

New Framework Planning and NDIS Supports

Submission to the Department of
Health, Disability and Ageing

October 2026

Northern Territory Public Guardian and Trustee

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Introduction

The Northern Territory Public Guardian and Trustee welcomes the opportunity to provide feedback on new framework planning and NDIS supports rules.

The Northern Territory Public Guardian and Trustee is an independent statutory authority responsible for protecting the rights and interests of adults with impaired decision-making capacity. This includes people affected by intellectual disability, acquired brain injury, dementia and mental illness. The Public Guardian currently makes personal and lifestyle decisions for approximately 597 individuals, while the Public Trustee administers the financial affairs of approximately 748 people. Approximately 75 per cent of represented persons identify as Aboriginal.

A significant proportion of represented persons are also National Disability Insurance Scheme participants. The Public Guardian regularly engages with participants, families, service providers, support coordinators, health professionals and the NDIA and has developed a detailed understanding of how planning decisions affect participants with complex needs, communication barriers, cognitive impairments and varying degrees of involvement from informal support networks.

The proposed new framework planning rules represent the most significant change to NDIS planning since the commencement of the Scheme. The reform seeks to create a more consistent, transparent and equitable approach to determining participant budgets through the introduction of standardised support needs assessments, structured budget methodologies and longer-term plans.

While the Northern Territory Public Guardian and Trustee supports efforts to improve consistency and transparency, the success of the new framework will depend on whether it can retain the person-centred principles that underpin the NDIS. Consistency is an important objective; however, consistency should not come at the expense of recognising the complexity of individual lives.

Northern Territory Context

Many represented persons live in regional, remote and very remote communities where providers are scarce and mainstream services are limited. Geographic isolation can significantly affect a participant's ability to access health care, disability supports, assessments and specialist services. The Public Guardian and Trustee regularly observes that disability support needs cannot be assessed in isolation from a participant's environmental, cultural and social circumstances. Two participants with similar functional impairments may require significantly different levels of funding and support depending on where they live, the services available to them and the natural and community supports available in their local context.

In the Northern Territory, disability service delivery issues are frequently compounded by intersecting forms of disadvantage, such as homelessness or overcrowded housing, limited literacy and digital literacy, language barriers, cultural factors and social isolation. Together, these challenges can make it difficult for families to navigate complex service systems and effectively advocate for the support their family member requires. The Public Guardian and Trustee has observed circumstances where families supporting adults with disability become overwhelmed by the challenges of navigating complex service systems, including the NDIS. In some cases, these difficulties contribute to applications for guardianship, highlighting the importance of accessible services and appropriate support for families.

As the new framework planning model seeks greater consistency through standardised assessments and funding methodologies, it is important that regional, remote and cultural factors are appropriately recognised throughout the planning process. This is particularly relevant for represented persons who identify as Aboriginal or Torres Strait Islander.

Background

The Consultation Paper seeks feedback on four new rules that will establish the new NDIS framework planning model. Under the proposed approach, participants would transition from the current planning process to a new model centred on a Support Needs Assessment conducted by the NDIA.

A Support Needs Assessment will become the primary mechanism for identifying a participant's disability support needs and determining their NDIS budget. The assessment will consist of:

- a core needs assessment
- consideration of personal and environmental circumstances via a questionnaire
- a targeted specialist assessment (where required).

Information gathered through the assessments will be used to identify the NDIS supports a participant requires. These are disability-related supports that assist participants with everyday activities and promote their independence and participation. Supports include items like home modifications and assistive technology, as well as disability-related health care costs such as nursing and consumables. Finally, the Support Needs Assessment will be used to calculate funding using a prescribed budget methodology.

The reforms also introduce broader changes to the planning framework, including new support categories aligned with assessed needs and greater flexibility in funding arrangements. Plan variations, rather than full reassessments, would become the primary mechanism for making changes to plans, which could extend for up to five years. An additional Consultation Paper details the planned removal of replacement supports, with these commonly-requested replacement items being incorporated into mainstream support categories. Replacement supports are exceptions to funding rules that allow participants to divert NDIS funding to purchase certain approved non-NDIS items where those items will meet the same disability-related need more effectively or efficiently than the support originally funded.

We note that the Consultation Paper states that further detail regarding the budget methodology will be released following additional testing, and that exposure drafts of all eight framework planning rules will be available for further consultation later in 2026. The Northern Territory Public Guardian and Trustee welcomes the opportunity to participate in further consultation on these rules.

Responses to Consultation Questions – Framework Planning

1. What parts of the support needs assessment process need more explanation?

The proposed framework appropriately recognises that disability support needs are influenced by both functional capacity and personal circumstances. As the detailed design of the rules is finalised, consideration should be given to ensuring the assessment process appropriately captures the needs of participants who have impaired decision-making capacity, limited natural supports or heightened vulnerability. Assessment processes should be capable of reflecting a person's actual support requirements even where they are unable to fully articulate those needs themselves.

Serious consideration should be given to how the assessment process works for participants whose disability affects their insight into their own functional limitations. For example, a person with acquired brain injury, intellectual disability, dementia or significant psychosocial disability may present well during an assessment but require substantially greater support than they acknowledge to manage daily living, maintain accommodation, make decisions or remain safe in the community.

Consideration should be given to establishing an alternative assessment pathway for participants who are subject to guardianship orders. The existence of a guardianship order reflects a legal determination that the person has impaired decision-making capacity in one or more areas of their life and requires an appointed decision-maker. While such orders do not establish the full extent of

a participant's disability support needs, they provide important evidence of impaired decision-making capacity that should be recognised early in the assessment process.

Participants should not be required to repeatedly demonstrate established impairments in decision-making capacity through standardised assessments. People subject to guardianship orders may experience particular difficulties accurately identifying or communicating their support needs, especially where their disability affects insight, judgement, communication or executive functioning. Assessment processes should therefore place significant weight on information provided by appointed guardians, nominees, family members and treating professionals who have an established understanding of the participant's circumstances, functioning and support requirements. Greater clarity is required regarding how this information will be captured and considered within the proposed assessment framework.

Assessment processes should also recognise the principles of supported decision-making. Participants should be enabled to participate in assessments to the greatest extent possible, with appropriate assistance from family members, nominees, guardians, advocates and other supporters as required. The framework should be capable of capturing a participant's own views and preferences while also recognising circumstances where additional information is needed to understand the participant's support needs.

Specifically, the use of NDIS assessors for core needs assessment and collation of responses in the Personal and Environmental Circumstances Questionnaire appears to limit the involvement of professionals such as social workers or other allied health professionals in the early stages of the new process, potentially until the optional step of a targeted assessment takes place. It is unclear at this stage what the trigger for a targeted assessment will be. The framework should allow professional advice to be sought and considered from the outset, particularly where participants have complex support needs or circumstances that may not be adequately captured through standardised assessment tools.

If any component of the assessment process is conducted online, careful consideration should be given to the supports required to ensure participants are not disadvantaged by structural barriers to digital access. Online assessment processes can inadvertently create barriers by assuming that participants and their supporters have ready access to technology and digital services. For participants subject to guardianship orders, engagement with the assessment process may depend on a guardian, family member or other supporter completing identity verification, providing evidence or participating in online interactions on the participant's behalf. This approach assumes access to reliable internet connections, suitable devices and sufficient digital literacy, which may not always be available. The framework should acknowledge these barriers and provide appropriate assistance and accessible non-digital assessment pathways to ensure equitable access.

The NDIA also needs to be transparent about where and how automated decision-making will be used, for example, whether it will be used in collating and assessing responses to the Personal and Environmental Circumstances Questionnaire. Automated workflows should be designed to flag complex circumstances, such as the presence of substitute decision-makers in a participant's care team, for human oversight early in the assessment process.

2. What questions and feedback do you have about the draft template support needs assessment report?

The support needs assessment report template provides participants with a summary of the initial assessment and the assessor's comments before their NDIS plan is generated. This is a positive feature of the proposed process, as it provides an opportunity for participants and their supporters to identify inaccuracies, clarify information and provide additional evidence before planning decisions are finalised.

The proposed report structure appears comprehensive and would benefit from maintaining a clear link between the information collected, the assessor's findings and the resulting support categories. For represented participants, it will be particularly important that the report captures and

communicates the perspectives of those who know the participant well, including formal and informal supporters, such as appointed decision-makers, carers and treating professionals, as relevant.

3. In what circumstances should a replacement assessment be arranged?

Replacement assessments should be available where participants or decision-makers consider the original assessment did not accurately reflect the participant's circumstances or social/service delivery context. This may occur where significant information was unavailable at the time of assessment, where communication barriers affected participation, or where subsequent information indicates that the participant's support needs were not fully captured. This may include circumstances where a participant was unable to effectively engage in the assessment process because their usual supports for decision-making were not available.

A replacement assessment may also be appropriate where information from a guardian, nominee, administrator, trustee, family member or other key support person was unavailable at the time of the original assessment and may have materially affected the outcome. For some participants, particularly those with impaired decision-making capacity, a complete understanding of support needs can only be obtained through consideration of information from those involved in their ongoing care and decision-making.

Further consideration should be given to circumstances where safeguarding concerns emerge following an assessment. This may include evidence of financial exploitation, neglect, service failure, accommodation instability or loss of informal supports that was not apparent during the original assessment.

The framework should also provide a clear process for identifying and responding to safeguarding concerns that emerge during or following an assessment. Where an assessment outcome may expose a participant to neglect, exploitation, unsafe living arrangements or the loss of essential supports, there should be a timely mechanism for reconsidering the assessment and addressing any immediate risks.

4. What information would help participants understand how a budget is calculated?

Information provided to participants should demonstrate how assessed support needs are translated into support categories and funding outcomes. This will assist not only participants, but also guardians, nominees and other representatives who may need to explain, implement or review planning decisions with participants.

5. What questions and feedback do you have about the draft participant plan template?

The draft template provides a clearer structure for understanding funded supports. Consideration should be given to presenting information in a way that enables participants and their representatives to readily identify what supports have been funded, the purpose of those supports and any limitations on how their funding can be used.

6. What feedback and questions do you have about plan variations and reassessments?

The proposed approach to plan variations is supported, as it should enable changes to be addressed without requiring a full reassessment. However, the framework must provide timely and accessible processes for responding to significant changes in a participant's circumstances, particularly where their safety or wellbeing may be affected.

This is especially important for participants with impaired decision-making capacity who may be unable to recognise or communicate changes in their support needs. Circumstances requiring an urgent response may include the breakdown of supported accommodation arrangements, the withdrawal or loss of essential services, the death or unavailability of an informal carer, emerging safeguarding concerns or a significant deterioration in a participant's circumstances.

Clear guidance is required regarding the circumstances in which an urgent plan variation may be requested, the expected timeframes for decisions and the role of guardians, nominees and other representatives in initiating and supporting these requests. The framework should ensure that

participants are not left without essential supports while changes to their plans are being considered.

7. What feedback do you have about changes to NDIS supports for old and new framework planning?

Access to appropriate supports throughout the framework planning process will be important to ensuring that participants can engage meaningfully in assessments and that their support needs are accurately identified. As implementation progresses, it will be important to ensure that the framework remains sufficiently flexible to meet the needs of participants with complex circumstances, including those requiring substitute or supported decision-making or who may be at increased risk of exploitation, neglect or social isolation. For participants for whom the Public Guardian or Public Trustee acts as substitute decision-maker, framework planning supports are particularly important in ensuring that the participant's rights, will and preferences are identified and reflected throughout the planning process. Input from the Public Guardian and Trustee may include supporting engagement with NDIA assessors, providing accurate and verified information about the participant's circumstances and support needs, assisting the participant to understand decisions affecting them, and participating in reviews or appeals where required.

8. What impacts do you think will be experienced as a result of removing replacement supports?

The supplementary Consultation Paper details the removal of the replacement supports process, which is currently most often used by participants to purchase assistive technology such as tablets, smartphones or other items that help meet their disability-related needs. Instead, the most commonly requested items are proposed to become 'stated supports' that may be included directly in a participant's plan where the relevant eligibility requirements are met.

The impact is likely to depend on how effectively equivalent flexibility is incorporated within the new support categories. Particular attention should be given to ensuring that participants with complex or atypical circumstances can continue to access supports that achieve their required outcomes, even where those supports do not fit neatly within conventional service models.

For example, some participants with cognitive impairment are vulnerable to financial exploitation, coercion or abuse and may benefit from technology-based supports, monitoring arrangements or other practical measures that increase safety and oversight. Similarly, participants living in remote and very remote locations may rely on alternative support arrangements because mainstream services are unavailable, infrequent or unable to meet local needs.

Participants who are subject to guardianship or administration orders and have limited informal supports may also require low-cost practical assistance to maintain a tenancy, attend appointments, manage daily living responsibilities or remain connected to their communities. Without such supports, there is a risk that more intensive and costly interventions may be required at a later stage.

The removal of replacement supports should not unintentionally reduce flexibility for participants whose circumstances, vulnerabilities or support arrangements do not align neatly with standard service categories. The new framework should continue to allow solutions that achieve equivalent outcomes where they are reasonable, necessary and represent value for money.

Further guidance should include practical examples of previously available replacement supports and their proposed alternatives under the new framework. It should also clarify how participants can seek funding for alternative supports that meet their disability-related needs but are not expressly included within the new support categories.

9. What information was most useful?

The explanation of how the support needs assessment, support categories and budgeting framework interact was particularly useful. It provides a clearer understanding of the pathway from assessment to planning outcomes.

10. What questions do you still have?

Consideration should be given to how the existence of a guardianship order can be formally recognised within the assessment framework. A guardianship order already represents a legislated finding that the person has impaired decision-making capacity and requires substitute decision-making in relevant areas of their life. The framework should not treat these participants as though they are entering the

assessment process without any pre-existing evidence of need. Recognition of guardianship orders would reduce unnecessary reassessment of established issues, lessen administrative burden and improve the likelihood that support needs are accurately identified from the outset.

11. What would help people with disability better understand the new framework planning rules?

Practical examples illustrating how different participant circumstances progress through the assessment and planning process would assist understanding. Examples involving participants with complex support needs, cognitive impairment or substitute decision-making arrangements would be particularly valuable. A side-by-side visual of the changes would be helpful.

12. What communication formats would make the information more accessible?

A range of formats should continue to be provided, including Easy Read resources, visual guides and practical case studies. Materials should also recognise that some participants engage with the NDIS through nominees, guardians, administrators, advocates and other representatives. Consideration should be given to using interpreters and translators to provide information in Aboriginal languages.

Communication materials should also be developed in consultation with Aboriginal people and communities to ensure they are culturally appropriate and accessible. Information should be available in formats that do not rely on high levels of literacy, digital access or familiarity with government service systems.

13. What should we focus on in future communication products?

Future communication products should focus on helping people understand how assessment findings influence support categories and planning outcomes, and how the framework will operate in real-life situations. Case studies demonstrating diverse participant circumstances would be particularly helpful in building confidence and understanding across the sector.

Responses to Consultation Questions – NDIS Supports

NDIS supports include assistance from support workers, personal care, therapies, assistive technology, home modifications, transport supports, interpreting services, assistance animals and short-term accommodation. Replacement supports are alternative items or services that may be funded in place of certain NDIS supports. For example, a participant may seek funding for a tablet or smartphone where it can meet an identified disability-related need more effectively or efficiently than another funded support.

These questions seek feedback on:

- the updated support categories
- the removal of replacement supports
- additional excluded items
- any practical implementation issues or unintended impacts that should be considered in making changes to the Rules.

1. Are the proposed support categories clear?

The proposed support categories provide greater clarity about the types of supports that are generally considered inside and outside the scope of NDIS funding. This is likely to assist participants, guardians, planners and providers to better understand funding expectations.

However, from the Public Guardian and Trustee's perspective, clarity of categorisation does not necessarily equate to clarity of decision-making. Many represented persons have complex and intersecting needs that do not fit neatly within prescribed categories. For these individuals, the practical question is not whether a particular support appears on a list, but whether it is necessary to address the functional impacts of their disability. The narrower categories may therefore create a risk that supports are assessed by reference to predefined classifications rather than the individual's circumstances. This is particularly relevant for represented persons whose disability-related needs intersect with health, housing, transport, culture, employment, family supports or community participation needs.

2. Are there areas where further explanation, examples or guidance would be helpful?

The proposed framework would benefit from further guidance on how planners and delegates will assess supports that are not expressly identified within the support categories but arise directly from an individual's disability-related needs. Represented persons often have complex circumstances that require flexible responses, yet the rules provide limited direction on how factors such as living arrangements, informal supports, cultural circumstances, location and functional impacts will be weighed when determining whether a support is reasonable and necessary.

The Public Guardian and Trustee also considers that additional guidance is required in relation to remote and cultural contexts. Represented persons living in remote and very remote communities frequently experience workforce shortages, limited provider availability, thin service markets and other practical constraints that affect both the availability and suitability of supports. Similarly, many represented persons maintain strong cultural, family and community connections that are central to their wellbeing and participation. Further examples addressing these circumstances would support more consistent, culturally responsive and context-sensitive decision-making.

3. Are there particular support types where more guidance may be needed?

The distinction between disability-related and health-related supports can be difficult to apply in practice for many represented persons. Individuals with intellectual disability, acquired brain injury, dementia or psychosocial disability often require support to manage health conditions because their disability affects memory, executive functioning, decision-making or behaviour. In these circumstances, activities that may appear health-related are frequently integral to managing the functional impacts of disability. Additional guidance would assist decision-makers to apply the Rules consistently and reduce the risk of represented persons falling between the disability and health systems.

The proposed approach to home modifications may also warrant further consideration where disability-related need is clearly established. In the Public Guardian and Trustee's experience, represented persons living in public housing can face significant delays and administrative barriers when seeking environmental modifications through housing systems. Eligibility for necessary modifications should not be unduly constrained by housing tenure where the modification is required to address disability-related functional needs. Extremely high levels of unmet public housing need, maintenance delays and overcrowding further compound these challenges for NDIS participants in the Northern Territory.

Further guidance may also be beneficial in relation to employment supports. Some represented persons are able to participate in employment but require specialised equipment, assistive technology or workplace supports because of their disability. Clearer delineation of responsibilities would help minimise support gaps and reduce the risk of duplication across systems.

The exclusion of certain transport supports may not fully reflect the circumstances of all participants. Assumptions regarding the availability of family support for transport may not reflect the reality for individuals who have limited or non-existent informal support networks.

Greater clarity is also required regarding the interface between the NDIS and aged care systems. The current drafting creates uncertainty about the transition when a participant enters residential aged care and how responsibility for disability-related supports will be determined. Clearer guidance would assist participants, guardians and service providers to plan effectively and avoid service disruption during transitions between systems.

4. Are there any practical issues or unintended impacts that need to be considered?

Represented persons are among the participants most likely to be adversely affected by rigid implementation of support categories. Many have multiple disabilities, limited informal supports, communication difficulties or impaired decision-making capacity. Where flexibility is reduced, there is a risk that supports will not adequately respond to individual circumstances, resulting in poorer outcomes for people with complex needs.

Restrictive application of support categories may also increase administrative burden across the system. Where individual circumstances do not align neatly with prescribed categories, represented persons may be required to pursue internal reviews, appeals or requests for exception-based consideration. This can delay access to necessary supports and increase demands on guardians, advocates, service providers and the NDIA.

Particular consideration should be given to the potential impact on Aboriginal participants and those living in remote and very remote communities. Service availability, workforce capacity and delivery models in these settings often differ significantly from those in metropolitan areas. Without adequate recognition of these factors, support decisions may not reflect the practical realities experienced by many represented persons in the Northern Territory.

Represented persons are especially vulnerable to service gaps where responsibility for supports is shared or disputed between the NDIS and other service systems, including health, housing, education, employment and aged care. Where funding boundaries are unclear, access to essential supports may be delayed while agencies determine responsibility. Guardians regularly encounter these challenges when advocating for represented persons.

The framework should provide clear guidance on how responsibilities between the NDIS and mainstream service systems will be determined, including mechanisms for resolving funding disputes without interrupting essential supports. Participants should not be disadvantaged by delays in determining which service system is responsible for meeting their needs.

A highly prescribed approach may also reduce opportunities to implement innovative and person-centred solutions. Supports that foster independence, autonomy and long-term capacity building may be overlooked where decision-making focuses primarily on category compliance rather than individual outcomes and circumstances.

From the Public Guardian and Trustee's perspective, the primary risk of the proposed framework is not that categories are unclear, but that they may be applied too rigidly. The rules should support consistency while preserving sufficient flexibility to recognise the diverse circumstances of represented persons and ensure disability-related needs remain the central consideration in support determinations.

Conclusion

The Northern Territory Public Guardian and Trustee supports the objective of creating a more transparent, consistent and equitable planning framework for the NDIS. The proposed reforms have the potential to improve participant understanding of planning decisions, strengthen confidence in funding outcomes and provide greater clarity regarding how disability support needs are assessed and translated into NDIS plans.

However, the success of the new framework will depend on whether consistency can be achieved without diminishing the person-centred principles upon which the NDIS was established. People with disability do not experience disability in uniform ways, nor do they live in uniform circumstances. In the Northern Territory, the availability and delivery of disability supports can vary significantly between urban, rural, remote and very remote communities. Support needs are influenced not only by functional impairment, but also by geography, culture, communication, housing, family networks, service availability and personal circumstances. A planning framework that places significant emphasis on standardisation must retain sufficient flexibility to recognise these realities.

For the participants represented by the Public Guardian and Trustee, many of whom have impaired decision-making capacity, complex support needs and limited ability to advocate for themselves, it is particularly important that assessments draw upon the knowledge of those who know the participant well and that planning decisions remain responsive to individual circumstances. The quality of the assessment process should not be measured solely by its consistency but by its ability to accurately reflect the lived experience of participants and generate funding outcomes that support their safety, dignity, independence and inclusion.