30 October 2026

Mr Graeme Head AO
Chief Executive Officer
National Disability Insurance Agency
GPO Box 700
Canberra ACT 2601

By email: ceo@ndis.gov.au

Dear Mr Head

Re: Accessibility of Request for Reassessment Process

We, the undersigned NDIS Appeals advocacy services, write to you with concerns about the accessibility of the Request for Reassessment process implemented by the National Disability Insurance Agency (**NDIA**) in response to the recent amendments to the *National Disability Insurance Scheme Act 2013* (Cth) (the **Act**).

As discussed below, it is our view that the NDIA's implementation of this provision is inaccessible to a significant proportion of our clients, and is in breach of the Act as well as the *Disability Discrimination Act 1992 (*Cth) (**DDA**). We seek your advice as to how this process will be modified to ensure accessibility to all NDIS participants, irrespective of the nature of their impairment.

The legislative change

We note that recent amendments to the Act created a requirement under the new subsection 48(2A)(a) that a request for reassessment be in the form (if any) approved by the CEO.

We note that this change occurred simultaneously with the change which prevented third parties from making requests for reassessments on behalf of participants, and requiring these to be made only by the participant or their nominee (48(2)).

The process we have observed

We have begun to see the NDIA implement the requirement of 48(2A)(a) by informing participants that "Plan reassessments must be made using the Plan reassessment request form. To ask for a new plan reassessment, please complete the form."

We note that these correspondences have not provided the participant with a copy of the form, nor a link to access the form online. We understand the NDIA have added this form to their website by way of two files, a Word document and a pdf, which appear on this page: What is a plan reassessment | NDIS.

We have not observed the NDIA make any adjustments for participants whose impairments prevent them from completing the form as stated, nor making any suggestions as to how this requirement can be met.

Inherent accessibility requirements under the Act

We refer you to the inherent accessibility requirements written into the Act which reflect the Objects of the Scheme, which include giving effect to Australia's obligations under the Convention on the Rights of Persons with Disabilities.

Section 4

General principles guiding actions under this Act

(9) People with disability should be supported in all their dealings and communications with the Agency and the Commission so that their capacity to exercise choice and control is maximised in a way that is appropriate to their circumstances and cultural needs.

(10) People with disability should have their privacy and dignity respected.

(17) It is the intention of the Parliament that the Ministerial Council, the Minister, the Board, the CEO, the Commissioner and any other person or body is to perform functions and exercise powers under this Act in accordance with these principles, having regard to the need to ensure the financial sustainability of the National Disability Insurance Scheme.

Section 7

Provision of notice, approved form or information under this Act etc.

(1) The contents of any notice, approved form or information given under this Act, the regulations or the National Disability Insurance Scheme rules to a person with disability must be explained by the giver of the notice, approved form or information to the maximum extent possible to the person in the language, mode of communication and terms which that person is most likely to understand.

(2) An explanation given under subsection (1) must be given both orally and in writing if reasonably practicable.

Accessibility concerns

While we acknowledge that Parliament has legislated a requirement for a reassessment to be requested in the approved form, it is the NDIA that have decided:

a) What that approved form will be;
b) How that approved form will be made available to participants;
c) What support the NDIA will provide to participants in relation to completion of the form; and
d) How the approved form can comply with the requirements of both sections 4 and 7.

It is our position that the current process does not comply with sections 4 or 7.

Further, it is our position that a requirement for an electronic form to be completed will not be accessible for many of our clients due to their disability, and the failure to provide reasonable adjustments is a breach of s 4 and unlawful under the DDA.

Lastly, the legislative requirement that this form be completed only by a participant or nominee, preventing a participant having the support of others to complete the form, potentially necessitates the appointment of a nominee for this purpose, breaching the requirement for respect for privacy and dignity under s 4(10).

We seek an urgent response as to how the NDIA will ensure accessibility is available under the implementation of these legislative changes. Given the timeframes around participants seeking reassessment of their plans, and the potential significant detriment to them if they fail to make a valid reassessment request, we would appreciate this response within fourteen days of this letter.

Yours sincerely,

Signatories on next page

Villamanta Disability Rights Legal Service Inc

Multicultural Disability Advocacy Australia

Kin Disability Advocacy for Diverse Communities

Speaking Up for You

Queensland Advocacy for Inclusion

Justice and Equity Centre

Spinal Cord Injuries Australia

Grampians Disability Advocacy

Southern Disability Advocacy

Rights Information and Advocacy Centre

IDRS

People with Disabilities (WA)

Brain Injury SA

Uniting Communities Law Centre

AMIDA

Advocacy for Inclusion