



Villamanta
DISABILITY RIGHTS LEGAL SERVICE

Easy Read Submissions to the Department of Health, Disability and Ageing on

NDIS Rules: public consultation on new framework planning

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About this document

Villamanta Disability Rights Legal Service wrote this discussion paper.

We help people with disability understand and protect their rights.

The Australian Government is planning changes to the NDIS.

In this document we refer to the Australia Government as **the Government**.

The Government asked people and organisations for feedback.

This document explains our feedback in Easy Read format.

What is changing?

The Government wants a new planning system for the NDIS.

The Government says the new system will:

- be person-centred
- create fair budgets
- use fewer reports
- make plans simpler and more flexible.

Villamanta's main concern

We do not think enough information has been released.

Important details have not been shared.

This includes:

- the new planning rules
- the support needs assessment rules
- how funding budgets will be calculated.

This is a problem because:

People cannot properly give feedback if they do not know how the system will work.

Villamanta says people are being asked to comment on changes without seeing the whole plan.

The disability community is already under pressure

Many people are already dealing with:

- funding cuts
- reviews
- appeals
- long wait times
- stress and uncertainty.

Advocacy and legal services are very busy and often cannot meet demand.

The new planning process

The Government proposes 4 steps:

Step 1

Preparing for a Support Needs Assessment

Step 2

Completing a Support Needs Assessment

Step 3

Building a plan

Step 4

Using a plan.

Step 1: Preparing for a Support Needs Assessment

The NDIA will contact participants.

The NDIA will tell them about the new planning process.

People will keep using their current plan until they receive a new one.

Problems with communication

We say the NDIA often communicates badly.

Some examples are:

- calling deaf people
- sending printed letters to blind people
- calling without warning
- not making sure people understand information
- using only one communication method.

Information should be:

- easy to understand
- available in different formats
- provided at a suitable time
- supported by trusted people when needed.

The process should not rely on one phone call.

Notice of Impairments

A Notice of Impairments will tell participants which disabilities are recorded by the NDIA.

We are concerned that NDIA records are often wrong.

Villamanta has seen:

- impairments disappear
- impairments added incorrectly
- impairments removed incorrectly
- records that do not match the person's disability.

This matters because:

- Wrong information could lead to wrong funding decisions.
- A person could lose supports because NDIA records are incorrect.

People need access to their information

Participants should be able to easily see what information is held about them.

They should not have to wait a long time for Freedom of Information requests.

Changing a Notice of Impairments

People's disabilities and support needs can change over time.

The system must allow records to be updated quickly.

There should be time limits on NDIA decisions.

People should have review rights if updates are refused.

Step 2: The Support Needs Assessment

This assessment will help decide what support a person needs.

Villamanta says many important details are missing.

Questions Villamanta has

We want to know:

- Who will do the assessments?
- What qualifications will they have?
- What questions will be asked?
- Will participants see the questions beforehand?
- Will information be accessible?
- Will participants be supported during the assessment?

i-Can

The Government plans to use a tool called **i-Can**.

i-CAN is used to help assess support needs

We are concerned about i-CAN because:

- i-CAN was designed for health professionals
- NDIA assessors may not be health professionals
- there is limited evidence it is suitable for all participants
- there may be risks if the tool makes mistakes.

This is important because funding decisions can have a big impact on people's lives.

Wrong decisions can affect:

- safety
- health
- housing
- family wellbeing.

Examples of harm

We have received reports hearing about people who:

- lost important supports
- went into hospital
- faced eviction
- relied on family members doing unpaid care
- experienced serious distress.

We believe a person should always be able to review decisions.

Human decision-makers should be able to step in if an assessment result is unsafe or clearly wrong.

New assessments

Participants may ask for another assessment.

We say people should be able to do this after they receive their plan.

Otherwise they may not understand the effect of assessment information until it is too late.

People must be able to challenge decisions they think are wrong.

Review systems should be meaningful and fair.

Participants should be able to challenge both:

- the assessment
- the funding result.

Step 3: Building a plan

This step creates the participant's budget and supports.

We say there is not enough information about how budgets will be calculated.

Funding decisions must be transparent

People need to understand:

- how decisions were made
- why funding changed
- what evidence was used.

Without this information people cannot know if decisions are fair.

Stated supports

Some supports may become **stated supports**.

This means funding can only be used for specific purposes.

We say this may reduce flexibility.

Participants may have less control over how they use funding.

Short-term respite

Short-term respite gives families and carers a break.

We are concerned that stricter rules may make respite harder to use.

This could put pressure on families and participants.

Funding periods

Some plans divide funding into periods such as monthly budgets.

We say participant preferences should come first.

Funding periods can be difficult because:

- Costs can change during the year.
- Public holidays can increase support costs.
- Strict funding periods may create problems for some people.

The Government may allow restrictions on how funding is used.

Villamanta is concerned these restrictions could reduce choice and control.

If restrictions are used:

- there must be evidence
- there must be clear reasons
- participants should have review rights.

Restrictions should not be used automatically.

Appeal rights

People should be able to appeal decisions.

Villamanta is concerned the new system may limit review options.

This could reduce protections for participants.

Step 4: Using a plan

Sometimes support needs change quickly.

People may need urgent changes to their plans.

A plan variation changes a person's NDIS plan.

We say people should be able to get extra funding while reviews and appeals are happening.

This is important when a funding cut creates immediate risk.

What Villamanta wants

We want:

- more transparency
- full consultation
- accessible information
- accurate participant records
- qualified assessors
- strong safeguards
- meaningful review rights
- human oversight of decisions
- flexible plans
- protection from unsafe funding cuts.

Final message

We believe the proposed changes carry significant risks.

Important information has not yet been released.

The Government should slow down the process and provide complete information before introducing the new planning system.

Participants need a system that is:

- fair
- transparent
- safe
- accessible
- person-centred