

The Senate

Community Affairs Legislation
Committee

National Disability Insurance Scheme
Amendment (Integrity and Safeguarding)
Bill 2025

March 2026

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ISBN 978-1-76093-895-6 (Printed version)

ISBN 978-1-76093-895-6 (HTML version)

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Abbreviations

ADA	Aged and Disability Advocacy Australia
AFDO	Australian Federation of Disability Organisations
AHPA	Allied Health Professions Australia
ASU	Australian Services Union
bill	National Disability Insurance Scheme Amendment (Integrity and Safeguarding) Bill 2025
CEO	Chief Executive Officer
Commission	NDIS Quality and Safeguards Commission
Commissioner	NDIS Quality and Safeguards Commissioner
committee	Senate Community Affairs Legislation Committee
CRPD	<i>Convention on the Rights of Persons with Disabilities</i>
CYDA	Children and Young People with Disability Australia
DANA	Disability Advocacy Network Australia
DAS	Disability Advocacy Service
DHDA	Department of Health, Disability and Ageing
EM	Explanatory Memorandum
Human Rights Committee	Parliamentary Joint Committee on Human Rights
ICCPR	<i>International Covenant on Civil and Political Rights</i>
ICESCR	<i>International Covenant on Economic, Social and Cultural Rights</i>
Independent Review	2023 Independent Review into the NDIS
Minister	Minister for the National Disability Insurance Scheme, Senator the Hon Jenny McAllister
NACCHO	National Aboriginal Community Controlled Health Organisation
NDIA	National Disability Insurance Agency
NDIS	National Disability Insurance Scheme
NDIS Act	<i>National Disability Insurance Act 2013</i>
NDIS QSC	NDIS Quality and Safeguards Commission
NDS	National Disability Services
NEDA	National Ethnic Disability Alliance
NT	Northern Territory
OTSi	Occupational Therapy Society Incorporated
PWDA	People with Disability Australia
Regulatory Powers Act	<i>Regulatory Powers (Standard Provisions) Act 2014</i>
Royal Commission	Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability
Scheme	National Disability Insurance Scheme
Scrutiny Committee	Senate Standing Committee for the Scrutiny of Bills
Statement	Statement of Compatibility with Human Rights

List of recommendations

Recommendation 1

2.136 The committee recommends that the National Disability Insurance Scheme Amendment (Integrity and Safeguarding) Bill 2025 be passed.

Chapter 1

Introduction

- 1.1 On 26 November 2025, Senator the Hon Anthony Chisholm introduced the National Disability Insurance Scheme Amendment (Integrity and Safeguarding) Bill 2025 (the bill) to the Senate, on behalf of the Minister for the National Disability Insurance Scheme (NDIS/Scheme), Senator the Hon Jenny McAllister (Minister).¹
- 1.2 On 27 November 2025, the Senate referred the bill to the Community Affairs Legislation Committee (the committee) for inquiry and report by 20 March 2026.²

Structure of the report

- 1.3 This report contains two chapters. This chapter sets out:
- the purpose of the bill;
 - background information relating to the development of the bill and calls for the strengthening of the powers of the independent regulator, the NDIS Quality and Safeguards Commission (NDIS QSC);
 - an overview of the bill's key proposed amendments; and
 - general information outlining the conduct of the inquiry and consideration of the bill by other parliamentary committees.
- 1.4 The report's second chapter summarises the views put forward in evidence about the bill and concludes with the committee's views and recommendation.

Purpose of the bill

- 1.5 The bill would amend the *National Disability Insurance Scheme Act 2013* (NDIS Act) to deter NDIS providers from providing poor quality and unsafe services and supports, through a strengthened and fit-for-purpose penalty and offences framework. The bill would also ensure that unsuitable persons can be excluded from providing NDIS services by 'adding categories of people against whom a banning order can be imposed'.³
- 1.6 In addition, the bill would restrict a person from engaging in promotional conduct in connection with the NDIS where that conduct undermines the objects or principles of the NDIS Act, by adding a new power allowing the NDIS

¹ [Senate Official Hansard](#), 26 November 2025, pp. 2574–2575.

² [Journals of the Senate](#), No. 27–27 November 2025, p. 892.

³ [Explanatory Memorandum](#) (EM), National Disability Insurance Scheme (NDIS) Amendment (Integrity and Safeguarding) Bill 2025, p. 1.

Quality and Safeguards Commissioner (Commissioner) to issue an anti-promotion order.⁴

- 1.7 The bill would strengthen the powers of the NDIS QSC to allow it to obtain relevant information from NDIS providers and other persons within 'appropriate, shorter than minimum timeframes'.⁵
- 1.8 For those NDIS participants wishing to withdraw from the Scheme, the bill proposes additional safeguards and communication options, including a 90-day cooling-off period, and enables the National Disability Insurance Agency (NDIA) to move to an 'entirely electronic claiming system for NDIS providers'. Lastly, the bill would clarify that 'plan variations can result in an increase or decrease in total funding amounts in plans'.⁶
- 1.9 Overall, the amendments proposed by the bill address priority measures required by the NDIA and the NDIS QSC to protect the NDIS and its participants from non-compliant activity. This will enable the NDIS QSC to undertake swifter action in investigating and prosecuting those who significantly harm NDIS participants, and enable the NDIA to strengthen operational elements of the Scheme to increase its integrity.⁷

Background

- 1.10 The bill is the second tranche of legislative amendments to the NDIS Act, following the recommendations of both the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (Royal Commission), and the 2023 Independent Review into the NDIS (Independent Review).
- 1.11 Both the Royal Commission and the Independent Review identified 'significant regulatory gaps' limiting the NDIS QSC's ability to detect and respond to 'concerning behaviours and poor practices promptly' and also revealed 'significant failures by NDIS providers to prevent abuse, neglect and exploitation, or to respond effectively to complaints and incidents'.⁸
- 1.12 The bill is also a result of National Cabinet's consideration of the Independent Review, where it was agreed that the Commonwealth would work with the state and territory governments to:

⁴ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 1.

⁵ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 1.

⁶ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 1.

⁷ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, pp. 1-2.

⁸ Department of Health, Disability and Ageing (DHDA); National Disability Insurance Agency (NDIA), and NDIS Quality and Safeguards Commission (NDIS QSC), *Submission 35*, p. 8.

... implement legislative and other changes to return the NDIS to its original intent of supporting people with permanent and significant disability as part of the larger landscape of supports outside of the NDIS.⁹

- 1.13 In presenting the bill to the Senate, the Minister observed that where there is fraud in the NDIS, there is often 'violence, abuse and neglect'. The bill aims to give the regulator the 'powers it needs to be more responsive to protect participants from abuse, neglect and exploitation'. The bill's Explanatory Memorandum (EM) also states that it will 'enable the NDIA to strengthen operational elements to the Scheme to increase its integrity'.¹⁰
- 1.14 The EM explains that the bill reflects the recommendations of the Independent Review, which 'emphasised the importance of the NDIS Commission having the powers and approach to proactively and effectively regulate the market'. The EM continues:
- The Bill will strengthen the NDIS Commission's capacity to detect, prevent and respond to breaches of obligations under the Act. The Bill will address current concerns of safety and non-compliance within the Scheme and resolve existing structural issues that minimise the effectiveness of regulatory action to combat abuse, neglect and exploitation that continue to cause significant harm to participants in the NDIS.¹¹
- 1.15 In a joint submission, the Department of Health, Disability and Ageing (DHDA), the NDIA and the NDIS QSC also explained that the bill would implement 'critical integrity measures required to safeguard the NDIS' and would 'deliver on the government's commitment to support the financial sustainability of the NDIS through cracking down on non-compliance in the Scheme'.¹²

Consultation

- 1.16 The bill's proposed amendments were developed following consultation with the public, state and territory governments, and disability sector peak organisations. Consultation was also facilitated by the NDIS QSC through a consultation paper, survey and Ministerial town hall event in late 2024, which was attended by over 1100 people.¹³
- 1.17 The Minister advised that through the consultation, the NDIS QSC heard that 'tougher penalties for mistreatment and poor behaviour are required', that 'providers must be accountable for their staff and the services they provide to

⁹ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 2.

¹⁰ [Senate Official Hansard](#), 26 November 2025, p. 2575; EM, National Disability Insurance Scheme Amendment (Integrity and Safeguarding) Bill 2025, p. 2.

¹¹ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 2.

¹² DHDA, NDIA, and NDIS QSC, *Submission 35*, p. 4.

¹³ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 2.

participants', and that 'predatory and unethical advertising of NDIS supports must be identified and stopped'.¹⁴

1.18 The EM notes that throughout consultation, stakeholders were 'largely supportive of the measures that sought to strengthen accountability' and improve NDIS supports. Further consultation in mid-2025 saw stakeholders put forward 'strong opinions about how to safeguard NDIS participants'. In response to feedback, the bill introduces a 90-day cooling-off period after a participant notifies the NDIA that they wish to withdraw from the NDIS—as opposed to the originally proposed cooling-off period of 28 days.¹⁵

Key provisions of the bill

1.19 The bill consists of two schedules. Schedule 1 contains the amendments to the NDIS QSC's powers and functions, while Schedule 2 amendments relate to the operations of the NDIA and administration of the NDIS.¹⁶

Schedule 1 – NDIS QSC powers and functions

1.20 The Independent Review found that the NDIS was 'fragmented and that quality and safeguarding is not coordinated or consistent', with the Royal Commission similarly calling for a more active approach in monitoring the delivery of NDIS supports and a stronger approach to compliance and enforcement.¹⁷

1.21 As discussed further below, Schedule 1 puts forward amendments to the NDIS Act in relation to:

- new civil penalty provisions (Part 1);
- new criminal offences and increased penalties for existing civil penalty provisions (Part 2);
- regulatory powers (Part 3);
- anti-promotion orders (Part 4);
- banning orders (Part 5);
- information gathering (Part 6); and
- evidentiary certificates (Part 7).

Penalty framework

1.22 The introduction of greater civil and criminal penalties, as proposed by Schedule 1 of the bill, aims to provide for a 'more proportionate, reasonable and effective response' to aggravated breaches of the NDIS Act, to ensure NDIS

¹⁴ [Senate Official Hansard](#), 26 November 2025, p. 2575.

¹⁵ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 3.

¹⁶ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 1.

¹⁷ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 1.

participants are better protected from serious harm, and to make sure the penalty framework remains fit for purpose in an evolved NDIS market.¹⁸

- 1.23 The joint submission from the DHDA, NDIA and NDIS QSC explains that a stronger penalty framework will ensure there is 'credible deterrence against contraventions of the NDIS Act':

Tiered penalties will allow for more targeted and proportionate action against unlawful behaviour and considers the impact on participants, ensuring penalties are not viewed as a cost of doing business. A stronger penalty framework will strengthen the NDIS Commission's ability to respond to, and prevent, contraventions of the NDIS Act.¹⁹

- 1.24 Proposed section 57(1A) at Item 3 of the bill would create a civil penalty (of 60 penalty units), in addition to the existing offence provision, for the refusal or failure to comply with a requirement to give information or documents to the NDIS QSC. This allows for 'proportionate compliance action in circumstances where criminal prosecution may not be appropriate'.²⁰
- 1.25 Item 6, Part 1 of Schedule 1 of the bill would insert a new division into the NDIS Act, regarding the provision of false or misleading information or documents to the NDIS QSC, creating a new civil penalty provision (at proposed section 59A, and in addition to the existing offence provision), where a person provides the NDIS QSC with information or documentation they know to be false or misleading. The amendment would provide the Commissioner with a greater range of action for non-compliance by adding the option to take civil, as well as criminal, action.²¹
- 1.26 Proposed subsection 67B(2) at Item 15 would introduce a new civil penalty (in addition to the existing criminal penalty), where a person makes a record of information; discloses information to any other person; or otherwise makes use of the information, and is not authorised to do so and it is protected NDIS QSC information. Similarly, Item 21 would add new subsection 67C(2) and civil penalties for someone who solicits from a Commission officer or another person, the disclosure of protected NDIS QSC information.²²

¹⁸ [Senate Official Hansard](#), 26 November 2025, p. 2575; DHDA, NDIA and NDIS QSC, *Submission 35*, p. 9.

¹⁹ DHDA, NDIA and NDIS QSC, *Submission 35*, p. 5.

²⁰ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 2.

²¹ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, pp. 2–3.

²² Similar provisions would be included by proposed subsections 67D(1A), 67D(2A), and would clarify existing exceptions at proposed subsection 67D(3); EM, NDIS (Integrity and Safeguarding) Bill 2025, pp. 4–5.

Criminal offences and increased penalties

- 1.27 Part 2 of Schedule 1 of the bill provides for new criminal offences and increased penalties for existing civil penalty provisions.
- 1.28 Proposed section 11B would introduce a definition for 'serious contravention' of the NDIS Act, and the threshold required for a contravention to be a serious contravention. This would include, at proposed subsections 11B(2) and 11B(3), 'significant failure' and 'systematic patterns of conduct' by either providers or their personnel and would 'clarify the circumstances and factors that may elevate the seriousness of a contravention of the [NDIS] Act'. The higher penalty is 'only intended to be available for these types of aggravated contraventions to reflect the seriousness of the breach and allow the court to impose a higher penalty when needed'—for example, wilful, deliberate and repeated contravention of the Code of Conduct or Practice Standards, which puts participants at serious risk of harm or death.²³
- 1.29 The bill would amend section 73B of the NDIS Act to clarify when a provider is in breach of the requirement to be registered and, in proposed subsection 73B(2), would introduce (or revise existing) fault-based offences, strict liability offences and civil penalties. This includes a new criminal penalty for fault-based offences of imprisonment for two years or 120 penalty units, or both; for serious contraventions by an NDIS provider, the maximum civil penalty available would be 10 000 penalty units, and 250 penalty units in any other case.²⁴
- 1.30 Proposed amendments to section 73D of the NDIS Act, at Items 34 and 35 of the bill, would provide a civil penalty for a person who provides false or misleading information or documents in an NDIS registration application (10 000 penalty units for a serious contravention; 250 penalty units in any other case). Other proposed amendments, at Items 36 to 41 of the bill, would provide for similarly increased civil and criminal penalties in various circumstances, including:
- failure of registered providers to comply with the conditions of registration (proposed revision to section 73J);
 - serious contraventions of the NDIS Code of Conduct (proposed subsection 73V(3));
 - serious contravention of the requirement not to cause, or threaten to cause, detriment to another person (proposed subsections 73ZC(1) and (2));
 - failure to comply with an order from an issuing officer in relation to the provision of information or assistance as part of an investigation (proposed subsection 73ZI(6)); and

²³ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, pp. 6–7.

²⁴ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, pp. 8–9; [Senate Official Hansard](#), 26 November 2025, p. 2575.

- serious contraventions of a compliance notice (proposed subsection 73ZM(3)).²⁵
- 1.31 The bill proposes new section 73ZNA, regarding non-compliance with banning orders and, along with strict liability offences and civil penalties, 'creates a fault-based offence of failing to comply with a banning order, with a criminal penalty of imprisonment for 5 years or 300 penalty units, or both'.²⁶

Regulatory powers

- 1.32 Part 3 of Schedule 1 of the bill concerns regulatory powers in relation to compliance and enforcement. This Part proposes to amend section 73ZE of the NDIS Act to clarify what provisions of that Act are subject to expanded monitoring powers under Part 2 of the *Regulatory Powers (Standard Provisions) Act 2014* (Regulatory Powers Act), while amending section 73ZK to clarify which civil penalties in the NDIS Act are enforceable under Part 4 of the Regulatory Powers Act.²⁷
- 1.33 Further amendments are proposed to section 73ZL, at Items 52 and 53 of the bill, to recognise proposed new civil penalty provisions, to clarify when infringement notices should not be applied to civil penalty provisions, and to set out the 'civil penalty provisions for a pecuniary penalty for a serious contravention and another pecuniary penalty for any other case'.²⁸
- 1.34 Item 59 of the bill inserts proposed sections 199A and 199B to ensure proper application of the *Criminal Code Act 1995* to contraventions of the NDIS Act. While proposed section 199B concerns contravening offence and civil penalty provisions, proposed section 199A:
- ... deals with physical elements of offences and provides that this section will apply if a provision of the Act provides that a person contravening another provision of this Act (the conduct rule provision) commits an offence, that, for the purposes of applying Chapter 2 of the *Criminal Code* to the offence, the physical elements of the offence are set out in the conduct rule provision.²⁹
- 1.35 Items 60 to 71 of the bill propose consequential amendments to the NDIS Act, as required, following the bill's amendments. For example, Items 66 to 69 propose amendments to improve readability of the NDIS Act and make other similar

²⁵ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, pp. 11–13.

²⁶ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 13.

²⁷ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 14. Note: the Regulatory Powers Act creates a framework for monitoring whether the provisions of an Act have been complied with. It includes powers of entry and inspection.

²⁸ EM, NDIS (Integrity and Safeguarding) Bill 2025, p. 16.

²⁹ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 17.

editorial changes, but do not change the existing provisions about the NDIS Provider Register.³⁰

- 1.36 Application amendments proposed at Item 72 of the bill clarify that the amendments made by Part 3 of the bill 'apply in relation to conduct occurring before, on or after the commencement of this item', while Items 73 and 74 confirm that the NDIS Provider Register, and any rules made under section 73ZS of the NDIS Act,³¹ would continue and be in force both before and after commencement of the bill's amendments.³²

Anti-promotion orders

- 1.37 Anti-promotion orders are considered by Part 4 of Schedule 1. Proposed sections 73ZOA, 73ZOB and 73ZOC would establish new powers for the NDIS QSC regarding anti-promotion orders—restricting a person³³ from engaging in promotion conduct in connection with the NDIS, where that conduct undermines the objects of the NDIS Act. The provisions would provide the Commissioner with the power to prohibit or restrict a person from 'engaging in regulated promotional conduct as specified in' an anti-promotion order.³⁴

- 1.38 The purpose of these amendments is to address the:

... growing practice of providers who advertise or sell supports and services to participants that are not only inconsistent with the NDIS Code of Conduct and the purpose of the scheme, but also risks harming vulnerable participants, including by undermining their choice and control over services.³⁵

- 1.39 Proposed section 73ZOA at Item 76 would provide for new rules to specify the type of promotional conduct in connection with the NDIS 'that is prohibited due to its undermining of the Scheme and/or negative impact on the NDIS market' (for example, misrepresentations about the use of NDIS funds, or providers making exaggerated claims about potential Specialist Disability Accommodation investment returns). An anti-promotion order would take effect on the date specified in an order, which must be at least seven days after

³⁰ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, pp. 17–19.

³¹ Section 73ZS of the NDIS Act provides for the NDIS Provider Register, which may also include information about banning orders, details of registered providers and former NDIS providers.

³² EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 19.

³³ 'Person' would be defined as per section 2C of the [Acts Interpretation Act 1901](#), to include any individual, body politic or corporate; EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 20.

³⁴ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 19; [Senate Official Hansard](#), 26 November 2025, p. 2575.

³⁵ [Senate Official Hansard](#), 26 November 2025, p. 2575.

the order is made (unless the Commissioner is satisfied it should take effect immediately in the interests of participants).³⁶

- 1.40 Before making rules prescribing conduct as 'regulated promotional conduct', the Minister would need to be satisfied that the conduct undermines the objects of the NDIS Act (proposed subsection 73ZOA(3)). Further, it is intended that anti-promotion orders would be limited to NDIS supports or services, and would 'complement, not displace, existing requirements under Australian Consumer Law'.³⁷
- 1.41 Proposed section 73ZOB concerns compliance with anti-promotion orders and would provide for a new civil penalty of 250 penalty units where a person engages in conduct that breaches an order (including any conditions of that order), while proposed section 73ZOC would outline the circumstances and processes for the variation or revocation of an anti-promotion order.³⁸
- 1.42 Item 77 would amend subsection 99(1) of the NDIS Act to confirm that a decision to make an anti-promotion order, and a decision to vary, or refuse to vary or revoke, an anti-promotion order is a reviewable decision, with the Commissioner the decision-maker.³⁹

Banning orders

- 1.43 The NDIS Act currently provides the Commissioner with the power to issue a banning order, prohibiting or restricting specified activities by NDIS providers (or a person who was an NDIS provider). The EM explains the current provisions around banning orders:

There is currently an ability in subsection 73ZN(2A) for the Commissioner to make a banning order against persons who are not NDIS providers, employed or otherwise engaged by NDIS providers, and are not members of the key personnel of NDIS providers. However, this provision only enables the person to be prohibited or restricted from 'being involved in the provision of specified supports or specified services to people with disability'.⁴⁰

- 1.44 The joint submission by the DHDA, NDIA and NDIS QSC states that the bill's amendments therefore address a regulatory gap:

... ensuring that individuals' working across different roles in the NDIS, such as auditors and consultants, can also be banned from operating in the

³⁶ Proposed subsection 73ZOA(6) clarifies that an anti-promotion order is not a legislative instrument. EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, pp. 20, 21, 22. Further examples of where anti-promotion orders might apply are in the EM at p. 21.

³⁷ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, pp. 21–22.

³⁸ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 22.

³⁹ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, pp. 23–24.

⁴⁰ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 25.

NDIS. This measure seeks to improve participant safety and prevent future harm.⁴¹

- 1.45 Part 5, Schedule 1, Item 80 of the bill would insert proposed subsections 73ZN(2A) and 73ZN(2B), to expand the Commissioner's power to make a banning order to include additional categories of persons who operate in the NDIS, and to provide for the circumstances when the Commissioner makes the order to prohibit or restrict specified activities by a person. Proposed subsection 73ZN(2C) lists the categories of persons to whom a banning order prohibition or restriction may be made. This amendment expands the categories of person against whom a banning order can be imposed and will 'enable the Commissioner to better address risks presented by persons seeking to operate in the market or currently operating in the market but not directly as a provider, or an employee of a provider'.⁴²
- 1.46 The list of categories of persons to whom a banning order may apply, include:
- (a) a person who has made an application for registration as a registered NDIS provider, that has not been finally determined;
 - (b) an approved quality auditor;
 - (c) a person who is employed or otherwise engaged by, or is a member of the key personnel of, a person mentioned in paragraph (a) or (b);
 - (d) a person involved in providing any of the following kinds of services: services that enable or facilitate the provision of supports or services for people with disability; and services that involve assisting with, or advertising on, applications for registration as a registered NDIS provider.⁴³

Information gathering and sharing

- 1.47 Part 6 of Schedule 1 of the bill puts forward amendments about information gathering powers.
- 1.48 The NDIS Act, at sections 55 and 55A, sets out the requirements in relation to the power of the NDIS QSC Chief Executive Officer (CEO) and Commissioner to obtain information from other persons to ensure the integrity of the NDIS. These requirements currently provide that a written notice to provide this information must allow at least a 14-day period for a response, beginning the day the notice is given.⁴⁴

⁴¹ DHDA, NDIA and NDIS QSC, *Submission 35*, p. 5.

⁴² Examples of specified activities are provided at pages 25–26 of the EM; EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, pp. 25–27.

⁴³ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 26.

⁴⁴ [National Disability Insurance Scheme Act 2013](#), s. 55 and 55A.

1.49 The bill proposes to shorten the 14-day timeframe when necessary. The joint submission by the DHDA, NDIA and NDIS QSC pointed out that:

This shortened timeframe would only be used if the NDIS Commissioner reasonably believes that to not do so would significantly increase the risk of serious harm to a participant. The request for the shorter period must also be reasonable in the circumstances. ... This recognises that there are some situations where the NDIS Commissioner needs to obtain information in less than 14 days (current period) to enable a reasonable and proportionate response in the circumstances. This is intended to reduce the risk of harm to NDIS participants.⁴⁵

1.50 Section 56 of the NDIS Act provides the written notice requirements for sections 55 and 55A. Item 88 in Part 6 of Schedule 1 of the bill proposes new subsection 56(6) and 56(7), to provide that the Commissioner may specify a shorter period or earlier time than 14 days, if certain conditions are met—including where there is evidence available that not specifying a shorter period could significantly increase the risk of serious harm to a participant.⁴⁶

1.51 The bill proposes to expand the registration conditions for NDIS providers, through amendments to section 73F of the NDIS Act which currently requires compliance with a request by the Commissioner to provide information within a specified timeframe of not less than 14 days. Items 89 and 90 of the bill would amend this section to allow for a shorter period to provide the Commissioner with documents or information, if considered reasonable in the circumstances and if the Commissioner reasonably believes that not doing so would significantly increase the risk of serious harm to the participant.⁴⁷

1.52 The bill would also amend subsection 201A(1) of the NDIS Act, to allow the NDIS QSC to make NDIS Rules prescribing bodies to which protected Commission information may be disclosed, and for what purposes. This is intended to allow the Commissioner to 'more appropriately share protected Commission information with prescribed bodies' under the NDIS Act.⁴⁸

Evidentiary certificates

1.53 Part 7 of Schedule 1 of the bill proposes to insert new section 199C to allow the Commissioner to issue an evidentiary certificate for use as prima facie evidence, and outline what matters the certificate could certify. This would 'alleviate the need for the Commissioner and their staff to prepare affidavits and attend court proceedings' to give evidence which is 'non-controversial and easily accessible,

⁴⁵ DHDA, NDIA and NDIS QSC, *Submission 35*, p. 6.

⁴⁶ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 29.

⁴⁷ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, pp. 30–31.

⁴⁸ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 32.

and generally not challenged in legal proceedings', thus increasing efficiency in the way that uncontroversial evidence is provided in legal matters.⁴⁹

1.54 It is proposed that these amendments would also align the NDIS QSC with the legislative authority of other regulators.⁵⁰

Schedule 2 – NDIA functions

1.55 Schedule 2 of the bill puts forward amendments to the NDIS Act regarding the functions and operations of the NDIA, and the engagement of participants with the Scheme. Schedule 1 amendments consider:

- how participants withdraw from the NDIS (Part 1);
- electronic claims forms (Part 2); and
- plan variations (Part 3⁵¹).

NDIS participation

1.56 Part 1 of Schedule 2 of the bill proposes new section 29A of the NDIS Act, which would set out the processes for a participant withdrawing from the Scheme.

1.57 Proposed section 29A introduces a 90-day cooling-off period (where there is currently none) for those NDIS participants who indicate they wish to withdraw from the Scheme, and will expand the options available to participants (and their nominees) to notify the NDIA of their intended withdrawal.

1.58 Proposed subsection 29A(1) provides that a person can request to no longer be a participant in 'any manner approved by the CEO', including over the phone or in person—currently, the only method by which to make a withdrawal request to the NDIA is in writing.⁵² The CEO must then, in writing, directly notify the participant of receipt of the request, and also notify the participant's correspondence nominee.⁵³

1.59 During the cooling-off period, participants will be able to cancel their request, a measure to help ensure the withdrawal request is 'genuine, and will [therefore] prevent physical, mental or financial harm to the participant, as a result of leaving the [S]cheme without due consideration and planning'.⁵⁴

⁴⁹ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 33; [Senate Official Hansard](#), 26 November 2025, p. 2575.

⁵⁰ DHDA, NDIA and NDIS QSC, *Submission 35*, p. 6.

⁵¹ Referred to as 'Part 4' in the Explanatory Memorandum.

⁵² EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 36; [Senate Official Hansard](#), 26 November 2025, p. 2575..

⁵³ Proposed subsections 29A(2) and 29A(6). Regardless of a nominee, the CEO must give the notice directly to the participant; EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 37.

⁵⁴ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 36; [Senate Official Hansard](#), 26 November 2025, p. 2575.

- 1.60 Proposed subsection 29A(4) would allow the CEO to extend the 90-day cooling-off period before it ends, with no limitations on the reasons for this extension, 'meaning it could be done on the CEO's own initiative or at the request of the participant'.⁵⁵ An extension can be approved more than once.⁵⁶

Electronic claims

- 1.61 Part 2 of Schedule 2 proposes to repeal and replace subsection 9A(2) of the NDIS Act, to allow the NDIA CEO to 'publish an approved form, or a representation of the form, on the Agency's website', which addresses the current practical difficulty under the Act requiring the publication of an approved form, 'for a claim that is to be submitted through an online system'.⁵⁷ It is envisaged that this will be a 'small change that will generate significant efficiencies in how the scheme is run'.⁵⁸
- 1.62 Further, the NDIS Act does not currently allow the NDIA CEO to prescribe the way an NDIS payment claim is made. Proposed amendments to section 45(3) of the NDIS Act, at Item 5 of Schedule 2 of the bill, would allow the NDIA CEO to control and limit the channels through which a payment claim can be made, including via online systems and other digital channels. The amendments would also extend the CEO's powers to request further information from claimants before being satisfied the claim should be paid (proposed subsections 45(3A) to 45(3E)).⁵⁹
- 1.63 The joint submission by the DHDA, NDIA and NDIS QSC states that these changes will:

... improve the administration of claims and payments under the NDIS. This also allows for enhanced oversight over the payment of claims in certain circumstances, supporting the integrity and sustainability of the NDIS.⁶⁰

Plan variations

- 1.64 Amendments at Part 3 of Schedule 2 of the bill intend to clarify the operation of the NDIS Act. Proposed paragraph 47A(1B)(aa) would clarify that for a participant's plan, 'a variation of a total funding amount ... may increase or decrease that total funding amount'. The EM observes that '[w]hile most variations will increase the total funding amount in a participant's plan, there

⁵⁵ For example, if a participant is hospitalised and be unable to cancel their request within the cooling-off period; EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 37.

⁵⁶ A decision to extend the cooling-off period is not a reviewable decision; EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 37.

⁵⁷ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 38.

⁵⁸ [Senate Official Hansard](#), 26 November 2025, p. 2575.

⁵⁹ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, pp. 39–40.

⁶⁰ DHDA, NDIA and NDIS QSC, *Submission 35*, p. 6.

are some limited circumstances in which a total funding amount may be reduced'.⁶¹

1.65 The bill's amendments would not change current plan variation arrangements (including the circumstances in which plans can be varied, and the kind of variations which can be made) and does not change review rights. Rather, the amendments are intended to ensure that a:

... participant who receives ... compensation or supports under a statutory scheme after a plan is approved, can have their plan adjusted without having to undergo another support needs assessment.⁶²

Financial impact statement

1.66 According to the bill's EM, the bill 'will not introduce any financial impacts'. The EM explains that:

The NDIS Financial Sustainability Framework agreed by National Cabinet provides an annual growth target in the total costs of the Scheme of 8 per cent by 1 July 2026, with further moderation of growth as the Scheme matures. This Bill will contribute to the annual growth target by strengthening Scheme integrity.⁶³

Compatibility with human rights

1.67 The bill's Statement of Compatibility with Human Rights (Statement) notes that the bill is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.⁶⁴

1.68 According to the Statement, the bill engages the following human rights:

- the right to equality and non-discrimination – Articles 3, 4 and 12 of the *Convention on the Rights of Persons with Disabilities* (CRPD) and Articles 2, 16, 19 and 26 of the *International Covenant on Civil and Political Rights* (ICCPR);
- the rights of people with disability – Articles 4, 9, 16 and 21 of the CRPD;
- the right to social security and employment – Articles 6, 7 and 9 of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) and Article 28 of the CRPD;
- the right to health – Article 12 of the ICESCR;
- the right to privacy – Article 22 of the CRPD; and

⁶¹ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 41.

⁶² Senate, [Proof Hansard](#), 26 November 2025, p. 72; DHDA, NDIA and NDIS QSC, *Submission 35*, p. 6.

⁶³ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 2.

⁶⁴ The Statement of Compatibility with Human Rights appears at the end of the bill's EM; NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 42.

- the right to criminal process rights – Article 14 and 15 of the ICCPR.⁶⁵
- 1.69 The Statement concludes that the bill enhances the safety of 'people with a disability, their families and carers through stronger regulation of the services and supports they access', in line with the rights provided by the CRPD, ICCPR and ICESCR. The Statement argues that to the extent the bill may limit human rights, this is reasonable, necessary and proportionate 'to ensure the long-term integrity and sustainability of the NDIS' and to benefit all those with access to the NDIS.⁶⁶
- 1.70 Regarding the bill's key proposed amendments and engagement with specific human rights, the Statement makes the following observations.

Right to equality and non-discrimination

- 1.71 Allowing the NDIS QSC to issue an anti-promotion order will enable the Commission to abolish practices that constitute discrimination against people with disability, while ensuring that participants engaging with promotional activity have access to clear information and increased choice.
- 1.72 The introduction of the 90-day cooling-off period will support participant decision-making autonomy, and allow the NDIA to confirm the request is genuine and in the participant's best interest, and will not pose a risk of physical, mental or financial harm.
- 1.73 The Statement concludes that the amendments put forward by Schedule 2 of the bill introduce fairness in administrative processes, 'promoting equal opportunity to exercise rights before the law and equal protection without discrimination'.⁶⁷

Rights of people with disability

- 1.74 By expanding accessible communication options for participants wishing to withdraw from the NDIS, and providing for an electronic system for provider claims, the bill ensures 'participants and providers can access information and systems in formats and technologies more appropriate to them'.
- 1.75 Additionally, the increased penalty framework and expansion of banning order provisions seek to ensure that people with disability who engage with the NDIS 'are protected from exploitation', while deterring and preventing instances of exploitation or any forms of violence and discrimination, and providing for prosecution where necessary.⁶⁸

⁶⁵ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 43.

⁶⁶ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 48.

⁶⁷ Referred to as 'Schedule 3' in the Statement; EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, pp. 43–44.

⁶⁸ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 45.

Right to social security and employment

1.76 The Statement acknowledges that the extension of the NDIS QSC's banning order powers may impinge on the right for individuals to continue working in the NDIS sector, but the order is only imposed following the NDIS QSC's determination that the person is unable to provide quality and safe supports for NDIS participants. It is therefore considered a proportionate and appropriate measure which safeguards NDIS participants (and does not preclude an individual working outside of the NDIS sector).⁶⁹

Right to privacy

1.77 The bill proposes to delegate to the Commissioner the existing power to make and amend NDIS rules prescribing the persons or bodies to which protected NDIS QSC information may be disclosed, and the purposes of such disclosure, to ensure the NDIS QSC can compel information in a timely manner (a recommendation of both the Royal Commission and the Independent Review). The Statement explains that this amendment would ensure that the NDIS QSC can better 'engage in their role as a proactive regulator':

Currently the Commission does not have the ability to request information in a timely manner, when there is a risk of serious harm to a participant. This prevents the Commission from acting in a proactive manner to address concerns of breached compliance, preventing the Commission from regulating and enforcing action. This measure will facilitate the fast recovery of information in certain circumstances, which is necessary in instances where harm may have occurred.⁷⁰

Right to criminal process rights

1.78 The bill proposes new and increased penalties, through amendments which clarify the circumstances 'which may elevate the seriousness of a contravention with the NDIS Act', and 'align the penalty framework with the policy objective of determining serious and repeat instances of non-compliance'.

1.79 The Statement clarifies that the higher penalties proposed by the bill are only intended to be available for aggravated conventions and to reflect the seriousness of the breach—allowing the courts to impose higher penalties when needed, and to 'ensure the penalty amount is proportionate and appropriately adapted to the contravention'. The penalty regime proposed by the bill reflects recommendations of the Royal Commission that the NDIS QSC take stronger compliance action in response to 'serious or repeat non-compliance, demonstrated disregard for the safety of people with disability, or where non-compliance has caused serious harm to an NDIS participant'.⁷¹

⁶⁹ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 46.

⁷⁰ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 47.

⁷¹ EM, NDIS Amendment (Integrity and Safeguarding) Bill 2025, p. 48.

Consideration by other committees

1.80 Both the Parliamentary Joint Committee on Human Rights and the Senate Standing Committee for the Scrutiny of Bills have made comments on the bill, as summarised below.

Joint Committee on Human Rights

1.81 The Parliamentary Joint Committee on Human Rights (Human Rights Committee) considered the bill in its first report of 2026, tabled on 4 February 2026.

1.82 The Human Rights Committee observed that the bill's provisions which ensure NDIS participants and providers can access information and systems in ways appropriate to them promotes the rights of people with disability. However, the Human Rights Committee drew attention to the bill's proposal to expand the application of banning orders.

1.83 The Human Rights Committee took the view that expanding the categories of persons against whom a banning order could be imposed may engage and limit the rights to work and privacy, and explained that while:

... banning orders likely pursue a legitimate objective, there may be questions regarding their proportionality, particularly if banning orders are made in circumstances where individuals do not pose a direct risk to the safety of people with disability.⁷²

1.84 It drew these concerns to the attention of the Minister and the Parliament.⁷³

Senate Scrutiny for Bills Committee

1.85 On 4 February 2026, the Senate Standing Committee for the Scrutiny of Bills (Scrutiny Committee) made comment on the bill, in the following areas.

Significant penalties

1.86 The Scrutiny Committee made comments on the various higher maximum penalties proposed by the bill and drew to the attention of senators, and the Senate as a whole, the appropriateness of providing maximum civil penalties of 10 000 units as proposed by various items of the bill.⁷⁴

Strict liability offences

1.87 In relation to the introduction of strict liability offences in certain circumstances, the Scrutiny Committee acknowledged the public interest in deterring non-compliance, given the risks of non-compliance to people with disability.

⁷² Parliamentary Joint Committee on Human Rights, [Scrutiny Report 1 of 2026](#), 4 February 2026, pp. 5–6.

⁷³ Parliamentary Joint Committee on Human Rights, [Scrutiny Report 1 of 2026](#), 4 February 2026, p. 6.

⁷⁴ Senate Standing Committee for the Scrutiny of Bills, [Scrutiny Digest 2 of 2026](#), 4 February 2026, pp. 30–33.

However, the Scrutiny Committee considered that the EM does not contain sufficient explanation as to why the imposition of strict liability is necessary.⁷⁵

- 1.88 The Scrutiny Committee requested an addendum to the EM be tabled in Parliament containing an explanation as to why it was necessary and appropriate to impose strict liability on the offence of contravening a banning order.⁷⁶
- 1.89 On 17 February 2026, the Minister confirmed that an addendum to the EM would be tabled including the information requested, before the Bill resumes debate in the Senate. This was welcomed by the Scrutiny Committee.⁷⁷

Evidentiary certificates and significant matters in delegated legislation

- 1.90 The Scrutiny Committee noted its expectation for detailed justification for any proposed powers to issue or use evidentiary certificates, to be included in explanatory materials. The Scrutiny Committee noted that it 'has not previously accepted that administrative flexibility alone provides sufficient justification for the limitation it places on a defendant's common law right to be presumed innocent'.⁷⁸
- 1.91 It also noted that the bill would provide the NDIS QSC Commissioner with the delegated authority to make rules listing other matters that may be specified in an evidentiary certificate. The Scrutiny Committee's view is that significant matters should be included in primary legislation, unless a sound justification for the use of delegated legislation is provided.⁷⁹
- 1.92 The Scrutiny Committee requested the Minister's advice as to why it was necessary and appropriate to provide for the issuing of evidentiary certificates by the NDIS QSC Commissioner in certain proceedings.⁸⁰
- 1.93 On 17 February 2026, the Minister responded, noting that the proposed approach to evidentiary certificates was developed in consultation with the Attorney-General's Department, and was considered a proportionate response to administrative burdens while maintaining important safeguards for the

⁷⁵ Senate Standing Committee for the Scrutiny of Bills, [Scrutiny Digest 2 of 2026](#), 4 February 2026, pp. 34–35.

⁷⁶ Proposed subsection 73ZNA(3).

⁷⁷ Senate Standing Committee for the Scrutiny of Bills, [Scrutiny Digest 3 of 2026](#), 25 February 2026, p. 93.

⁷⁸ Senate Standing Committee for the Scrutiny of Bills, [Scrutiny Digest 2 of 2026](#), 4 February 2026, p. 37.

⁷⁹ Senate Standing Committee for the Scrutiny of Bills, [Scrutiny Digest 2 of 2026](#), 4 February 2026, pp. 37–38.

⁸⁰ Senate Standing Committee for the Scrutiny of Bills, [Scrutiny Digest 2 of 2026](#), 4 February 2026, p. 38.

accused or defendant. The response also noted that the certificates would be prima facie evidence only.⁸¹

- 1.94 In its report tabled on 25 February 2025, the Scrutiny Committee considered the Minister's response. It reiterated its view that the nature of evidentiary certificates as prima facie evidence does not constitute a legal safeguard and continued to have concerns that the bill does not appear to contain adequate safeguards around the rule-making power. The Scrutiny Committee drew these concerns to the Senate's attention.⁸²

Conduct of the inquiry

- 1.95 Details of the inquiry were made available on the committee's website. The committee also contacted a number of organisations to invite them to lodge written submissions, by 6 February 2026.
- 1.96 The committee received 51 published submissions, which are listed at Appendix 1 of this report.
- 1.97 The committee held one public hearing in Canberra and via videoconference on 24 February 2026. A list of witnesses who gave evidence at the public hearing is available at Appendix 2.

Note on referencing

- 1.98 References to committee Hansard in this report are to the proof transcripts. Page numbers may vary between the proof and official transcripts.

Acknowledgements

- 1.99 The committee thanks the organisations and individuals who contributed to the inquiry by making written submissions and appearing as witnesses at the public hearing.

Notes on terminology

- 1.100 The committee recognises that people use many terms when talking about disability. The committee is aware that there are people in the community who prefer 'people first language', people who prefer 'identity first language', and people who use terms interchangeably.
- 1.101 The committee recognises that each member of the community will have their own opinion on terminology. The committee also understands that each person will have a preferred way of communicating and self-describing. The committee

⁸¹ Senate Standing Committee for the Scrutiny of Bills, Senator the Hon Jenny McAllister, [Ministerial response](#), 17 February 2026.

⁸² Senate Standing Committee for the Scrutiny of Bills, [Scrutiny Digest 3 of 2026](#), 25 February 2026, pp. 95–96.

respects that language is an individual and highly personal choice. In the context of this inquiry, the committee has used people first language in its report.

Chapter 2

Views on the bill

- 2.1 Submitters were generally supportive of the intent of the National Disability Insurance Scheme Amendment (Integrity and Safeguarding) Bill 2025 (the bill) and its important improvements to the National Disability Insurance Scheme (NDIS/Scheme), participant safety, and provider regulation and oversight. Some suggestions were put forward in evidence for amendments to strengthen the bill, and for guidance to be issued by the relevant agencies about how the provisions would operate in practice, once the bill is passed.
- 2.2 The chapter discusses the key views of submitters, including:
- support for the bill;
 - penalty framework;
 - banning orders and anti-promotion orders;
 - information gathering and sharing;
 - evidentiary certificates;
 - thin markets;
 - participant withdrawal from the Scheme;
 - claims processing; and
 - plan variations.
- 2.3 The chapter concludes with the committee's view and recommendation on the bill.

Support for the bill

- 2.4 The evidence to the committee made clear there was broad support for the intent of the bill, to better safeguard and protect NDIS participants and to enhance Scheme integrity and the oversight of NDIS providers.¹
- 2.5 For example, at the public hearing, Dr Martin Laverty, Chief Executive of Aruma, stressed the importance of passing the bill and noted that the 'consultation leading up to this bill has been remarkably effective'.²
- 2.6 Disability Advocacy Services (DAS) expressed strong support for the bill's primary objectives, including strengthened penalties and enforcement, and

¹ See, for example: Disability Advocacy Service, *Submission 1*, p. 2; Queensland Family and Child Commission, *Submission 36*, p. 3; Propel Pathways Pty Ltd, *Submission 38*, p. 25; Aged and Disability Advocacy Australia, *Submission 41*, p. 2; National Disability Services, *Submission 43*, pp. 5–6; Hireup, *Submission 46*, [p. 3]; Dr Martin Laverty, Chief Executive, Aruma, *Committee Hansard*, 24 February 2026, p. 15; Mrs Catherine McAlpine, Chief Executive Officer, Inclusion Australia, *Committee Hansard*, 24 February 2026, p. 21.

² Dr Martin Laverty, CEO of Aruma, *Proof Committee Hansard*, 24 February 2026, p. 15.

enhanced participant safeguards, arguing that 'particularly vulnerable cohorts deserve strong protections from predatory or negligent providers'.³

2.7 Similarly, People with Disability Australia (PWDA), a national disability rights and advocacy organisation, shared its support for the bill, welcoming:

- stronger safeguards against violence, abuse, neglect and exploitation;
- a stronger penalty regime for providers who wilfully cause harm to participants' health and safety and their physical, mental and financial wellbeing;
- antipromotion orders that curb predatory marketing, and misleading claims; and
- the introduction of a 90-day cooling off period for participant withdrawal.⁴

2.8 National Disability Services (NDS) supported and recognised the 'urgent need for the bill', noting that 'the bill is not sufficient in and of itself to remove bad actors from the scheme'.⁵

2.9 The Australian Federation of Disability Organisations (AFDO) argued that the reforms put forward by Schedule 1 of the bill have the 'potential to enhance participant safety, deter misconduct, and promote higher standards across the sector'.⁶

2.10 Similarly, the National Ethnic Disability Alliance (NEDA) expressed its support for the enhanced integrity and safeguarding measures in the bill, noting their alignment with the conclusions of the 2023 Independent Review into the NDIS (Independent Review):

Evidence from NEDA's consultation with [culturally and linguistically diverse (CALD)] NDIS participants and informal carers demonstrates strong support for enhanced integrity and safeguarding measures, including fines, provider bans, and criminal sanctions in cases of serious misconduct. Participants viewed such measures as necessary to deter unethical behaviour, improve service quality, and restore trust in the Scheme.

The direction of the Bill is consistent with the NDIS Review Final Report, which emphasised the need for stronger integrity and enforcement

³ Disability Advocacy Services, *Submission 1*, pp. 2–3.

⁴ Mx Megan Spindler-Smith, Acting Chief Executive Officer, People with Disability Australia, *Committee Hansard*, 24 February 2026, p. 21.

⁵ Mr Michael Perusco, Chief Executive Officer, National Disability Services, *Committee Hansard*, 24 February 2026, p. 4.

⁶ Australian Federation of Disability Organisations, *Submission 14*, p. 1. See also: Occupational Therapy Society, *Submission 2*, p. 2.

mechanisms alongside protections for participant rights and access, particularly for people experiencing systemic disadvantage.⁷

- 2.11 Occupational Therapy Society (OTSi) suggested the bill's second schedule presented a 'critical and timely opportunity to strengthen the NDIS by embedding essential safeguards within primary legislation'.⁸

Schedule 1 – NDIS QSC

- 2.12 Schedule 1 of the bill contains provisions amending the powers and functions of the NDIS Quality and Safeguards Commission (NDIS QSC/Commission), as detailed in Chapter 1. Evidence received about these provisions is below.

Penalty framework

- 2.13 There was support for the proposed amendments to the penalty framework. This support was accompanied by calls for clear guidance on the practical application of the penalties, and suggestions for a scaled approach.
- 2.14 Aged and Disability Advocacy Australia (ADA) supported a strengthened penalty framework, considering it necessary for 'addressing systemic non-compliance and aligning consequences with the harmful impacts that may be experienced by participants'. ADA continued that:

These measures are proportionate and consistent with broader regulatory practice in other, safety-critical sectors: by targeting repeated or systemic contraventions with meaningful penalties, they will incentivise compliance and protect participants from harm. ADA is hopeful that these measures will also support a cultural shift towards a fairer market ...⁹

- 2.15 The Australian Services Union (ASU) also supported the increased penalty framework for breaches by providers, and supported strengthening penalties to 'deter bad actor providers that place NDIS participants and workers at risk of abuse and exploitation'.¹⁰ At the hearing, Mr Angus McFarland, Secretary of the ASU NSW and ACT Branch, commented that:

These tougher penalties are really important for that very narrow part of the sector that is just flagrantly engaging in bad faith and undermining the great work that everyone does.¹¹

- 2.16 Allied Health Professions Australia (AHPA) offered its support for a 'suite of penalty options to address people engaging in behaviours' that contravene legislation. However, AHPA said it was not clear how the revised penalty

⁷ National Ethnic Disability Alliance, *Submission 44*, p. 2.

⁸ Occupational Therapy Society, *Submission 2*, p. 2.

⁹ Aged and Disability Advocacy Australia, *Submission 41*, p. 2.

¹⁰ Australian Services Union, *Submission 51*, p. 3.

¹¹ Mr Angus McFarland, Secretary, NSW and ACT Branch, Australian Services Union, *Committee Hansard*, 24 February 2026, p. 17.

framework had been developed, or 'how [the revised penalties] align with penalty settings across other parts of the care economy' and called for penalties to be applied proportionately to the nature and severity of the conduct.¹²

2.17 NDS similarly remarked that the proposed penalties may be disproportionate, presenting unintended consequences for providers and putting 'the disability sector out of alignment with care and support providers'.¹³

2.18 Hireup suggested the proposed penalty regime was 'materially higher than those operating in comparable Commonwealth care sectors such as aged care'. Hireup explained that:

Many organisations deliver services across both systems. ... While strong consequences for serious misconduct are appropriate, regulatory architecture across care sectors should remain broadly harmonised and proportionate.¹⁴

2.19 Propel Pathways, a support coordination and compliance review service, supported criminal penalties in circumstances where strong enforcement tools are appropriate but was of the view that the bill 'does not materially address the system's ability to detect risk early enough to prevent participant harm or financial exploitation from occurring in the first place'.¹⁵

2.20 Inclusion Australia, a national peak organisation representing the rights and interests of Australians with an intellectual disability and their families, while in support of new and strengthened penalties, was concerned for unintended consequences for 'bespoke support models, including services-for-one', especially in cases of minor administrative oversight.¹⁶

2.21 The Australian Association of Social Workers argued that Commission practices would need to be updated, clear procedural guidelines issued, and personnel sufficiently trained, resourced and supported to implement the amendments effectively and consistently.¹⁷

2.22 In line with calls for assistance material to be issued, Hireup noted that concepts such as 'significant failure' and 'serious contravention' remained largely untested in practice and called for published guidance and consistent

¹² Allied Health Professions Australia, *Submission 34*, p. 2. See, also: National Ethnic Disability Alliance, *Submission 44*, pp. 2–3.

¹³ National Disability Services, *Submission 43*, pp. 10, 12.

¹⁴ Hireup, *Submission 46*, [p. 6]. See also: Attain Healthtech, *Submission 27*, p. 3; Intrepidus Law, *Submission 37*, pp. 1–3; Australian Services Union, *Submission 51*, p. 3.

¹⁵ Propel Pathways Pty Ltd, *Submission 38*, pp. 6, 9. See also: Purple Orange, *Submission 30*, [p. 2].

¹⁶ Inclusion Australia, *Submission 29*, pp. 6–7.

¹⁷ Australian Association of Social Workers, *Submission 32*, p. 4.

application around penalties.¹⁸ Australian Autism Alliance also called for clear statutory guidance to ensure that definitions of 'serious contravention' were consistently applied.¹⁹

- 2.23 In its joint submission, the Department of Health, Disability and Ageing (DHDA), National Disability Insurance Agency (NDIA) and NDIS QSC explained the current penalty framework, in place since 2018, was no longer fit-for-purpose with limited effectiveness as a credible deterrent. The stronger penalty framework will ensure a 'credible deterrence against contraventions of the NDIS Act', with tiered penalties allowing for a 'more targeted and proportionate action against unlawful behaviour', while fostering a 'culture of regulatory awareness and compliance'.²⁰ The joint submission further explained, in relation to the new civil penalties and criminal offences:

The availability of a civil penalty provision in addition to the existing criminal offence provisions is intended to promote deterrence against non-compliance and will enable the NDIS Commissioner to take proportionate compliance action in circumstances where a criminal prosecution may not be appropriate.

...

The availability of a criminal offence is intended to help safeguard participants by creating a stronger deterrence against non-compliance with the requirements to be registered or to comply with a banning order. Where a provider contravenes these requirements, participants may receive poor quality, unsafe or inadequate supports and put them at greater risk of harm.²¹

Banning orders and anti-promotion orders

- 2.24 Submitters and witnesses were in support of the proposed expansion to banning orders, and new provisions regarding anti-promotion orders. While offering support, some evidence called for these expanded powers to be accompanied by appropriate guidance, safeguards and review rights where appropriate.
- 2.25 DAS was in strong support of the proposed amendments to banning orders, considering them essential protections 'particularly for First Nations participants and people with cognitive disability who may be vulnerable to manipulation or coercion'.²²

¹⁸ Hireup, *Submission 46*, [p. 4].

¹⁹ Australian Autism Alliance, *Submission 23*, p. 8. See also: Allied Health Professions Australia, *Submission 34*, p. 2.

²⁰ DHDA, NDIA, and NDIS QSC, *Submission 35*, pp. 5, 9.

²¹ DHDA, NDIA, and NDIS QSC, *Submission 35*, p. 11.

²² Disability Advocacy Service, *Submission 1*, p. 7.

- 2.26 Inclusion Australia supported the proposed banning order provisions, and 'strongly agree[d] that auditors, consultants and other market actors should be held to the same standards of accountability as registered providers'.²³
- 2.27 ADA supported the broadening of the application of banning orders and the associated increased penalties, arguing that these amendments acknowledge 'real-world risk scenarios that NDIS participants often encounter, and enables the regulator to act earlier to prevent harm'. The ADA continued that:
- Complementary measures such as anti-promotion orders to curb misleading or exploitative marketing that can induce participants into unsafe or inappropriate arrangements are welcomed. Together with expanded banning powers, these tools provide a suite of interventions to address misconduct at various points of disability service delivery.²⁴
- 2.28 The ASU supported the expansion of banning order categories and the new anti-promotion orders, to ensure unsuitable persons could not provide NDIS services. It called for the NDIS QSC to be adequately resourced to 'address risks within a timeframe that ensures NDIS participants and workers are not exposed to risk of abuse and exploitation'.²⁵
- 2.29 PWDA argued that the expansion of banning orders and the introduction of anti-promotion orders were 'appropriate responses to identified risks'. PWDA suggested that to avoid 'arbitrary or discriminatory outcomes' and to encourage compliant behaviour, the NDIS Act should be further amended to:
- Legislate objective, published criteria and procedural fairness for banning orders and anti-promotion orders (notice, reasons, right to be heard, time-limited interim orders, and external review).²⁶
- 2.30 Australian Autism Alliance similarly suggested that when interim banning orders were made on an urgent basis, affected persons should be:
- ... afforded a prompt opportunity to make representations before continuation or confirmation of the order. Clear procedural safeguards are necessary to ensure that expanded banning powers do not unintentionally exclude lived-experience consultants, neurodivergent workers, culturally safe providers, or small specialist services without appropriate review and fairness protections.²⁷

²³ Inclusion Australia, *Submission 29*, p. 5.

²⁴ Aged and Disability Advocacy Australia, *Submission 41*, p. 3.

²⁵ Australian Services Union, *Submission 51*, p. 3.

²⁶ People with Disability Australia, *Submission 15*, p. 8. See also: Every Australian Counts, *Submission 17*, p. 4; Australian Autism Alliance, *Submission 23*, p. 9; Professionals Australia, *Submission 33*, p. 22; Allied Health Professions Australia, *Submission 34*, p. 3; National Ethnic Disability Alliance, *Submission 44*, [p. 4].

²⁷ Australian Autism Alliance, *Submission 23*, p. 10. See also: Name withheld, *Submission 3*, [p. 3].

- 2.31 Attain Healthtech expressed some concerns with the proposed anti-promotion orders, observing that the definition of 'regulated promotional conduct' was delegated to Ministerial rules, which provided 'no certainty for providers'. Attain Healthtech argued that '[w]ithout clear statutory definitions, providers cannot assess compliance requirements or modify systems accordingly'.²⁸
- 2.32 Intrepidus Law voiced natural justice concerns about the strict liability offences which would apply to the breaching of a banning order. Intrepidus Law explained under the strict liability regime:
- A person may be liable even where they did not intend to engage in the conduct which ultimately breached the banning order, or if they did not even know that a banning order had been made against them.
- ...
- It is easy to imagine circumstances where a person is genuinely unaware that they have been banned or deregistered because of an error of the Commission. Such persons would still be liable under this Bill.²⁹
- 2.33 In its joint submission, the department and agencies noted that the expansion of the banning order provisions was to address a regulatory gap and 'improve participant safety and prevent future harm', by 'ensuring that individuals working across different roles in the NDIS, such as auditors and consultants', could also be banned from operating within the NDIS.³⁰ Further, the Commission stated that 'there are significant issues that [the NDIS QSC] see[s] in the auditing market and the consulting market that may lead to areas of fraud that occur in the NDIS', which could be addressed by expanded banning orders.³¹
- 2.34 The NDIS QSC explained that the anti-promotion orders have been designed to 'respond to some of the really significant fraud and sharp practices that we see occurring in the market'.³² The joint submission states the order would 'promote transparency and market growth while maintaining participant safety and NDIS integrity'.³³
- 2.35 The Commissioner stated that the NDIS QSC would be working with the Australian Competition and Consumer Commission, the states and territories,

²⁸ Attain Healthtech, *Submission 27*, pp. 6–7.

²⁹ Intrepidus Law, *Submission 37*, p. 8.

³⁰ DHDA, NDIA, and NDIS QSC, *Submission 35*, p. 5.

³¹ Ms Alisa Chambers, Deputy Commissioner, Regulatory Policy, Insights and Review, NDIS Quality and Safeguards Commission, *Committee Hansard*, 24 February 2026, p. 34.

³² Ms Alisa Chambers, Deputy Commissioner, Regulatory Policy, Insights and Review, NDIS Quality and Safeguards Commission, *Committee Hansard*, 24 February 2026, p. 39.

³³ DHDA, NDIA, and NDIS QSC, *Submission 35*, p. 5.

and the sector in the development of a rule that would 'get the balance right between what's in the NDIS Act and what's in the Australian Consumer Law', as well as developing relevant guidance to go alongside the rule—this work will begin once the bill passes.³⁴

Information gathering and sharing

- 2.36 There was general support for the bill's proposed expansion of the NDIS QSC's information gathering powers, and the ability to request information in shorter timeframes, where necessary.
- 2.37 For example, Inclusion Australia supported many of the bill's operational and enforcement mechanisms, including the expanded information-gathering powers and, in particular, the proposal to allow the NDIS QSC to require information within shorter timeframes 'where there is heightened risk to participants'.³⁵
- 2.38 PWDA argued that while enhanced information gathering powers could improve responsiveness and streamline litigation, the provisions also required 'thresholds, reasonable timeframes, plain-language reasons and contestability through external review', to ensure natural justice was maintained.³⁶
- 2.39 Similarly, NDS recognised the need for the Commission to have timely access to information to manage serious risk but pointed to sector experience that suggested unclear information requests could 'create delays and divert resources away from service delivery during crisis'. NDS called for the issuance of clear operational guidance and safeguards.³⁷
- 2.40 Similar calls were made by DAS, which called for the NDIS QSC to issue guidance on how the provisions will apply in remote areas with limited communication infrastructure, and clear protocols for what happens if the deadline for information is not met in circumstances beyond a provider's control.³⁸
- 2.41 Attain Healthtech recognised there might be circumstances where a reduced time period for providing information was warranted, but encouraged the Senate to:

³⁴ Ms Alisa Chambers, Deputy Commissioner, Regulatory Policy, Insights and Review, NDIS Quality and Safeguards Commission, *Committee Hansard*, 24 February 2026, pp. 39–40.

³⁵ Inclusion Australia, *Submission 5*, p. 5. See also: Purple Orange, *Submission 30*, [p. 3].

³⁶ People with Disability Australia, *Submission 15*, p. 12. See also: Aruma, *Submission 21*, p. 5; Australian Autism Alliance, *Submission 23*, p. 10.

³⁷ National Disability Services, *Submission 43*, p. 5. See also: Allied Health Professions Australia, *Submission 34*, p. 3.

³⁸ Disability Advocacy Services, *Submission 1*, [p. 4].

... consider the precedent in the Aged Care sector, where shorter time periods for provision of information to the Aged Care Quality and Safety Commission (ACQSC) apply where relevant to a *specific incident*, particularly those resulting or potentially resulting in serious harm or death of an older person.³⁹

2.42 As noted in Chapter 1, the DHDA, NDIA and NDIS QSC joint submission explained that the shorter timeframes for the provision of information would only be used 'if the Commissioner reasonably believes that to not do so would significantly increase the risk of serious harm to a participant', and the request must also be reasonable in the circumstances.⁴⁰ The Commission added that the measures are:

... not intended to create more administrative burden for providers. They're really about preventing and respond to really significant noncompliance of providers. So again, the intention is not to add more to requests for information. They are for us to receive and act on information when there is a significant risk of harm. There will be guidance that is developed as part of this process.⁴¹

Evidentiary certificates

2.43 Some evidence commented on the provisions allowing the Commission to use evidentiary certificates for prima facie evidence. For instance, Inclusion Australia offered its in principle support for the use of evidentiary certificates.⁴²

2.44 Hireup supported measures which reduce 'unnecessary procedural delay', but cautioned that evidentiary certificates 'should not operate in a manner that displaces the need to substantiate underlying facts where those facts are contested'.⁴³

2.45 Aruma argued that the provisions around evidentiary certificates should keep a narrow scope, with the NDIS QSC to publish practice guidance on their use, and for the courts to retain discretion to test evidence if contested.⁴⁴

2.46 The joint submission from DHDA, NDIA and the NDIS QSC explained that the evidentiary certificate amendments sought to increase efficiency in 'providing uncontroversial evidence and aligns with the legislative authority of other regulators'. The joint submission continued that:

³⁹ Attain Healthtech, *Submission 27*, p. 9. Emphasis in original.

⁴⁰ DHDA, NDIA, and NDIS QSC, *Submission 35*, p. 6.

⁴¹ Ms Alisa Chambers, Deputy Commissioner, Regulatory Policy, Insights and Review, NDIS Quality and Safeguards Commission, *Committee Hansard*, 24 February 2026, p. 39.

⁴² Inclusion Australia, *Submission 5*, p. 5.

⁴³ Hireup, *Submission 46*, [p. 12].

⁴⁴ Aruma, *Submission 21*, p. 5.

Alleviating the need for the NDIS Commissioner and NDIS Commission staff to prepare affidavits and attend court proceedings to give uncontroversial evidence would allow officers to increase focus on their core functions, optimising resource allocation and operational efficiency. As the certificate would be prima facie evidence only, the right to contest or challenge the evidence presented in the certificate would remain available to a defendant/respondent.⁴⁵

Thin markets

- 2.47 Concerns were put to the committee about the impact of the bill's provisions on providers in thin markets. DAS, for example, observed a 'structural tension' in the bill, whereby the enforcement mechanisms that protect participants in 'well-resourced urban and regional markets' conversely risk 'accelerating provider withdraw in thin markets, leaving vulnerable people with fewer or no options'. DAS pointed to instances of small provider withdrawals due to regulatory burden and the unintended consequences of strict liability offences.⁴⁶
- 2.48 DAS called for a staged transition to the bill's enforcement measures for remote and First Nations communities, to protect people with disability from serious misconduct while giving 'well-intentioned but under-resourced providers a fair chance to meet the new standards'.⁴⁷
- 2.49 Inclusion Australia noted that the increased civil and criminal penalties could impact on 'small or niche providers, particularly those operating in rural and remote areas or delivering culturally specific or highly specialised supports'. Inclusion Australia explained that:
- These providers often play a critical role in thin markets, where participants already have limited choice and few alternative options, yet frequently operate with constrained administrative capacity and limited access to compliance support.
- Without appropriate safeguards, there is a risk that heightened regulatory complexity and exposure to significant penalties may discourage smaller providers from remaining in, or entering, the NDIS market.⁴⁸
- 2.50 ADA emphasised the importance of co-designing information delivery with small and community-based providers:
- Without these steps, there is a risk that increased administrative or reporting burdens may inadvertently act as a disincentive for high-quality providers

⁴⁵ DHDA, NDIA, and NDIS QSC, *Submission 35*, p. 6.

⁴⁶ Disability Advocacy Service, *Submission 1*, pp. 3, 4.

⁴⁷ Disability Advocacy Service, *Submission 1*, p. 6.

⁴⁸ Inclusion Australia, *Submission 29*, p. 7.

to continue operating in already thin markets, to the detriment of participant choice and continuity of supports.⁴⁹

- 2.51 Hireup cautioned that the operation of the provisions put forward by the bill needed to be considered in the context of 'ongoing registration reform and transitional arrangements across the market', resulting in not all service providers being subject to 'identical regulatory settings'.⁵⁰

Schedule 2 – NDIA

- 2.52 Schedule 2 of the bill contains provisions amending the NDIS Act, in relation to the functions and operations of the NDIA, and how participants engage with the NDIS. The views put forward during the inquiry about Schedule 2 are canvassed below.

Participant withdrawal from the Scheme

- 2.53 The bill's proposal to introduce a 90-day cooling off period for notices of Scheme withdrawal was largely supported by witnesses and submitters, who saw the amendment as an important part of NDIS participant choice and control. There were some recommendations put forward on how to further support participants and providers through the Scheme withdrawal process.
- 2.54 For example, OTSi stated that this amendment provides:
- ... an important safeguard to ensure withdrawal requests are voluntary, informed, and in the participant's best interests, reducing the risk of physical, mental, or financial harm.⁵¹
- 2.55 NDS was also supportive of the introduction of a 90-day cooling off period stating that 'these measures provide important safeguards to ensure withdrawal decisions are informed, voluntary, and do not expose participants to unnecessary risk'.⁵²
- 2.56 Whilst expressing their support for the 90-day cooling off period, some submitters argued that there was merit in providing for extensions to this period in certain circumstances.⁵³ One submitter also called for assurances that participants would not be penalised if they later chose to re-enter the Scheme.⁵⁴

⁴⁹ Aged and Disability Advocacy Australia, *Submission 41*, p. 3. See also: Name withheld, *Submission 5*. See also: Name withheld, *Submission 3*, [p. 3].

⁵⁰ Hireup, *Submission 46*, [p. 11].

⁵¹ Occupational Therapy Society (OTSi), *Submission 2*, p. 6.

⁵² National Disability Services, *Submission 43*, p. 15.

⁵³ Occupational Therapy Society (OTSi), *Submission 2*, p. 6; Every Australian Counts, *Submission 17*, p. 3; PWDA, *Submission 15*, p. 11; Australian Autism Alliance, *Submission 23*, p. 12.

⁵⁴ Children and Young People with Disability Australia, *Submission 26*, p. 4.

- 2.57 To further prevent premature or unintended exits from the Scheme, OTSi recommended enabling the NDIA to extend the cooling off period up to six months where there is evidence that a participant's disability, health, or other circumstances indicate additional time is needed and necessary.⁵⁵
- 2.58 PWDA recommended that the NDIA be able to initiate extensions, without extra paperwork, where:
- ... vulnerability is evident (for example, to ensure those who have complaints in with providers or are facing domestic and family violence, incarceration or hospitalisation), have guaranteed continuity of funding until other matters are resolved.⁵⁶
- 2.59 CYDA recommended that there be clear mechanisms for participants who have withdrawn to re-enter the Scheme if needed, including assurances that they will not be penalised in their re-application due to prior withdrawal.⁵⁷
- 2.60 The joint submission from DHDA, NDIA and the NDIS QSC emphasised that the 90-day period is a minimum period and was determined through consultation:
- The length of the cooling-off period must be specified in a notice to the participant and must be at least 90 days. This minimum period was selected based on feedback from consultation with participant groups including the Integrity Transformation Working Group and the Self-Managed Advisory Group. It is a minimum timeframe, and the CEO may specify a longer period or extend the cooling-off period.⁵⁸
- 2.61 The joint submission also confirmed that the NDIA Chief Executive Officer (CEO) or their delegate can extend the cooling off period as long as necessary and as many times as necessary, if the circumstances warrant it (for example, if the CEO is unable to contact the participant or has concerns about the request, including consideration of the participant's vulnerability). Additionally, it was noted that a participant can cancel their request without any consequence to themselves or their eligibility to the NDIS.⁵⁹

Supporting informed decision-making

- 2.62 The need for clear and accessible communication from the NDIA during the withdrawal process, as well as access to independent advocacy services, was

⁵⁵ Occupational Therapy Society (OTSi), *Submission 2*, p. 6. See, also: Every Australian Counts, *Submission 17*, p. 3.

⁵⁶ PWDA, *Submission 15*, p. 11. See, also: Australian Autism Alliance, *Submission 23*, p. 12.

⁵⁷ Children and Young People with Disability Australia, *Submission 26*, p. 4.

⁵⁸ DHDA, NDIA, and NDIS QSC, *Submission 35*, p. 17.

⁵⁹ DHDA, NDIA, and NDIS QSC, *Submission 35*, pp. 16–17.

reiterated by a number of submitters.⁶⁰ Observations were put forward about ensuring participants were supported to make an informed decision about exiting the Scheme.

- 2.63 For example, CYDA called for clear and accessible provision of information during the cooling off period, including a discussion with the participant about the reasons for their request to leave the Scheme 'to ensure the participant is not experiencing undue influence or pressure from a third party as a driver of their decision'.⁶¹
- 2.64 Inclusion Australia called for participants to be provided with information in accessible formats (including Easy Read) on the consequences of exiting the Scheme, how to cancel their initial request, and what will occur if they do not do so. Inclusion Australia highlighted the importance of genuine understanding and informed decision-making, particularly for people with intellectual disabilities.⁶²
- 2.65 To ensure participants fully understand the process and consequences of exiting the Scheme, Villamanta Disability Rights Legal Service suggested that the NDIA be required to:
- confirm that their letter outlining the relevant information relating to withdrawal is received; and
 - confirm the participant understands the information contained in the letter.⁶³
- 2.66 NEDA highlighted the need for culturally safe communication, interpreter access, and outreach to ensure culturally and linguistically diverse (CALD) participants could exercise their rights effectively.⁶⁴
- 2.67 Inclusion Australia and PWDA recommended that the NDIS offer participants indicating a desire to leave the Scheme a referral to an independent advocacy service to support them to make an informed decision about their exit.⁶⁵
- 2.68 Alternatively, CYDA suggested the establishment of a hotline for participants to access clear, up-to-date information about the consequences of withdrawal

⁶⁰ See, for example: Children and Young People with Disability Australia, *Submission 26*, p. 4; Inclusion Australia, *Submission 29*, p. 8; Villamanta Disability Rights Legal Service, *Submission 40*, p. 6; Australian Autism Alliance, *Submission 23*, p. 12.

⁶¹ Children and Young People with Disability Australia, *Submission 26*, p. 4.

⁶² Inclusion Australia, *Submission 29*, p. 8.

⁶³ Villamanta Disability Rights Legal Service, *Submission 40*, p. 6. See, also: Australian Autism Alliance, *Submission 23*, p. 12.

⁶⁴ National Ethnic Disability Alliance, *Submission 44*, pp. 4–6.

⁶⁵ Inclusion Australia, *Submission 29*, p. 8; PWDA, *Submission 15*, p. 11. See, also: Australian Autism Alliance, *Submission 23*, p. 12; Villamanta Disability Rights Legal Service, *Submission 40*, p. 6.

from the Scheme, and options for alternative supports, if they do choose to withdraw.⁶⁶

Guidance for providers and continuity of supports

- 2.69 NDS outlined the need for the NDIA to issue guidance to providers outlining their obligations during cooling off periods, including notification mechanisms, to support continuity of supports until withdrawal takes place. NDS and others also noted the need to ensure that supports remain uninterrupted during the 90-day cooling off period, and until a participant chooses to withdraw.⁶⁷
- 2.70 NDS noted that the bill does not outline how providers will be informed of a participant's intention to withdraw, or how provider obligations should operate during the cooling off period. NDS warned that this lack of clarity could risk providers inadvertently reducing or ceasing a participant's supports on an assumption that the participant has exited the Scheme, even though they remain legally eligible and entitled to funded supports during this period.⁶⁸
- 2.71 NDS recommended that the NDIS Rules or NDIA operational guidance clearly specify provider obligations during the cooling off period and establish appropriate notification mechanisms to support continuity of supports until a withdrawal takes effect.⁶⁹

Role of the correspondence nominee

- 2.72 It was brought to the attention of the committee that a possible unintended consequence of the amendment could provide a participant's correspondence nominee more powers than anticipated. AFDO warned that the amendments would allow a correspondence nominee to cancel the request to withdraw from the Scheme on behalf of the participant. AFDO stated that this was inconsistent with section 79(1)(a) of the NDIS Act, which makes it clear that a correspondence nominee cannot do any act that 'relates to the preparation, review or replacement of the participant's plan'.⁷⁰
- 2.73 To rectify this, AFDO recommended that Item 3 of Schedule 2 be removed to ensure that only a participant or their plan nominee can withdraw a notice to withdraw from the Scheme during the cooling off period.⁷¹

⁶⁶ Children and Young People with Disability Australia, *Submission 26*, p. 5.

⁶⁷ See, for example: Occupational Therapy Society, *Submission 2*, p. 2; Australian Autism Alliance, *Submission 23*, p. 12.

⁶⁸ National Disability Services, *Submission 43*, pp. 15–16.

⁶⁹ National Disability Services, *Submission 43*, p. 16.

⁷⁰ AFDO, *Submission 14*, p. 2. See, also: Mr Matthew Hall, National Manager Systemic Advocacy and Policy, AFDO, *Committee Hansard*, 24 February 2026, pp. 12–13.

⁷¹ AFDO, *Submission 14*, p. 2.

- 2.74 At the hearing, DHDA confirmed that it was not the intention of the amendment to authorise the correspondence nominee to make decisions on behalf of the participant. The amendment to require that the notice be given to the correspondence nominee as well as the participant is intended to be a safeguarding measure to ensure the receipt of the correspondence which outlines the opportunity for a participant to cancel the request.⁷²
- 2.75 DHDA acknowledged that 'it is the case that ... in the circumstances in which the role of a correspondence nominee operates, they could in fact cancel the request or make a request on behalf of a participant to withdraw from the scheme' as a result of the amendment.⁷³
- 2.76 In an answer to a question on notice, DHDA confirmed that a 'correspondence nominee has the power to act on behalf of a participant in a variety of ways' and when a 'correspondence nominee writes to the NDIA on a participant's behalf, it is treated as if the participant has written'.⁷⁴ Additionally:

The proposed amendments require that if the notice is given to the correspondence nominee, then it must also be given to the participant.

This is intended to be an additional safeguard for the participant to ensure the participant and their nominee understand the consequences of seeking to withdraw from the Scheme and the opportunity to cancel the request. If a correspondence nominee is not acting in accordance with the wishes of a participant, the participant can request the CEO cancel the correspondence nominee's appointment.⁷⁵

Claims processing

- 2.77 A number of submitters supported the bill's amendments on claims processing, seeing them as a positive step towards modernising and streamlining the claiming process.⁷⁶
- 2.78 OTSi, for example, stated that it welcomed the amendments to modernise the claims process which aim to 'improve clarity for providers and participants, streamline electronic claims submission, and support efficient processing'.⁷⁷

⁷² Ms Sarah Hawke, Assistant Secretary, NDIS Policy, Legislation and Engagement Branch, Department of Health, Disability and Ageing, *Committee Hansard*, 24 February 2026, p. 30.

⁷³ Ms Sarah Hawke, Assistant Secretary, NDIS Policy, Legislation and Engagement Branch, Department of Health, Disability and Ageing, *Committee Hansard*, 24 February 2026, p. 30.

⁷⁴ Answer to Senator Askew's question taken on notice by the Department of Health, Disability and Ageing at a public hearing on 24 February 2025; received 12 March 2025.

⁷⁵ Answer to Senator Askew's question taken on notice by the Department of Health, Disability and Ageing at a public hearing on 24 February 2025; received 12 March 2025.

⁷⁶ See, for example: NDS, *Submission 43*, p. 16; OTSi, *Submission 2*, pp. 2, 6; ARATA, *Submission 18*, p. 2.

⁷⁷ OTSi, *Submission 2*, p. 6.

- 2.79 Similarly, Sisu Therapies submitted that amendments to modernise the claims process would 'improve clarity, reduce administrative burden, and support timely and accurate payment', which are 'beneficial to participants, providers, and Scheme sustainability'.⁷⁸
- 2.80 However, some submitters commented on the proposed changes, particularly around accessibility and communication, and sought clarity on the proposed approach to this process.⁷⁹ Submitters and witnesses also wished to confirm that requests for information would be reasonable and would not unnecessarily delay the processing of claims, which could impact on the continuity of service provision.⁸⁰

Publishing an approved form

- 2.81 On the amendment which would authorise the NDIA CEO to provide for 'representations' of approved forms to be published on the NDIA's website, submitters generally saw benefit in this but requested assurances that these forms be provided in accessible formats. AFDO, for example, recommended that these provisions be amended to ensure that any approved forms be accessible, or provided in accessible formats, as required by the participant.⁸¹
- 2.82 CYDA raised concerns that if forms were not provided in accessible formats, participants and their families may not be able to understand what is required of them. CYDA gave two examples, including that representations based on screenshots or step-by-step guidance may be inaccessible to screen-reader users and others who rely on assistive technology, as well as noting the high proportion of children and young people in the NDIS, requiring the need for Easy Read or child-friendly formats.⁸²

Prescribing electronic claims

- 2.83 There was broad support for the amendment providing the NDIA CEO with the flexibility to determine the way in which a participant can make a claim, including electronic claims.
- 2.84 Inclusion Australia, for example, supported the use of technology to streamline claims processes through electronic claim forms and were encouraged that the

⁷⁸ Sisu Therapies, *Submission 25*, p. 3.

⁷⁹ See, for example: Children and Young People with Disability Australia, *Submission 26*, p. 6; AFDO, *Submission 14*, pp. 2–3; Australian Autism Alliance, *Submission 23*, p. 18; AFDO, *Submission 14*, p. 3.

⁸⁰ See, for example: OTSi, *Submission 2*, p. 6; Inclusion Australia, *Submission 29*, p. 9; National Disability Services, *Submission 43*, pp. 16–17; PWDA, *Submission 15*, pp. 12–13.

⁸¹ AFDO, *Submission 14*, pp. 2–3. See also: Australian Autism Alliance, *Submission 23*, p. 18.

⁸² Children and Young People with Disability Australia, *Submission 26*, p. 6.

bill's Explanatory Memorandum noted that participants would still be able to continue submitting claims in the existing ways.⁸³

2.85 ASU also supported the proposed reforms to electronic claims processes to improve integrity and efficiency. ASU stated:

Inefficient and unfair payment processes undermine continuity of care. Safeguarding electronic claims processes reduces the risk of delayed and withheld payments for supports and services provided to NDIS participants.⁸⁴

2.86 However, others, such as NDS noted that paragraph 45A(3) of the bill appears to allow the CEO to approve claims made in alternative formats, including in writing, and requested clarification on how and when such alternative claim methods may be used, in order to assist providers to navigate backdated or exceptional claims without unnecessary delay.⁸⁵

2.87 Intrepidus Law also sought clarification on the new requirements and raised questions about whether there would be a new electronic claims system, whether other methods of submitting claims would still be available, and queried the complexity and accessibility of any new process.⁸⁶

2.88 AFDO and the Australian Autism Alliance recommended that accessible claim submission pathways, including alternative submission options where digital barriers exist, be required. Further, electronic claiming systems should be required to meet recognised accessibility standards, and avoid digital exclusion.⁸⁷

2.89 The National Aboriginal Community Controlled Health Organisation (NACCHO) also raised concern about digital exclusion and highlighted that submitting claims via the *my NDIS Provider Portal* could be challenging for Aboriginal Community Controlled Organisations (ACCOs) and Aboriginal Community Controlled Health Organisations (ACCHOs), stating that not all providers have the same access to reliable telecommunications and digital services, especially in rural and remote areas. NACCHO recommended that ACCHOs and ACCOs be able to submit claims in a variety of ways, if required.⁸⁸

2.90 OTSi supported the changes to electronic claim forms, while recommending the NDIA provide clear communication, accessible guidance, and a phased or supported implementation to ensure all providers, particularly smaller

⁸³ Inclusion Australia, *Submission 29*, p. 9.

⁸⁴ Australian Services Union, *Submission 51*, p. 3.

⁸⁵ National Disability Services, *Submission 43*, p. 17.

⁸⁶ Intrepidus Law, *Submission 37*, p. 13.

⁸⁷ AFDO, *Submission 14*, p. 3; Australian Autism Alliance, *Submission 23*, p. 18.

⁸⁸ National Aboriginal Community Controlled Health Organisation, *Submission 39*, pp. 11–12.

providers and therapy providers, can transition to electronic claims effectively, maintain compliance, and minimise operational disruption.⁸⁹

2.91 The joint submission from DHDA, NDIA and the NDIS QSC discussed the rationale for the change, explaining that 'unlike other Commonwealth legislative frameworks, the NDIS Act does not currently prescribe the manner in which claims forms are to be submitted'. This means the NDIA must accept claims lodged through any means, such as post, email, or fax. It stated that off-system claims generate manual payment processes which may be used to bypass NDIA online system controls, and outlined the following benefits of lodging claims via the online system:

- reduce identity and account takeover risks associated with less secure means of communication, such as email;
- allow the NDIA to apply risk analytics to more effectively identify claiming integrity concerns;
- safeguard participants through early fraud detection and intervention;
- reduce opportunities for human error and privacy breaches; and
- ensure claims are received in a timely manner, processable format, and meet the evidence requirements.⁹⁰

2.92 The submission noted that the NDIA processes over 600 000 claims per day, with the majority of these already submitted through the NDIA's online systems, including 99.9 per cent of provider claims. Furthermore, submitting claims electronically ensures that claims are properly identified and pass through secure risk detection systems.⁹¹

2.93 At the committee's public hearing, the NDIA clarified that the intention of the bill was to transition all registered providers to an electronic claims system and that this would be through the current NDIS portal, not a new system, and participants would still be able to access a variety of options to submit claims:

The intention of the provision in the bill is for all registered providers to move towards fully electronic claiming. Having said that, as we design the implementation of those channels, we will include some exceptions for certain circumstances ... When it comes to participants, participants can currently claim through a variety of channels, and there is no intention to change that.⁹²

2.94 On the accessibility of the electronic claims submission process, the NDIA stated:

⁸⁹ OTSi, *Submission 2*, p. 6. See, also: Carers and Advocates Australia, *Submission 19*, p. 6.

⁹⁰ DHDA, NDIA, and NDIS QSC, *Submission 35*, pp. 17–18.

⁹¹ DHDA, NDIA, and NDIS QSC, *Submission 35*, p. 17.

⁹² Ms Kitsa Papadopoulos, General Manager, Fraud Fusion Taskforce and Integrity Capability, National Disability Insurance Agency, *Committee Hansard*, 24 February 2026, pp. 31, 40.

... the overall intention is to make those electronic channels very accessible and very modern and in line with the way our registered providers operate their everyday business.⁹³

Requests for information prior to claim payments

2.95 There was some concern raised about the scope of the NDIA to request information and documents before claims could be approved. OTSi welcomed the intent of the changes, but cautioned there was a risk of service and support disruption if claims remained unpaid due to missing or difficult-to-provide information, especially where the burden of evidence fell on participants. Additionally, OTSi were concerned that providers could be asked to submit sensitive clinical or private therapy notes to satisfy information requests, which could compromise participant confidentiality and create administrative burdens. OTSi called for clarity to be provided on the boundaries of s 45A.⁹⁴

2.96 Inclusion Australia suggested there was a risk that claims may go unpaid where information could not be provided within the NDIA's required period, even where the claim was legitimate. Inclusion Australia were particularly concerned about this impacting on self-managed participants and small providers who may lack administrative capacity to respond quickly to information requests.⁹⁵

2.97 NDS were also concerned that there was no limitation on the scope of documents that could be requested which could add to the cumulative administrative burden on providers, and risk exacerbating existing payment delays, resulting in service disruption and negatively impacting participants. NDS recommended:

... that safeguards be strengthened through legislation or the NDIS Rules to clearly specify the types of information that may reasonably be required to support a claim, confirm that providers cannot be expected to supply information they do not reasonably hold or were not aware they were required to collect, and establish clear processes for circumstances where requested information cannot be provided through no fault of the provider or participant.⁹⁶

2.98 Additionally, AFDO pointed out that the amendments would make any decision by the NDIA CEO to extend (or not extend) the time within which further documents or information in support of a claim must be provided,

⁹³ Ms Kitsa Papadopoulos, General Manager, Fraud Fusion Taskforce and Integrity Capability, National Disability Insurance Agency, *Committee Hansard*, 24 February 2026, p. 31.

⁹⁴ OTSi, *Submission 2*, p. 6.

⁹⁵ Inclusion Australia, *Submission 29*, p. 9.

⁹⁶ National Disability Services, *Submission 43*, pp. 16–17. See, also: PWDA, *Submission 15*, pp. 12–13.

beyond 14 days, is not a reviewable decision. AFDO recommended that it be a reviewable decision.⁹⁷

2.99 At the hearing, DHDA advised that if a claimant needs more time, the notice can be varied and there is broad discretion in the implementation of that, and that it is a matter for the claimant to raise that request for additional time with the NDIA.⁹⁸

2.100 NDS, OTSi and Every Australian Counts each called for a phased implementation for electronic claims reforms to prevent payment delays, increased administrative burden, and the possibility of unintended disruption to participant supports or provider withdrawal from the Scheme.⁹⁹

2.101 The NDIA provided the following explanation for the amendment to allow the agency to seek relevant information to process a claim:

The provision in this bill around allowing us to seek further information makes sure that we have what we need to be transparent with claimants about what substantiation is required to satisfy the NDIA that a claim should be made and that we are keeping participants' plans safe from people who might be trying to make false claims against their plans.¹⁰⁰

2.102 The joint submission from DHDA, NDIA and the NDIS QSC stated that the NDIA CEO can only request information that is reasonably required in relation to the claim and will generally be limited to information which establishes that the:

- claim relates to a support which is an NDIS support for the participant;
- participant's plan has been complied with in connection with the acquisition or provision of the support;
- support has been delivered (or it is reasonable to expect it will be delivered);
- claim is accurate (e.g. if there is a discrepancy between the totals in an invoice).¹⁰¹

2.103 If a claimant does not have the documentation requested, Ms Sarah Hawke from DHDA confirmed that the Act includes the power to revoke, amend or vary the request for information which means that a delegate can 'work with the claimant to consider what alternative information might be available to support and

⁹⁷ AFDO, *Submission 14*, pp. 3–4.

⁹⁸ Ms Sarah Hawke, Assistant Secretary, NDIS Policy, Legislation and Engagement Branch, Department of Health, Disability and Ageing, *Committee Hansard*, 24 February 2026, p. 32.

⁹⁹ National Disability Services, *Submission 43*, p. 17; OTSi, *Submission 2*, p. 3; Every Australian Counts, *Submission 17*, pp. 3, 5.

¹⁰⁰ Ms Kitsa Papadopoulos, General Manager, Fraud Fusion Taskforce and Integrity Capability, National Disability Insurance Agency, *Committee Hansard*, 24 February 2026, p. 33.

¹⁰¹ DHDA, NDIA, and NDIS QSC, *Submission 35*, p. 18.

substantiate a claim being paid'.¹⁰² Ms Kitsa Papadopoulos from the NDIA added that delegates receive structured prepayment integrity and quality assurance training, have access to guidance on what is a reasonable request, can consult with supervisors and teams to resolve more complex decisions, and have the power to extend timeframes for the claimant to resolve the review.¹⁰³

2.104 Furthermore, the joint submission stated that the NDIA publishes guidance that reflects best practice, outlining the types of documents and records that providers should keep.¹⁰⁴

Plan variations

2.105 Some submitters supported the amendment to clarify that a variation of a participant's plan could result in an increase or decrease to their total funding, and others acknowledged that plan variations happen only in rare and specific circumstances, most often resulting in an increase in funding.¹⁰⁵ Others recommended that the Act be amended to state the exact circumstances in which a plan variation might result in a reduction in the total funding amount, and include review and appeal rights.¹⁰⁶

2.106 Aruma supported the amendment confirming that NDIS participant plans can be increased or decreased, 'to remove non-evidence-based supports and to add funding when justified'.¹⁰⁷ CYDA supported the transparency that the amendment reflects.¹⁰⁸

2.107 Disability Advocacy Network Australia (DANA) acknowledged that the plan variation power is 'typically used to respond to urgent or limited circumstances, such as emergencies' or to approve a specific item of assistive technology or minor home modification, and that 'reductions in plan funding through the use

¹⁰² Ms Sarah Hawke, Assistant Secretary, NDIS Policy, Legislation and Engagement Branch, Department of Health, Disability and Ageing, *Committee Hansard*, 24 February 2026, p. 36.

¹⁰³ Ms Kitsa Papadopoulos, General Manager, Fraud Fusion Taskforce and Integrity Capability, National Disability Insurance Agency, *Committee Hansard*, 24 February 2026, p. 36.

¹⁰⁴ DHDA, NDIA, and NDIS QSC, *Submission 35*, p. 19.

¹⁰⁵ See, for example: Aruma, *Submission 21*, p. 2; Children and Young People with Disability Australia, *Submission 26*, p. 7; Disability Advocacy Network Australia, *Submission 20*, p. 7. See, also: Inclusion Australia, *Submission 29*, p. 10.

¹⁰⁶ See, for example: National Disability Services, *Submission 43*, p. 21; Australian Services Union, *Submission 51*, p. 4; Disability Advocacy Network Australia, *Submission 20*, p. 20; Inclusion Australia, *Submission 29*, p. 10.

¹⁰⁷ Aruma, *Submission 21*, p. 2.

¹⁰⁸ Children and Young People with Disability Australia, *Submission 26*, p. 7.

of plan variations are uncommon'.¹⁰⁹ DANA, did, however, query why the amendment was required given the NDIA already has the power to vary plans.¹¹⁰

2.108 Some submitters saw the clarification as a cause for concern, and questioned whether it might lead to reductions in participant funding.¹¹¹ DANA, for instance, stated:

... the inclusion of this provision has created anxiety among participants and advocates about how the power may be used in practice in the future.¹¹²

2.109 DANA recommended that plan variations be constrained to clearly defined circumstances, with more significant changes more appropriately coming under consideration in a full plan review process. Furthermore, any such limits should be set out in primary legislation, rather than delegated to rules, to ensure participants have a clear and predictable understanding of the circumstances in which their plan funding may be varied.¹¹³

2.110 NDS also recommended the bill or the NDIS Rules clearly define the circumstances in which plan variations may result in reduced funding. NDS argued that any reductions should be linked to a genuine and material change in a participant's circumstances, and include safeguards to prevent unintended service disruption or unfunded service delivery.¹¹⁴

2.111 A number of submitters highlighted the importance of procedural fairness protections, and recommended that the bill amend the Act to enshrine review and appeal rights for all plan variation and reassessment decisions affecting supports or funding, including rights to written reasons and access to the evidence relied upon.¹¹⁵ Every Australian Counts stated that these 'protections

¹⁰⁹ Disability Advocacy Network Australia, *Submission 20*, p. 7. See, also: Inclusion Australia, *Submission 29*, p. 10.

¹¹⁰ Disability Advocacy Network Australia, *Submission 20*, p. 7. See, also: Inclusion Australia, *Submission 29*, p. 10.

¹¹¹ See, for example: Ms Catherine Durant, *Submission 7*, p. 1; ARATA, *Submission 18*, p. 8; Inclusion Australia, *Submission 29*, p. 10; Purple Orange, *Submission 30*, [p. 4]; Australian Services Union, *Submission 51*, p. 4.

¹¹² Disability Advocacy Network Australia, *Submission 20*, p. 20.

¹¹³ Disability Advocacy Network Australia, *Submission 20*, p. 20. See, also: Inclusion Australia, *Submission 29*, p. 10.

¹¹⁴ National Disability Services, *Submission 43*, p. 21. See, also: Australian Services Union, *Submission 51*, p. 4.

¹¹⁵ See, for example: OTSi, *Submission 2*, p. 3; ARATA, *Submission 18*, p. 8; Every Australian Counts, *Submission 17*, pp. 3, 5; PWDA, *Submission 15*, p. 13; Aruma, *Submission 21*, p. 3; Sisu Therapies, *Submission 25*, p. 4; Children and Young People with Disability Australia, *Submission 26*, p. 6; Australian Services Union, *Submission 51*, p. 4.

are essential safeguards against error and are critical to maintaining trust and safety within the Scheme'.¹¹⁶

- 2.112 Ms Hawke from the DHDA gave assurances at a public hearing that the amendment does not change the circumstances in which a variation can take place, nor does it change a participant's rights to review. Ms Hawke described the clarification as a 'technical amendment' or a 'beyond doubt provision' which confirms that the NDIA 'can only vary existing plans in circumstances that are specified in the NDIS Act'. Furthermore, the NDIS Act also 'places a number of requirements on the NDIA in varying a plan, including that it must be done with a participant and must have regard to a participant's goals and aspirations, in addition to other matters'.¹¹⁷
- 2.113 The joint submission from DHDA, NDIA and the NDIS QSC also confirmed that the NDIA CEO 'can only vary existing plans in specified circumstances under the NDIS Act' and that this amendment 'does not change circumstances where variations are permitted or review rights'. The joint submission further clarified that plan variations remain reviewable decisions, where participants retain the right to seek internal review and review by the Administrative Review Tribunal.¹¹⁸
- 2.114 At the public hearing, the DHDA undertook to update its website on NDIS reforms with further information on the amendment to improve understanding and reassure the disability community of the limited scope of the technical amendment.¹¹⁹

Committee view

- 2.115 The bill considered by the committee represents the second tranche of important legislative reform to the NDIS Act, following the Disability Royal Commission and the 2023 Independent Review into the NDIS.
- 2.116 As the NDIS QSC matures as a regulator, it is appropriate that its oversight capabilities and enforcement powers are reviewed and updated as needed. This bill will allow the Commission to better identify and respond to poor practices in the disability sector, and properly address and penalise NDIS providers who are doing the wrong thing and putting NDIS participants at risk of abuse, neglect or exploitation.

¹¹⁶ Every Australian Counts, *Submission 17*, p. 5.

¹¹⁷ Ms Sarah Hawke, Assistant Secretary, NDIS Policy, Legislation and Engagement Branch, Department of Health, Disability and Ageing, *Committee Hansard*, 24 February 2026, pp. 32–33.

¹¹⁸ DHDA, NDIA, and NDIS QSC, *Submission 35*, pp. 6, 19.

¹¹⁹ Ms Sarah Hawke, Assistant Secretary, NDIS Policy, Legislation and Engagement Branch, Department of Health, Disability and Ageing, *Committee Hansard*, 24 February 2026, p. 41.

2.117 This bill also makes sensible amendments which support the choice and control of participants and their independence, by providing for an extended cooling off period for participants to consider withdrawing from the Scheme, and by improving the claims process.

Scope of the inquiry

2.118 Throughout the inquiry, the committee received evidence urging legislative amendments which were beyond the scope of the bill before the committee.

2.119 While the committee acknowledges the concerns put to it about various matters across the NDIS, the committee is limited in its work to examining the provisions of the bill.

2.120 The committee encourages submitters and witnesses to engage as much as possible with the ongoing government consultations around future legislative amendments to the Scheme, and with other parliamentary inquiries where appropriate.¹²⁰

Civil and criminal penalties

2.121 The civil and criminal penalties proposed by the bill reflect the seriousness of some contraventions of the NDIS Act and the significant and harmful impact that some providers can have on vulnerable NDIS participants.

2.122 The committee considers the proposed penalty framework will work as an active deterrent in preventing poor behaviours in the NDIS market, while also providing the regulator with the right tools to address those behaviours and sharp practices when they occur. The provisions provide the regulator with more proportionate options for addressing non-compliance, including circumstances where civil penalties are more appropriate than criminal penalties.

2.123 The committee is therefore of the view that the civil and criminal penalties for contraventions of various elements of the Scheme, including the expanded banning order provisions and the new anti-promotion orders, are appropriate and will ensure that all those operating within the NDIS market are held to similar standards and expectations.

2.124 The committee heard that terms in the new penalty framework, such as 'significant failure' and 'serious contravention' were not properly defined by the law or tested in practice. Submitters called for guidance material and consistent application of these terms. Further, it was suggested that a phased approach to implementation be considered.

2.125 The committee encourages the NDIS QSC to issue guidance material where appropriate, to explain how the provisions of the bill will be interpreted and

¹²⁰ See: https://consultations.health.gov.au/consultation_finder/ for current consultations.

applied in practice. Such guidance material should be updated as real-life examples of their use become available to the Commission.

2.126 It was also suggested that taken as a whole, the Schedule 1 amendments could adversely impact providers, especially small, specialist, and First Nations providers, due to the volume and significance of the regulatory reform. This included the impacts of providing information to the NDIS QSC in shorter timeframes.

2.127 The committee acknowledges these concerns and welcomes the advice of the NDIA and NDIS QSC that taken as a whole, these amendments will be used in a proportionate way, in direct response to any risks posed to participants.

Participant withdrawal from the Scheme

2.128 The committee was encouraged to hear that submitters largely supported the bill's proposed safeguarding measure to introduce a 90-day cooling off period. The cooling-off period is designed to ensure that the request is genuine, in the participant's best interest, and that exiting the Scheme will come with appropriate consideration and planning, and not cause a participant harm.

2.129 The committee acknowledges that some submitters requested that this timeframe be extended, particularly in circumstances where additional vulnerabilities are at play. The committee understands that the 90-day period was selected based on consultation with participant groups, and notes that the amendment does allow the NDIA CEO the flexibility to specify longer periods and extend the cooling-off period for as long as necessary, and as many times as necessary.

2.130 Reflecting on the evidence, the committee is of the view that the NDIA should issue guidance to providers, and provide timely notifications to providers when a participant chooses to withdraw. This will ensure providers clearly understand their obligations during this period and prevent any unintended service disruptions to a participant's supports, while they remain eligible to receive these supports.

Claims processing and plan variations

2.131 The bill makes practical amendments regarding the claims process. These amendments, while a small change, will greatly enhance the ability of administrators and regulators to efficiently process and monitor claims, and detect and address any fraudulent activity in the Scheme. The committee welcomes the modernising and streamlining of the claims process, in order to support efficiencies, and timely and accurate payments. The significant volume of claims made on a daily basis make these amendments timely and appropriate.

2.132 The committee acknowledges the concerns around accessibility for any new or varied claim formats. The committee was assured by the evidence of the DHDA

and the NDIA that participants would be able to continue to make claims in ways that best suit a participant's needs.

- 2.133 The committee understands that enabling the NDIS CEO to request relevant information and documents will ensure claims are genuine before they are paid. It will enable the NDIA to proactively identify issues with claims at an early stage, reducing the need to engage with compliance activities later. Whilst the committee understands the concern of providers about the scope of the types of information and documents that could be requested, the committee was assured by the agencies that the NDIA CEO can only request information that is reasonably required in relation to the claim, and that there are parameters around the types of information that can be requested for this purpose.
- 2.134 The committee heard concerns about the bill's proposal to clarify that plan variations could result in either a plan funding increase or decrease and recognises that this proposal caused some angst in the disability community. It was confirmed by the agencies, however, that this provision did not change the existing circumstances where variations are permitted, nor did it impact on review rights. The committee welcomes this confirmation.
- 2.135 In summary, the committee is of the view that this bill would put in place necessary changes to strengthen the powers of the NDIS QSC to protect participants and enable the NDIA to strengthen operational elements of the Scheme to increase its integrity. Noting the overall support for the bill and the importance of implementing the next stage of strong regulatory oversight of the NDIS, the committee recommends the bill be passed.

Recommendation 1

- 2.136 The committee recommends that the National Disability Insurance Scheme Amendment (Integrity and Safeguarding) Bill 2025 be passed.**

Senator Dorinda Cox
Chair
Labor Senator for Western Australia

Additional Comments - Coalition Senators

Introduction

- 1.1 Coalition Senators reaffirm their longstanding bipartisan support for the National Disability Insurance Scheme (NDIS) and the role the Scheme plays in enabling Australians with significant and permanent disability to live with dignity, independence and greater choice.
- 1.2 Ensuring the long-term sustainability of the NDIS is one of the most significant policy challenges facing the government.
- 1.3 The Scheme has grown rapidly since its establishment. Originally expected to support around 410 000 Australians, the NDIS now supports over 760 000 participants and continues to expand. Coalition Senators acknowledge the importance of moderating the rate of growth in Scheme expenditure.
- 1.4 In April 2023, the Albanese Government committed to reducing the annual growth rate of the Scheme to eight per cent, however provided no detail of how this target would be achieved.
- 1.5 In August 2025, the Minister for Health and Disability, the Hon Mark Butler MP announced the Albanese Government would seek to further reduce the annual growth in the Scheme to between five and six per cent over the medium term. Again, to date there has been no detail provided as to how this will be achieved.
- 1.6 Coalition Senators note that growth in the NDIS last year was approximately 10 per cent, meaning the proposed targets represent a substantial reduction and remain concerned the government has failed to articulate a clear pathway for achieving this outcome.
- 1.7 Coalition Senators are concerned that without a clear implementation strategy, there is a risk that the government's growth targets will be aspirational rather than achievable. Given the scale of public investment involved, any strategy to moderate growth in the Scheme must be supported by clear policy design, transparent reporting and realistic implementation timelines.

The bill

- 1.8 Coalition Senators acknowledge the changes in the bill are intended to strengthen protections for NDIS participants, however, notes these changes alone will do little to remove bad actors from defrauding participants and taxpayers.

Increased penalty framework

- 1.9 The bill introduces increased civil and criminal penalties for breaches of the NDIS Act, to provide greater protections to participants from serious harm.

- 1.10 Coalition Senators acknowledge the intent of these strengthened penalties, however, note the increased penalties do not align with the rest of the care sector – for example, the Aged Care sector where the maximum penalty for the same breaches are 4 800 penalty units.
- 1.11 Coalition Senators further note the government must not assume that an increased penalty framework, in and of itself, will act as a deterrent for inappropriate conduct by providers and more must be done to crackdown on providers who place participants in serious harm, engage in misconduct or commit fraud.

Anti-promotion orders

- 1.12 The establishment of new powers for the NDIS Quality and Safeguards Commission for anti-promotion will provide the authority to address inappropriate conduct of providers who advertise or sell products inconsistent with the purpose of the Scheme.
- 1.13 The Australian Competition and Consumer Commission NDIS report,¹ released in February 2020, identified significant concerns with providers advertising products and services to NDIS participants that are not eligible under the Schemes rules.
- 1.14 Examples of false claims included advertising by providers suggesting NDIS funding would cover all-inclusive holidays, flights, cruises, dining out and the cost of ingredients in meals which are not eligible under the Scheme rules.
- 1.15 Additionally, products such as wheelchairs, beds and other mobility aids had been sold and when they were delivered the product did not match the description and providers refused or made it exceptionally difficult for people to return the items or have them fixed.
- 1.16 The report further identified some provider contracts included unfair terms such as excessive exit or cancellation fees, or long periods for cancellation
- 1.17 These practices cause significant financial and emotional harm to participants and their families.
- 1.18 Coalition Senators support measures which improve the integrity of the NDIS to ensure there are safeguards in place to protect participants and to prevent the fraud and rorting that is rife within the Scheme.
- 1.19 Coalition Senators, however, note the changes within the bill provide no direct regulation or fraud controls for the 94 per cent of NDIS providers who are not registered.
- 1.20 Coalition Senators remain concerned the changes in the bill will do nothing to address the fraudulent claims submitted by unregistered providers for services

¹ [NDIS report: ACCC observations on consumer issues in the NDIS | ACCC](#)

which are never provided and the overcharging of services once a participant declares they wish to use their NDIS plan to pay for services.

- 1.21 Ensuring the NDIS has robust systems in place to detect risks to prevent participant harm and financial exploitation occurring are essential.

Banning orders

- 1.22 Coalition Senators support the changes to strengthen the NDIS Quality and Safeguards Commission's powers to issue banning orders to a broader cohort of individuals who provide services to NDIS participants.
- 1.23 Coalition Senators note the strengthened banning order provisions will only be effective if the NDIS Quality and Safeguards Commission is adequately resourced to ensure participants and workers are not exposed to exploitation and risk.

Participant withdrawal from the NDIS

- 1.24 Coalition Senators support the introduction of a 90-day cooling off period for participants to withdraw from the Scheme, noting this provides greater choice and control for participants as well as important safeguards.
- 1.25 The submission by the Australian Federation of Disability Organisations highlighted the changes in Schedule 2, section 29A will result in a participant's correspondence nominee being able to either make a request on behalf of a participant to withdraw from the Scheme or cancel a participants request to withdraw.²
- 1.26 This raises significant concerns about the role and powers of a correspondence nominee and is inconsistent with section 79(1)(a) of the Act which makes it clear that a correspondence nominee cannot do any act that 'relates to the preparation, review or replacement of the participant's plan'.
- 1.27 The committee heard evidence during the hearing from the Department of Health, Disability and Ageing that whilst it was not the intention of the amendment to authorise a correspondence nominee to make changes on behalf of a participant, this would be possible in practice.
- 1.28 Coalition Senators are concerned that the unintended consequence of this section will provide greater power and authority for a correspondence nominee and recommend this be amended to ensure only a participant or their plan nominee can request withdrawal from the Scheme.

² Australian Federation of Disability Organisations, *Submission 14*, p. 2.

Electronic claims

- 1.29 Coalition Senators note changes to support flexibility for the way in which a claim can be made, including electronic claims, may improve the administration of claims and payments and support greater integrity of the NDIS.
- 1.30 However, Coalition Senators seek assurances from the government that other methods of submitting claims will still be available, particularly where digital barriers exist.

Fraud and integrity in the NDIS

- 1.31 Coalition Senators remain concerned about ongoing reports of fraud and misuse within the NDIS.
- 1.32 Maintaining public confidence in the Scheme is essential to its long-term sustainability. This confidence depends on the assurance that taxpayer funds are being used appropriately and that safeguards are in place to prevent abuse of the system.
- 1.33 Coalition Senators are concerned that the government and the National Disability Insurance Agency have been unable to clearly quantify the scale of fraud within the Scheme. Without a clearer understanding of the magnitude of fraud and non-compliance, it is difficult to assess whether current fraud prevention and enforcement measures are adequate.
- 1.34 Coalition Senators emphasise that robust integrity systems are critical not only to protecting taxpayer funds, but also to protecting NDIS participants from exploitation by unscrupulous providers.
- 1.35 Coalition Senators consider that further transparency regarding the scale and nature of fraud within the Scheme is necessary. Greater clarity on this issue will help strengthen public trust in the NDIS and ensure that resources intended to support Australians with disability are used for their intended purpose.

Conclusion

- 1.36 Coalition Senators reiterate their support for the NDIS and its role in supporting Australians with significant and permanent disability.
- 1.37 The continued success of the Scheme depends on maintaining public confidence in its sustainability, governance and integrity.
- 1.38 Coalition Senators encourage the government to provide greater transparency regarding the pathway for achieving the proposed growth targets and the scale of fraud and the effectiveness of integrity measures within the Scheme.
- 1.39 Providing this clarity will assist Parliament, the disability community and the broader public to maintain confidence in the long-term future of the NDIS.

Senator Wendy Askew
Liberal Senator for Tasmania

Additional comments - Australian Greens

- 1.1 The Australian Greens thank the organisations and individuals who made submissions to the Senate Community Affairs Legislation Committee during this inquiry. We also thank the secretariat for their hard work during this inquiry.

Overview

- 1.2 The Australian Greens want to see the elimination of all forms of violence, abuse, neglect and exploitation perpetrated against and experienced by disabled people. The stated intent of this bill is to increase the safeguarding of National Disability Insurance Scheme (NDIS) participants, which is an intention we support.
- 1.3 Schedule 1 contains changes to the powers and function of the NDIS Quality and Safeguards Commission (the Commission), including updating the penalty framework, expanding banning and anti-promotion powers, and expanding powers to request information from providers.
- 1.4 The Commission should have powers available to them that enable them to prevent, investigate, and remedy violence, abuse, neglect and exploitation of NDIS participants. For the amendments in Schedule 1 to achieve this, there must be regular monitoring and evaluation to ensure that the right balance has been struck.
- 1.5 However, there is more that needs to be done outside this bill to increase the ability of the Commission to safeguard NDIS participants. The Australian National Audit Office (ANAO) found that the Commission had significant gaps and a lack of sufficient rigour in its regulatory processes, including that the Commission did not have risk responsive and proportionate monitoring, compliance and enforcement activities.¹ This validated what many NDIS participants already knew, which was that the Commission was often not responding to complaints in a way that adequately addressed participant safeguarding concerns. In FY 2024–25, only 47 per cent of complaints were resolved within 90 days, significantly fewer than the Commission’s target of 70 per cent.
- 1.6 Cultural and policy change is needed within the Commission to increase participant safeguarding, not just legislative change.

Upstream safeguarding

- 1.7 A crucial part of the picture, when it comes to NDIS participant safeguarding, is the harmful impacts of the *National Disability Insurance Scheme Amendment*

¹ The Commission has since addressed some of the issues identified in the ANAO audit.

(*Getting the NDIS Back on Track No. 1*) Bill 2024 (2024 bill), and the harms to participants that result from NDIA policies and actions.

- 1.8 Removing 'reasonable and necessary' criteria as the basis for funding supports and moving instead to the strict 'in and out' NDIS Supports lists has meant that many people are now unable to access disability supports that they relied on for years and are essential to their daily needs.
- 1.9 Moving to 3-month funding periods as a default has resulted in some people running out of funding early because they no longer have the flexibility to increase and decrease their spend over a 12-month period as their needs fluctuate. In this example, they may request emergency funding, resulting in higher National Disability Insurance Agency (NDIA) spend than if participants were able to flexibly use their own budgets over a longer period.
- 1.10 When price cuts for therapy services were introduced in the 2025–26 Pricing Arrangements and Price Limits, therapy providers warned that they would struggle to afford the investment in training and supervision needed to safely provide supports to participants.
- 1.11 These are all examples of where upstream safeguarding is needed to prevent harm to participants. This needs to include amending the NDIS Act, as well as internal NDIA policy, to make participant safety and wellbeing the centre of all decision-making. In particular, this should include a return to 'reasonable and necessary' as the basis for funding supports.
- 1.12 As Ms Sally Davison, Co-Director of Occupational Therapy Society for Hidden and Invisible Disability, said in the hearing to this inquiry:

Preventing harm, rather than responding when harm has already occurred, must be a primary objective.²

Whistleblower protections

- 1.13 The Human Rights Law Centre raised in their submission a critical safeguarding gap in the current NDIS Act. Whistleblowers who speak out against wrongdoing in the NDIS are not sufficiently protected by the provisions in the NDIS Act, which is lagging behind comparable legislation such as the Aged Care Act 2024 and the Corporations Act 2001 when it comes to whistleblowers protections.

- 1.14 The Human Rights Law Centre said:

Whistleblowers under the NDIS regime are often staying silent because they are not sufficiently covered by whistleblower protections in the NDIS Act, feel they will suffer retaliation from their employer if they report to the Commission and are fearful of the risk to their employment in the industry

² Ms Sally Davison, Co-director, Occupational Therapy Society for Hidden and Invisible Disability, *Committee Hansard*, 24 February 2026, p. 5.

if they are identified as a whistleblower. Often, whistleblowers in the sector are unaware that there are protections in the NDIS Act for speaking up about wrongdoing and are sometimes discouraged from reporting within their organisation.³

1.15 In their submission, the Human Rights Law Centre made several recommendations for amendments that would strengthen whistleblower protections in the NDIS Act, including:

- Expanding whistleblower protections to include former workers, participants no longer receiving services, and others no longer connected to the NDIS provider that is the subject of the whistleblowing.
- Allowing for anonymous whistleblowing disclosures and require recipients of the disclosure to protect the identity of the whistleblower.
- Allowing whistleblowers to talk to relevant people about their disclosure, including lawyers, psychologists, and advocates.
- Requiring all registered NDIS providers to have a whistleblower policy.
- Allowing whistleblowers to legally alert politicians or the media of their disclosure if they have already made a disclosure to the provider, the NDIA or the NDIS Commission and no action has been taken.

1.16 The Australian Greens would like to see these changes implemented to ensure that people are legally protected if they choose to speak up if they see or experience violence, neglect, abuse or exploitation of disabled people at the hands of NDIS providers or others.

Information requests relating to claims

1.17 This bill introduces a new power allowing the NDIA to request information from a participant or provider submitting a claim to be paid. If the information requested is not provided within 14 days (or a longer timeframe if the CEO chooses to extend it), the claim will not be paid. This bill places no limits around what information can be requested. It fails to take participant privacy into account and does not consider how the volume or nature of information requested may impact ability to respond in the allotted time period. Additionally, there is no formal pathway for the claimant to inform the NDIA that the information requested cannot be provided.

1.18 In practice, the rigidity of this amendment could mean that if a claimant is unable to provide the information requested, their claim will not be paid, regardless of whether the information request was reasonable or possible to fulfil. While the claimant can resubmit the claim, delays or non-payment of claims can result in ongoing supports to the participant being paused or even ceased.

³ Human Rights Law Centre, *Submission 31*.

- 1.19 This concern was raised by Disability Advocacy Network Australia in their submission:

We are concerned about the impact this could have on support continuity, as some information requests may take some time to be satisfied. It is important to note that these obligations can fall on users who submit invoices, many of whom will not have the support of a plan manager to lodge invoices. We expect that this could have significant impacts for self-managing participants, who often have a more direct relationship with smaller providers and rely on the prompt payment of invoices in order to continue receiving supports.⁴

- 1.20 Every Australian Counts also spoke about the risks of misapplication of this information gathering power in their submission:

Community experience demonstrates that unclear or open-ended information requests can lead to prolonged non-payment, service disruption, and provider financial stress, even where claims are otherwise valid.⁵

- 1.21 There needs to be flexibility and dialogue between the claimant and the NDIA built into this power as well as restrictions on what can be requested, to ensure that participants are not denied essential supports as a result of its application.

Plan variations

- 1.22 This inquiry has heard community concerns about the changes to Section 47A plan variations. These changes have been described by the NDIA as a clarification that a change to the total funding amount in a plan could be an increase or a decrease in funding.

- 1.23 The Department of Health, Disability and Ageing stated in the hearing to this inquiry that:

... the amendment does not in any way change the circumstances in which a variation can be made to a participant's reasonable and necessary funding. Nor does it make any changes to the review rights that a participant has in relation to plan variations. It is, essentially, a technical amendment.⁶

- 1.24 Given the description of this change as a technical amendment, there have been questions from the community why it is needed at all. There have also been concerns about it being misused.

- 1.25 Disability Advocacy Network Australia said in their submission:

In the absence of clearer limits, there is concern that the explicit reference to funding reductions may be interpreted more broadly in practice, allowing

⁴ Disability Advocacy Network Australia, *Submission 20*.

⁵ Every Australian Counts, *Submission 17*.

⁶ Ms Sarah Hawke, Assistant Secretary, NDIS Policy, Legislation and Engagement Branch, Department of Health, Disability and Ageing, *Committee Hansard*, 24 February 2026, p. 32.

for substantive changes to funding to occur outside the safeguards and processes of a full plan review.⁷

- 1.26 Given the concerns raised in the inquiry, the NDIA should clarify the purpose of this amendment and how it is intended to function. In the absence of this clarification, it is difficult to ascertain why this amendment is necessary.

Conclusion

- 1.27 The Australian Greens support the intent of this bill, which is to increase safeguarding of participants by expanding the Commission's compliance and enforcement powers. We hold some concerns about the information gathering powers related to claims and the plan variation powers, and also see an opportunity to strengthen whistleblowing powers.
- 1.28 The important underlying context of this bill is the harm being done to NDIS participants following the passing of the 2024 bill. While participants are still being removed from the Scheme at unprecedented rates and having essential supports stripped from their plan, there is still a long way to go in terms of participant safeguarding.

Senator Jordon Steele-John
Australian Greens Senator for Western Australia

⁷ Disability Advocacy Network Australia, *Submission 20*.

Appendix 1

Submissions and additional information

Submissions

- 1 Disability Advocacy Service
- 2 Occupational Therapy Society (OTSi)
- 3 Name Withheld
- 4 Name Withheld
- 5 Name Withheld
- 6 Name Withheld
- 7 Ms Catherine Durant
- 8 Name Withheld
- 9 The Royal Australian College of General Practitioners
- 10 Mrs Helen Harrop
- 11 Mr Bradley Mitchell
- 12 Name Withheld
- 13 Name Withheld
- 14 Australian Federation of Disability Organisations
- 15 People with Disability Australia
- 16 Dr Alan Hough
- 17 Every Australian Counts
- 18 Australian Rehabilitation and Assistive Technology Association
- 19 Carers and Advocates Australia
- 20 Disability Advocacy Network Australia
- 21 Aruma
- 22 Self Manager Hub
- 23 Australian Autism Alliance
- 24 Uniting Church in Australia, Synod of Victoria and Tasmania
- 25 Sisu Therapies
- 26 Children and Young People with Disability Australia
- 27 Attain Healthtech
- 28 Justice and Equity Centre
- 29 Inclusion Australia
- 30 Purple Orange
- 31 Human Rights Law Centre
- 32 Australian Association of Social Workers
- 33 Professionals Australia
- 34 Allied Health Professions Australia
- 35 Department of Health, Disability and Ageing, NDIA, and NDIS Quality and Safeguards Commission
- 36 Queensland Family and Child Commission
- 37 Intrepidus Law

- 38 Propel Pathways Pty Ltd
- 39 National Aboriginal Community Controlled Health Organisation (NACCHO)
- 40 Villamanta Disability Rights Legal Service Inc.
- 41 Aged and Disability Advocacy Australia
- 42 Name Withheld
- 43 National Disability Services
 - 43.1 Supplementary to submission 43
- 44 National Ethnic Disability Alliance
- 45 Mr Axel Andersen
- 46 Hireup
- 47 Confidential
- 48 Confidential
- 49 Linda Howard-Fielding
- 50 Ms Shirley Humphris
- 51 Australian Services Union
- 52 Ms Cat Walker

Additional Information

- 1 Letter of support for Inclusion Australia submission from the University of Melbourne

Answers to Questions on Notice

- 1 Department of Health, Disability and Ageing, Answer to Senator Askew, question taken on notice, answer received 11 March 2026
- 2 Department of Health, Disability and Ageing, Answer to Senator Askew, question taken on notice, received 12 March 2026

Appendix 2 – Public Hearings and Witnesses

Tuesday 24 February 2026

Committee Room 2S3

Parliament House, Canberra

National Disability Services

- Ms Sarah Nicoll, Head Quality & Safeguards
- Mr Michael Perusco, Chief Executive Officer
- Ms Karen Stace, Head of Disability Reform

Occupational Therapy Society (OTSi)

- Ms Muriel Cummins, Co-Director
- Ms Sally Davison, Co-Director

Australian Federation of Disability Organisations

- Mr Matthew Hall, National Manager - Systems Advocacy & Policy

Australian Services Union

- Mr Angus McFarland, Secretary NSW & ACT (Services) Branch

Aruma

- Dr Martin Laverty, Chief Executive Officer

People with Disability Australia

- Mx Megan Spindler-Smith, Acting Chief Executive Officer

Inclusion Australia

- Mrs Catherine McAlpine, Chief Executive Officer
- Ms Mary Mallet, Principal Advisor

Department of Health, Disability and Ageing; National Disability Insurance Agency, and NDIS Quality and Safeguards Commission

- Ms Kitsa Papadopoulos, General Manager, Fraud Fusion Taskforce and Integrity Capability
- Mr Ben Cheever, Deputy Chief Counsel
- Ms Louise Glanville, Commissioner
- Ms Natalie Wade, Associate Commissioner
- Ms Alicia Chambers, Deputy Commissioner, Regulatory Policy, Insights and Review
- Ms Natasha Shahidullah, Acting Assistant Secretary
- Mr Ross Schafer, First Assistant Secretary
- Ms Sarah Hawke, Assistant Secretary, NDIS Policy, Legislation and Engagement Branch