preserved to the fullest extent possible.

We note the proposed rule requiring the CEO to consider "the ability or capacity of the person [or persons] managing the funding for supports under the participant's plan to make decisions or to appropriately manage finances, taking into account any support or assistance the person or persons are likely to receive to do so." Any such assessment must be grounded in a strengths-based approach and uphold

participants' rights to make their own decisions or to engage in supported decision-making. Generalised assumptions about a participant's capacity (whether based on disability, age, or any other characteristic) must not be permitted. A participant's personal ability or capacity to manage funding should only justify restrictions where independent evidence demonstrates that it has materially affected the management of supports in the past or presents a significant and demonstrable risk of mismanagement in the future.

We are also concerned by the proposal that the CEO be granted overarching powers to consider any other matters that may be considered relevant. This power significantly risks inconsistent, arbitrary decision making and compromising participants' choice and control. The rules should clearly state that restrictions on supports may only be applied where specifically and expressly permitted by the rules.

(d) Other Matters relating to the acquisition or provision of supports; requirements that specified processes must be undertaken before supports are acquired or provided; and requirements that specified conditions must be satisfied before supports are acquired or provided.

We recognise that there may be circumstances where supports may only be approved if provided by specified NDIS providers, if specific processes are undertaken or if specified conditions are satisfied. However, as per the discussions above, the rules must require transparent consideration of the participants individual circumstances and their goals and aspirations. They must also ensure any requirement is imposed only where necessary to protect the safety of the participant or prevent physical, mental or financial harm. Any requirement must be the least restrictive option, prioritising choice and control whenever possible.

(e) Participants' appeal rights.

We understand that under the new framework, the existing pathway for internal and external review will continue to apply. However, instead of reviewing individual supports in a participant's plan, a review will focus on whether the SNA was conducted in accordance with the rules, whether it accurately captured the participant's disability support needs, and whether the participant's budget was developed in line with those rules. Participants will also retain the right to request a review of decisions relating to plan management, funding periods, plan variations, plan reassessments, and any restrictions or requirements placed on flexible supports.

The fundamental change under the new framework relates to where a reviewer determines that an SNA was not conducted in accordance with the rules or did not accurately capture the participant's disability support needs. In these circumstances, an internal reviewer will no longer have the ability to substitute their own decision, correct identified errors, or adjust budget amounts. Their power will be limited to directing that a replacement SNA be undertaken.

As outlined above, the rules should mandate a replacement needs assessment whenever there is clear evidence that the original SNA was inaccurate, unfair, or improperly conducted. This should include circumstances where key support needs were omitted or misunderstood; where evidence was not appropriately considered or procedural fairness was lacking; where the assessment failed to adopt a person-centred, holistic approach; where the participant did not receive the adjustments, supports or conditions required for meaningful participation; where the modality or environment was unsuitable; or where new evidence or changed circumstances render the original assessment unreliable.

As recommended earlier, the rules should set out clear criteria for when assessors must consider additional information or reports, including in situations where either the assessor or participant identifies that the assessment tool has failed to capture or validly measure particular types or levels of support needs. Internal reviewers must also have these powers to embed human oversight and flexibility.

With respect to external review, the ART must continue to provide independent oversight and essential safeguards for participants. It must retain the power to comprehensively review a decision to approve a participant's statement of supports, rather than being confined to determining whether a replacement SNA is required. Where the ART finds that a replacement SNA is required, it should have the power to direct that the assessment be conducted by an independent third party rather than solely by an NDIA assessor. If, after this process, the ART is not satisfied that the participant's disability support needs have been properly identified, it should retain the authority to intervene, seek further evidence, and adjust budget amounts accordingly. These safeguards are critical to ensuring participants are not disadvantaged by limitations in the SNA tool or its application. Such powers are also consistent with the ART's general authority under section 100(6) of the NDIS Act to vary a reviewable decision or to set aside a decision and substitute a new one.

Recommendations.

6. **Undertake further consultation once more information about the proposed total funding amounts calculation method is made publicly available**, including how SNA scores will inform budget setting and how the underlying algorithm will operate, ensuring these methods and processes are informed by lived experience expertise.
7. **Prescribe a power to adjust total funding amounts where evidence shows that the SNA has not accurately captured a participant's needs, and the resulting budget is inadequate.** Clear rules should outline this process to maintain consistency, simplicity and equity while providing safeguards and upholding participant-centred planning.
8. In rules regarding **Funding Periods**, prescribe that:
 - (a) **12-month Funding Periods apply by default**, with any shorter periods applied only where evidence shows a significant risk of overspending or a significant risk of physical, mental or financial harm.
 - (b) **Shorter funding periods may only be applied if** the participant has first been offered appropriate education and/or support to manage their funding and spending, the restriction is the least-restrictive option available, and full procedural fairness has been afforded.
 - (c) Mandate the provision of **transparent, evidence-based and individualised reasons**, where a shorter Funding Period is imposed.
9. Prescribe that **restrictions on flexible supports** may only be applied if:
 - (a) The participant requests the restriction, or independent evidence demonstrates that a participant will be at **significant risk of physical, mental or financial harm, or a decline in functional capacity if the restriction is not in place.**
 - (b) The restriction represents the **least restrictive option** available, **procedural fairness** has been accorded and the **availability of NDIS providers** has been considered.
 - (c) **Transparent, evidence informed and individualised reasons** are provided.
10. **Ensure internal reviewers and the ART retain full independent review powers.** The new framework must maintain the powers to comprehensively review plan decisions, consider independent evidence and reassessments of support needs (where a replacement SNA is required), and vary or substitute decisions where support needs have not been appropriately funded.

STEP 4: STARTING TO USE A PLAN

We understand that this step in the consultation is aimed at obtaining feedback on rules relating to plan variations. We acknowledge you will be seeking feedback on the next phase of NDIS supports shortly, with the future of these rules not subject to the current consultation.

(a) Plan variations

Under the current legislation and rules, plan variations can only be made in narrow and highly prescribed circumstances, such as providing short-term emergency or crisis funding; adding funding for repairs, replacement or maintenance of Assistive Technology; or making minor or short-term adjustments to employment-related supports or supports needed during times of transition.

While the current approach to plan variations provides some flexibility, the rules are very restrictive and often fail to deliver quick, low burden/cost plan variations when needed. Autistic participants in particular often experience fluctuating or episodic support needs, changes in sensory or behavioural support requirements, or sudden shifts in school, work, housing or mental health contexts. Many Autistic people require timely adjustments when support needs shift, when providers withdraw, when thin markets interrupt service delivery, or when unexpected events affect their daily functioning. Yet because these circumstances often fall outside of the current grounds for plan variations, they are often forced into a full plan reassessment - a process that is lengthy, administratively burdensome, and misaligned with the urgency of these needs. This creates unnecessary stress and delays, undermining safety, wellbeing, and continuity of supports.

To ensure the new planning framework remains responsive, the Rules should explicitly support quick, low-burden plan variations so that participants can adjust supports when their circumstances change, without being forced into a full plan reassessment or replacement Support Needs Assessment. The Rules should require the NDIA to approve a plan variation wherever the change sought is reasonable, urgent, and linked to existing support needs and goals, or where new evidence demonstrates an adjustment is immediately necessary to maintain safety, wellbeing, or continuity of supports. Variations should also be available where thin markets, provider availability issues, or systemic problems have disrupted service delivery.

The Rules must also require that any decision not to vary a plan be transparent, evidence-informed, and reviewable, with clear written reasons provided to the participant and an ability to seek internal review. To uphold choice and control, the Rules should obligate the NDIA to offer the least burdensome pathway - a plan variation instead of a full reassessment - whenever the participant's request can be met through a minor or moderate adjustment to budget distribution, funding periods, or support flexibility.

To ensure fairness and accessibility, the Rules should embed a simple, accessible and quick request process, with appropriate timeframes for NDIA responses that reflect the urgency of plan variation requests. Embedding these protections will ensure plan variations operate as intended to provide a quick, pragmatic mechanism to keep people safely and appropriately supported.

Recommendations.

11. **Prescribe a simple, accessible and quick plan variation pathway**, requiring the NDIA to apply a timely plan variation (rather than a full reassessment) whenever the change sought is minor, time-sensitive, or clearly linked to existing support needs.
12. **Mandate transparent, reviewable decision-making**, including written reasons for any refusal to vary a plan and full procedural fairness with reasonable timeframes for participants to respond or supply evidence.

13. **Require the least-burdensome option for participants**, ensuring variations are approved wherever they maintain continuity of supports, respond to fluctuating or urgent needs, or address issues caused by thin markets or provider availability.