

CYDA Webinar: Making Sense of the NDIS Changes

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Text Transcript

Skye: Skye speaking. Ok, let's get started. So, thank you so much, everyone, for joining us today for our webinar called "Making Sense of the NDIS Changes", where we're going to unpack what the latest reforms mean for children, young people with disability, and their families. My name is Skye. I am the CEO at Children and Young People with Disability Australia, or CYDA, and I use she/her pronouns. I'm a woman with pale skin, shoulder-length brown hair, and I'm wearing a long-sleeved blue blouse. I'm delighted to be joined today by my cohost, Oriela Williams.

Oriela: Thanks so much for that, Skye. Hi, everyone, I'm Oriela Williams. I'm a young disability advocate and a NDIS participant myself, and my pronouns are they/them. I am wearing a brown blazer, I have long brown and blonde hair, and I am wearing some headphones. I'd like to start today by acknowledging the Traditional Custodians of the land that I gather on, the Yuggera and Turrbal people. I pay my respects to Elders past and present and extend respects to other traditional lands you all are calling in from today. This always was, always will be, Aboriginal land. Today is about helping children and young people with disability, and their families, understand the NDIS changes, and what they may mean for them and their rights. Today's session is a webinar. There is no chat function available, but for any technical difficulties you can reach out to us via the numbers on the screen. We will be hearing from a series of speakers in our sector. We are recording the webinar and it will be available afterwards on

CYDA's website and YouTube channel. Unfortunately, our live captioner wasn't able to join us today, but you can turn on captions by going to the "More" button in the toolbar and clicking on "Show Captions". We also have Auslan interpreters who will be spotlighted throughout the event, or you can pin the interpreters if you wish.

Skye: Skye speaking. Thank you so much, Oriela. So, why are we all here today? Well, from the first of October this year, new changes to the NDIS will take effect. We're joined by my cohost, Oriela, leading disability advocates, and lawyers who specialise in the NDIS and in human rights. We're going to cover what's changing in the NDIS, including what the NDIA means when it talks about parental responsibility, the reductions that are coming to social and community participation supports, changes to how the NDIS is reviewing plans, and how you can appeal NDIS decisions. We want to provide you with practical and proactive support, and the information you need to self-advocate and navigate these NDIS changes. Before we start, I invite you to participate in a short poll. We want to know who is joining us today and how informed you feel about the NDIS changes. At the end of today's session, we'll repeat the poll to gauge whether the information we share today has helped. I'm going to pause now to give folk the opportunity to start answering. While you're doing that, we'll give a summary of the agenda. Today, we're going to hear from Oriela, a young advocate; and we're also going to hear from Belinda Kochanowska, who's the Principal of Intrepidus Law; Darryl Steff, who's the CEO of Down Syndrome Australia; Jenny Karavolos, who's the Co-Chair of the Australian Autism Alliance; Sheetal Balakrishnan, who's the Senior Solicitor of Strategic Litigation at the Justice and Equity Centre; and my cohost, Oriela Williams, a young leader and

advocate with disability, and who's also a graduate of CYDA's Young Leaders Program. Each panellist is going to speak for about seven minutes and then we'll have our Q&A section at the end, where we'll respond to some of the questions that were asked when you registered for the event. I've also been given the task today of timekeeping, so if you see a small clock emoji appear, that means the speaker has a two-minute warning before their time is up. We also know that what we're talking about today can be challenging and confronting. Our speakers are going to use content notes if what they are about to say could be distressing. We'll make a note in the chat when the content note starts and when it ends, so that if you would prefer not to be present during that discussion, you know when it's safe to rejoin. We also have a Safety and Wellbeing Officer, Liz, whose details are in the chat. If you have any concerns about safety for yourself, or for other attendees, you can contact Liz via phone call or text during the session for one hour after. External supports are also available. We've listed them on the screen and we're going to include them in the chat too. So, without further ado, I'm going to pass to Oriela to talk about their lived experience insights of these NDIS reforms. Over to you, Oriela.

Oriela: Thanks so much for that, Skye. I want to start by acknowledging how challenging this year has been for us as people with disability, our families, and the people that support us. It has been an exhaustive and intense year of advocacy, but I really want to highlight the amazing strength and determination it took to come together collectively, and so staunchly, as a community and advocate for changes to the Bill. We shared over 4,500 plus submissions to the Senate Inquiry, shared our important lived experiences throughout six days of senate hearings, managed to secure an extension into the

senate inquiry because of how vocal we were as a community, and we wanted to ensure that we were heard. Now, unfortunately, the Bill has passed, but it doesn't stop there. Our advocacy to ensure we as people with disability and our families receive better outcomes, safeguards, and adequate supports is an ongoing process, as discussions and decisions around how these changes will be implemented is ongoing. We will have the chance to have our say through community consultations and other ways which I will touch on in a later slide. I'm going to touch now on my lived experience of cuts to my own NDIS plan, so I'm just going to put a content note that this is discussion around cuts to NDIS plans, in terms of funding cuts and also navigating systems. If that is something that is difficult and distressing, please feel free to step out now. Over the past year, it's been a very challenging situation for myself. I've gone through a lot of things trying to advocate to get the right level of support and the right level of funding, and there has been a lot of discussion around cuts to NDIS plans with the Bill having passed. As an NDIS participant myself, I've already experienced cuts and declining of funding for AT items. I'm also concerned for what cuts to Social and Community Access funding will mean for my community and myself. I need SCCP funding to leave the house, to be able to live my life, and to be able to attend appointments. Trying to advocate for the right supports at an adequate level can feel like a constant uphill battle as an NDIS participant. Gathering reports and attending stakeholder meetings, appointments with allied health teams; it can just feel overwhelming and endless. It can feel extra disappointing when the outcome of a plan is not what we would have hoped. Whilst I'm lucky, there are aspects of my plan that do meet my support needs, the majority of my NDIS plan does not reflect what my actual support needs are, or what

I have. I've already faced major cuts to my plan such as declining a powered wheelchair that I need to live. The justification was that there wasn't enough evidence and this powered wheelchair is too expensive. I can't walk and I require that to move place daily. The NDIA was given endless amounts of evidence from multiple allied health professionals to prove the wheelchair script is reasonable and necessary, and value-for-money, yet they still declined it. I'm a Type 2 Diabetic and I need insulin daily, and that was also declined. Unfortunately, the NDIS doesn't recognise my need for daily nursing support and the administration of insulin, which is a very risky and vulnerable thing for myself to manage independently. My funding to see a psychologist, who I was seeing regularly for years every week, was cut as the planner didn't believe it was reasonable or necessary, although I'm Autistic and have other psychosocial disabilities and need a psychologist to work on sensory-management strategies, and build my capacity. I was instead given a positive behaviour support practitioner, also known as a PBSP, without any behaviours of concern and without any active behaviours that needed addressing. Instead, I was funded for a support that I can't actually utilise and benefit from, like psychology, and something that doesn't actually suit my needs. PBSPs are a vital part of many people's lives, with psychosocial disability, but it was not something that was reflected in any of my reports or any of my needs. The NDIS continues to not listen to a lot of our reports and a lot of our needs that we and our team tirelessly and endlessly put to them with reports, but it is an incredibly frustrating process. I know that a lot of Autistic people and their families have also gone through this. For me, losing funding is not about a dollar amount, it's not about a particular support; it's what happens to my independence, what happens to accessing healthcare, the

ability to participate in my community, when the funding I rely on is reduced. We know there are amendments to Social and Community Participation in the Bill, but unfortunately we don't know how that is going to be implemented and determined. As a community, what we can continue to do is share our lived experience. Personal stories are important because they show what policy changes look like in someone's life. Continue to contact our local MPs and senators, and tell them about the real-world impact their changes are having on you, your family, and the people you support. It's important to encourage people in your community to participate, because we also currently have the Department of Health, Disability and Ageing consultations open, which we will share the link for after the webinar. They are available online and you can have your say, give your feedback, and put in submissions. It is imperative that we keep giving feedback to the government and sharing what is impacting us with these changes. It is imperative that we keep showing up for each other in these times. We shouldn't underestimate the collective power of the disability community to influence how this change is implemented. Our lived experience is evidence; our lived experience is vital and imperative in telling our stories and sharing our experiences, and making sure that our experiences and stories are not lost and they are heard. It's important to connect with other people with disability and their families. Advocacy can be exhausting, and community can make it feel less isolating. Most importantly, it's important to remember that you don't have to do it alone, because we are all in this fight collectively together; we are all collectively holding onto each other, and collectively struggling in this fight together. I think that one thing I have found so important is reaching out to other people with disability, reaching out to community, and just being like "Today was a

really horrible day, I'm feeling a little bit down. Can we chat about what is going on?" One thing I found really beneficial is supporting friends on phone calls, if the NDIA has called them, and just debriefing. Because there are other ways of showing up for each other, such as mutual aid. Mutual aid does not have to mean financial redistribution of wealth, it does not have to mean donating to people; it can also just mean going out with someone and having a coffee, and discussing what these changes mean for us. It can also just mean "I have a manual wheelchair and I share that with a friend of mine when they need to go to appointments." There are so many ways that we can support each other. It's important to hold onto hope, and those little pockets of joy and community. Thank you so much.

Skye: Skye speaking. Oriela, what a powerful way to start the webinar today, thank you so much. I love what you said, "Lived experience is evidence", and information is power, so we hope that we're able to combine both today. I'm now going to handover to our first panellist, Belinda Kochanowska, the Principal of Intrepidus Law. Belinda's going to talk to us about the new legal definition of parental responsibility. Thanks, Belinda.

Belinda: Thank you so much, Skye. My name is Belinda Kochanowska and my preferred pronouns are she/her. What do I look like today? I've got glasses on, I've got long red hair, pale skin, and big red lips. Let's have a chat about this new definition of parental responsibility. I'll have to start off with this by giving really big thanks to CYDA for its incredible advocacy regarding the definition of parental responsibility. Because, whilst there are some changes to it, the amendments to the Act look a lot better thanks to the advocacy of CYDA, and a lot of other advocates and lawyers out in the community, than what the Government was proposing it to look like when it was

drafting these reforms. So, big thanks to CYDA and its advocacy. I think it just goes to show how our community is stronger when we're all together, and when we're advocating together. So, don't lose hope in advocacy and in the strength of our community. It's upsetting what's happening with these reforms, but as the dust settles, as we get to sit back and look at what has happened here, I have a lot of hope and I find a lot of hope in how strong our community was in advocating. We always are really strong in advocacy, so let's keep hold of that hope and keep on going. Keep advocating, because it does work. Let's have a chat about parental responsibility. Now, I'm going to show you on the slides here what parental responsibility used to be and what it's going to be as of February next year. That's when this will start. I'm going to describe in very simple terms; we have the NDIS Act and then we have, underneath the NDIS Act, rules. The rules help decisionmakers apply the Act, to apply the laws that are contained within the Act. They help in clarifying what certain ideas mean that are contained in the Act. What's essentially happened, with parental responsibility, is the rules around what is a reasonable and necessary support have always contained criteria which requires the decisionmaker to take into account, to consider, what is reasonable for families, carers, and informal networks to provide for a person with disability. In the context of a child, this is what we refer to as the parental responsibility rule. What that did is it drew a line in the sand, so to speak. In terms of "What is the responsibility of a parent?" on one side of that line, and then on the other side of the line is "What is no longer the responsibility of a parent? What is a formal support that requires a disability support worker to be paid?" For example, to provide that support. That line in the sand has always been this concept of anything that goes

beyond what would be expected of a parent, of a child the same age that doesn't have a disability. That was where the insurance scheme, the NDIS, was there to step in to provide supports. What is the big change with that? Well, what has happened is that explanation that I've given was contained in the rules. Now, what is happening as of February, is those rules are being uplifted, or elevated, and being put into the Act itself. It's been put into the Act itself with some new tests and some new conditions attached to what that line in the sand is. What's going to be interesting for the lawyer's is how that's going to be interpreted in decision-making, and how the Tribunal will interpret that if required, or how the Federal Court will be required to interpret it if it gets the opportunity to. What are the big changes? So, what is being put into the Act, and the good slide for this is slide number 15, is that there's this explicit statement in the Act about what is expected of parents in terms of providing substantial care and support. The line that's been drawn in the sand with parents in Australia, in terms of disability support, is that the Government, the decisionmaker, is going to make an assumption that all parents are responsible for substantial care and support for their children. What that means is supervision, personal care, transport, emotional support, and behavioural support. Anyone who's been a part of the Scheme for a while now can see how those words are relating to NDIS supports that can be funded around positive behaviour support, therapy, capacity-building, transport support, and obviously support worker funding. The important carve-out, or the important exception that is the big "but", is that substantial care and support, the line in the sand, does not include any additional care and support that's required because a child's support needs are substantially greater than those of children that are a similar age, because of the child's disability. There's

a bit more conditioning around what needs to be achieved because we have this introduction into the actual Act, this description of what substantial care and support amounts to.

Skye: Skye speaking. Belinda, I'm so sorry, I'm taking my time-keeping responsibilities very seriously today.

Belinda: [Belinda laughs]

Skye: Because I'm a host, I've had the benefit of seeing your amazing slides. We will need to move to our next panellist. Would you mind, and this may be an impossible task, if over the next thirty-seconds-to-one-minute providing a key takeaway message that you would like the community to have after this webinar today.

Belinda: Yeah, so the key takeaway message is that there is still that line in the sand, and that's thanks to a lot of great advocacy that occurred when the legislation was being drafted, because that line in the sand was looking like it wasn't going to be there. What we need to keep an eye on is the way that the Agency makes decisions on this. If you're receiving decisions from the Agency that are alluding to a support being taken away because of a new interpretation of parental responsibility, please reach out to an advocate, please check in with your community advocacy, legal aid, anyone you can. We need to make sure government is interpreting this properly in their decision-making. That's the big takeaway. I would say that the line has shifted and the Government's expectation is definitely that parents are to take on more responsibilities for children with disability, for sure.

Skye: Skye speaking. Thank you so much, Belinda. I feel like we could do a whole session just on this subject, so we'll see how these changes start rolling out from February next year. I'm now going to handover to our second panellist, Darryl Steff,

the CEO of Down Syndrome Australia. Darryl's going to be explaining the changes to social, civic, and community participation supports. Darryl, over to you.

Darryl: Thank you, Skye. My name is Darryl Steff and my pronouns are he/him. I would like to briefly acknowledge the lands on which we are all coming from today, and for me that's the Turrbal and Yuggera country. As Skye said, I'm going to be talking about support determinations, and I might just do a brief content warning because I am going to be talking about cuts to funding, and so if you do need to take a break or step away, please do so. So, what is a support determination? It's a decision made by the Minister for the NDIS that can reduce funding for some types of support for every participant that has those supports. It's probably the most unpopular and controversial part of the Bill that recently passed because it does result in arbitrary cuts to funding. The Minister has said that these cuts will be used to apply a 50% reduction in Social, Economic and Community Participation supports. These are core supports that participants use to be supported to enable them to participate in everyday life. From community to arts, volunteering, employment, and social groups. And also to apply a 10% reduction to Capacity Building (Improved Daily Living) supports. Those are the supports like therapies, assessments, and training that help build skills and increase independence; speech therapy, occupational therapy, physiotherapy, those types of things. To be clear, those are the two categories of supports that are impacted. There are some line items that are not impacted; if you have supports in the home, such as eating, drinking, dressing, toileting, things that are called "Activities of Daily Living", they are not impacted. Neither are personal mobility supports, transport, and consumables. These changes don't change what is considered reasonable and necessary in a

plan, it just applies the cuts to that amount. They are not reviewable decisions either, so there is no review allowed for this. There are some exemptions and carve-outs, that I will talk about in a minute, but first I will just touch on some of the impacts of these changes. We know that these supports are vital to participants. We heard earlier from Oriela about lived experience and insights into the impact of changes in Social and Community Participation funding. Unfortunately, Oriela is not alone in experiencing those impacts. The NDIS data tells that people with Down syndrome have the highest average funding for Social and Community Participation, and they spend on average over 92% of their funding. They're obviously not the only people impacted by these changes. Anybody who has Social, Economic and Community Participation funding, or capacity-building funding, which we understand to be around 400,000 or more participants, will be impacted by these changes. We know that social and community supports can prevent things like loneliness, isolation, segregation, and harm, and we heard the Disability Royal Commission reinforce those statements when they handed down their report. This is really a concerning area of change that the legislation brings in. I will reaffirm that there are some exemptions that are aimed at minimising harm, but we are still asking for more safeguards to be put in place as these support determinations are implemented. So, let me talk a little bit more about how this will work. These changes begin on the first of October for new or reassessed plans, and from the first of February next year on renewed plans as well. I might just give a couple of examples there. If you have a plan between first of October and first of February next year that is rolled over, these will not apply to you. They only apply between first of October and first of February on new plans or reassessed plans. However, from the

first of February, they will apply to all plans. Plans will not be rolled over anymore from the first of February, they will be renewed. They will apply to those plans, as well as any new plans being put in place. Importantly, all plans will have these cuts supplied by the first of October 2027. Another scenario is that if you currently have a plan with an end date post-30 September next year, or you have a rollover between first of October and first of February, you will be contacted at some point by the Agency, we don't know when or how at this point, and you will be told that you have a new end date to your plan which will be before 30 September and these support determinations will be applied. The other thing to say is that they only apply to old framework plans, so if you do roll into a new framework plan from 1 April next year or at some point starting from 1 April next year, these cuts won't apply. I mentioned that there are some exemptions. If people receive 24/7 supports, there will be a new pathway for them and the Department released a little bit more guidance around this yesterday afternoon, which we're still digesting and I'm sure the team at CYDA will be able to share with participants. Essentially, if you have 24/7 supports, you will be able to access a plan variation, to put additional funds into other parts of your plan, to maintain 24/7 supports. There will be criteria as to who can access these, and who meets that definition of requiring 24/7 supports. Some of that information is in what was released yesterday but there is still more information to be worked through there. There are also exemptions for certain support categories, such as supports and employment, high-intensity supports, and complex behaviour and health supports. It's worth having a look and understanding if that relates to you. I will just reiterate that this only impacts plans from the first of October to the first of February if they are reassessed or a new

plan, so it's expected that most of the impacts will be from first of February next year. So, what can you do now? As I said, there is more information to be understood, and CYDA, DSA, and other organisations in this sector continue to work with the Department and the NDIA to ensure that participants will receive the information that they need to be able to navigate these changes. We do know that it will impact everybody who has those two categories of support. Have a look at your plan, see if that's you, think about whether you or your family member will meet the definition of 24/7 supports, and do you have any of those funding categories that might be carved out or exempted from these. Start thinking about if there is anything you can do differently in terms of how you use your plan so you can minimise the impact of these changes. Thank you, Skye.

Oriela: Thank you, Darryl. I'm now going to handover to our next speaker, Jenny Karavolos. Jenny is the Co-Chair of the Australian Autism Alliance and Jenny's going to speak on the impact of reductions to social, civic, and community participation supports.

Jenny: Thank you, and thank you to CYDA for having us today. As you've heard, I'm Jenny Karavolos and I'm joining you from the beautiful Kurna country. I am the Independent Co-Chair of the Australian Autism Alliance. I'm also the mum of a gorgeous Autistic young adult who inspires me every day. My preferred pronouns are she/her. For anyone who can't see me, I am a middle-aged woman with pale skin and long dark hair, large eyes, and wearing, as usual, cherry red lipstick, and Belinda and I don't shop at the same place [Jenny laughs]. Darryl's taken us through what's changing. What I want to do is build on that and look specifically at what these changes can mean for Autistic children and young people, and what families can practically do to prepare. In saying that, what I will relay today

is effectively for everyone, due to the diversity of our communities, it's equally applicable. I really want to make this practical. There are three things I want to cover: "What are these changes?", "What these changes could mean in practice", "What we need to watch for", and most importantly, "What can you do to prepare?". Because participation, as you know, is not simply about whether an opportunity exists. For us, that starts with what we actually mean by "participation". It's more than being included; participation should be meaningful, chosen, and adequately supported. It won't look the same for everyone. For one young person, it might mean building independence. For another, including someone with very high support and dependency needs or complex communication needs. Meaningful participation may continue to require substantial individual support. Both are participation. The important thing is that the person has opportunities to learn, connect, contribute, and thrive in a way that works for them. This is the distinction that I really want people to take away: We absolutely want schools, workplaces, sporting clubs, and communities to become more inclusive and accessible. But inclusive communities and individual enabling of supports are not the same thing. They do work together, again as you would know. A community activity can be welcoming and accessible, but that doesn't necessarily provide the communication support, the transport, the sensory or regulation support, the prompting, the personal assistance, or the trusted person that someone needs to participate. That's why I like bridge analogy on this slide: "Making the destination accessible doesn't necessarily build the bridge someone needs to get there and participate." This brings me to probably the most practical advice I can give families and individuals today. Make the invisible visible. This is particularly important for Autistic people,

for people with co-occurring disability and intersectionality, because so much of the support can be invisible. People might see a child attending school; they might see a young person going to an activity, volunteering, working, or spending time in the community. What they may not see is everything that makes that participation possible. When you keep a record, don't just write down the support or the number of hours. Write down what that support actually enables. What can your child or young person do because that support is there? What becomes possible? What difference does it make to their participation, learning, wellbeing, or independence? That connection between the support and the outcomes is really important. When you do that, think about the whole participation journey, not just the activity itself. "Before": What preparation, planning, visuals, schedules, transport, or support getting ready is required? "During": What communication, prompting, sensory regulation, practical assistance, or trusted support is needed? And "After": What's the recovery, regulation, or support to transition home that's needed? Because the participation that people can see may depend on the support they can't see. That's what's really important here. Sometimes, the better the support is working, the less visible the need for that support becomes. Successful participation shouldn't become evidence that the support making it possible is not longer needed. Effectively, I'm saying to make sure you take whoever it is on the journey so they can understand what's needed. Then, capture the other side of the story as well. What happens when that support isn't there? What becomes harder? What stops altogether? What happens to participation, learning, wellbeing, regulation, or safety? Does someone else, very often a family member, simply step-in to fill the gap? You don't need an enormous file; a few notes on your phone, dates, real

examples can tell the story. Think of this as three simple things: “What support is provided?”, “What does it make possible?”, and “What happens without it?”. That is how we start to make the invisible visible. Then, take these four questions into your next NDIS conversation. First: What’s actually changing for me and my child? What support is changing? Why? And what is it expected to replace? Second: What information has been used? Does it actually reflect your child now, or your young person’s current needs, including those other things that people don’t see? Is something missing? Third, I think this is the most important one: If someone or something else is expected to meet the need, what exactly is that, and is it actually ready? Point me to it. Does it exist? Can my child and young person access and use that? Can it safely and effectively meet their needs now? Because saying that community or mainstream alternatives exist is not the same as demonstrating that it works. And fourth: What happens if it doesn’t work? Ask the questions. Who do I contact? What are the next steps? What is the escalation pathway? What happens in the meantime? You’re about to hear from Sheetal about formal review and appeals rights. What I want to add to that is make sure you have the practical evidence that tells the story of what participation actually requires. You don’t have to remember all of this; we have made up a participant tool sheet that we’ll make available through CYDA, or you can access it through our website. If you remember one thing from me today, make it this: “Make the invisible visible.” Don’t just document the support, document what makes it possible, because inclusive communities matter enormously. So does the individual support that makes participation real. We will keep advocating to improve outcomes and sending information to our communities, we’ll continue to all work together to make sure that we

increase safeguards, including giving alerts of key dates. Things are evolving all the time, so we do have opportunity to improve, but the best thing we can do now is to prepare you. Thank you.

Oriela: Thank you, Jenny. Really incredible work there, thank you so much. I'm now going to handover to Sheetal Balakrishnan. Sheetal is the Senior Solicitor on Strategic Litigation at the Justice and Equity Centre. Sheetal is going to speak on appeal and review rights, rules, and new timeframes for scheduled and unscheduled plan reassessments.

Sheetal: Thanks, Oriela. Hi, everyone, my name is Sheetal, my pronouns are she/her, and I am a Senior Solicitor at the Justice and Equity Centre. I am joining you today from Gadigal land. Those are the two topics I'm going to speak about today. I'm going to try and run through this quickly because we're a bit short on time. I'll start with the first topic which is about scheduled and unscheduled plan reassessments, and I'll start first with talking about scheduled plan reassessments. Before I do that, I'll start with introducing this concept which Darryl briefly mentioned called "plan renewals" because it's relevant to scheduled plan reassessments. As you probably all know, currently plans have a reassessment date, which is a point at which participant supports could be reassessed before a new plan is then made. The changes to the law will replace reassessment dates with now what's called "end dates", and so at the end date, plans will be automatically renewed for a 12-month period. The law doesn't require that this renewed plan be paired with the participant. What that means is there's no longer a specific opportunity to identify whether support needs or circumstances have changed for that participant. As Darryl mentioned, that change is going to start from the first of February 2027. It also means that from that date there will no

longer be scheduled plan reassessments, because they're taking out that reassessment date concept. Practically, what that means is that if a participant's plan is going to end before February 2027, they may have another scheduled plan reassessment in that time. But if a participant's plan is going to end after February 2027, then they may not have a scheduled reassessment. I'll now talk about unscheduled plan reassessments. Before the changes, a participant could effectively request a reassessment at any time and for almost any reason. But with the changes, the ability to request a reassessment will now be limited. A reassessment can only be requested if there has been 1), a significant and ongoing change in the person's support needs, and 2), the change effects either a participant's functional capacity in an ongoing way, or their personal or environmental circumstances have changed. For example, a change in where the person lives, studies, or works, or a change to their informal supports. The government has also made it clear that if a participant runs out of funding early, but their support needs haven't changed significantly, their request for a reassessment will be refused. There is also now a stricter process to request a reassessment. The main things here are that firstly, a request must be made in a specific form and include the documents that the Agency asks for. Only then will the NDIA consider the request, and it also extends the time for the Agency to decide a request. Previously it was 21 days that they had, and now they have 90 days. There are also new changes about who can make the request. The request can only be done by the participant, their child representative, or a plan nominee. It means that providers, for example, can no longer submit requests on behalf of a participant. This change has already started as of August 27th. Now I'm going to move onto appeal and review rights and try to

do this pretty quickly. What I'll say at a top level is that for the most part, it's not really the case that decisions that were previously reviewable are no longer reviewable, but certainly there are impacts on appeals and particular types of changes where we expect there to be maybe more appeals made by people, or less opportunities to appeal. I'm going to try to point-out five points where we expect appeals might be impacted. First of all, plan reassessments. As mentioned, the stricter rules have already started and people will be able to appeal where the NDIA decides not to do a reassessment, because those stricter requirements now apply. Also, if the NDIA doesn't make any decision within 90 days, then a person also has an opportunity to appeal that. That's not really a change from what it was before. But because it's now harder to get a reassessment done, if the NDIA refuses to do one, we would expect that more people might be appealing those kind of decisions. The second decision point might be support determinations. Darryl's already mentioned that the application of a support determination, in of itself, is not a reviewable decision. If a person wants to challenge the impact of a support determination, there may be some alternative ways. Darryl also mentioned the new variation power for people with high support needs that require 24/7 support. First, that will mean that the NDIA will have to decide whether a person has high support needs, and if the NDIA makes a decision that you disagree with, that decision can now be appealed. If the NDIA agrees that the person has high support needs, then their plan may be varied to top-up funding if the support determination is going to disrupt their need for 24/7 support. A third decision point where we expect it to impact appeals is around plan renewals. As I said, those are sort of automatic, in that a plan will be automatically renewed at the end date, but those decisions

themselves can't be appealed. This is an instance where review rights are changing. Previously, at the end of a plan, a new decision is made which would have opened up review options, but this will no longer be the case. The fourth area I will very briefly mention is when new framework plans rollout from the first of April 2027. I think the problem here is that the day that process is going to occur, because it's no longer line-by-line funding, will naturally reduce the ability to appeal plans. Unfortunately, I probably don't have time to go into that in too much detail, but I'll just leave that thought there. If there are questions that come out after that, happy for them to be directed to me. The fifth area where we expect appeals to be impacted is decisions about access, changed from the first of January 2028. People might have heard about the stricter requirement for a person to undergo all appropriate treatment. With that stricter requirement, we expect that more people will be denied access to the NDIS, unfortunately. It might mean that participants' status is reassessed, and some people might be taken off the Scheme, which I can appreciate is very difficult to hear. We expect that there will be more appeals around those kinds of decisions. I'll leave it there. Thanks, and back over to the CYDA team.

Skye: Skye speaking. Thanks so much, Sheetal. I know it's always hard when you're the last speaker and time is running out, so we're so grateful for everything that you've shared with us, because information about appeal and review rights is going to be incredibly important. And thank you, again, to all of our panellists. We have covered a lot of ground today, and so I thought before we go onto our Q&A section, which is going to be very short: We hope that after hearing from the speakers, as an audience you are feeling more informed, and so we've opened the poll now, again. The same one that we ran at the

start, to see if the information today was helpful and it feels like you've managed to improve your knowledge. We'll leave that open until the end of the webinar, so feel free to respond if and when you can. Over to you, Oriela.

Oriela: Thanks so much, Skye. I'm going to head into our really quick Q&A right now. Speakers, if you can give us your highlights and really your most important points out of these questions. Can you explain about the impairment categories and how it gets decided which categories the participant is eligible for? Also, explain the meaning of the term "directly" arising from where the participant experiences multiple types of disability and impairment. Sheetal?

Sheetal: I can have a quick go at this one. The impairment categories will be decided based on the way in which the person got access to the NDIS. It will essentially link the impairment categories. There are about five or seven categories, off the top of my head. It won't identify specific impairments of the participant, just the category, and there is a process to seek changes to those categories and there are review right around them, if a person doesn't agree with what the NDIA has suggested. In terms of "directly arising from", before these changes were made, the law required the NDIA to take a whole-of-person approach to funding supports. This basically meant that a support could be funded even if the need for that support had multiple causes, as long as one of those causes was the impairment that gave the person access to the NDIS. Now, the inclusion of the word "directly" could, in a way, limit the funding of supports which a person may need for a combination of factors. It's a bit hard to say exactly how that will be interpreted because I think that will come down to how a tribunal or a court interprets that. But in the meantime, from a practical perspective, I would suggest if you're caught in this

type of argument with the NDIA, that you should maintain that a support need can arise from multiple causes, and that the addition of “directly” simply is that a closer cause is required than previously. But “directly” should not mean “solely”, if that makes sense. The summary is, still try to argue the whole-of-person approach to the best of your ability. Thank you.

Oriela: Thank you, Sheetal. Darryl?

Darryl: Thanks, Oriela. Just to add very quickly, I think one of the biggest challenges in this space will be, as part of the transition to framework planning, getting impairment notices correct for participants based on evidence on the NDIA’s files that may well be out-of-date or incomplete. I think the process Sheetal described around being able to review and add to what the NDIA might have decided is going to become really important, and it’s critical that happens before any new framework planning process begins. There’s still some details to be resolved as to how the Agency’s going to do that.

Skye: Skye speaking. Doing my job as timekeeper, I’m going to wrap us up now. Thank you so much, everybody. We have so many really valuable questions coming through the Q&A function, through the chat, and also that have been submitted before today. We’re going to group these questions into themes and make sure we’re able to provide you with some responses that we’ll make available on our website. We do hope that you have found today’s webinar helpful. It’s a lot to take in, we know, and we do hope you are feeling a bit better equipped to understand what’s changing and when. Please remember, as Oriela spoke about at the start, to reach out for support. Whether that’s with your friends, through disability representative organisations, advocacy services or legal help, or some of those external helplines we’ve just popped in the

chat. CYDA, The Autism Alliance, and Down Syndrome Australia will continue to advocate to make sure these changes are implemented as safely as possible, and we're going to keep the community informed. We'll also provide you with some links to resources that are relevant, as well as links to advocacy and legal supports that might be helpful. Thank you so much to all of our panellists for speaking today, and to all of our attendees for being here for your engagement, for showing up, and for all of your amazing questions. Thank you to our Auslan interpreters, for making sure today's event was as accessible as possible. And finally, thank you to the amazing team at CYDA who worked incredibly hard to make this event possible. A lot goes into preparing something like this and we're really grateful for everything you've done to help keep the community informed. We are going to share the recording for today via email and on social media after the event, so keep an eye on your inboxes and your social media feeds. If you're not already, we would absolutely love for you to join CYDA as a member. It's free, if you're a young person with disability or the family member of a child or young person with disability. When it comes to advocacy, there's strength in numbers, and being a CYDA member means you'll be first to know about all of our different programs and offerings. We want to make sure our events are inclusive and they're as safe as possible. If this webinar brought up any uncomfortable feelings or experiences for you, or you want to have a debrief about something, please contact our safety and wellbeing officer Liz whose details are in the chat. She's available now and for one hour after the session ends. And a reminder too about those professional support services that we linked to earlier such as Lifeline, Beyond Blue, and Rainbow Door. Please also contact us if you have any questions or feedback about today's webinar. Thank you so

much again for joining us, and we hope you have a really great afternoon.

[End of text transcript]