



Australian Federation of
Disability Organisations

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5 February 2026

Committee Secretary
Senate Standing Committees on Community Affairs
PO Box 6100
Parliament House
Canberra ACT 2600

By online submission:

https://aph.gov.au/Parliamentary_Business/Committees/OnlineSubmission

Dear Committee Secretary

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

Australian Federation of Disability Organisations (**AFDO**) welcomes the opportunity to provide this submission to the Committee, and to address the provisions of the National Disability Insurance Scheme Amendment (Integrity and Safeguarding) Bill 2025 (Bill) amending the National Disability Insurance Scheme Act 2013 (Act). We have discussed the Bill with AFDO members. This response is informed by those discussions and our member feedback, to be constructive and focused on strengthening the effectiveness of the Bill (and Schedule 2, in particular). This letter reflects the views and needs of AFDO members.

1. Schedule 1 of the Bill

AFDO supports the amendments proposed in Schedule 1 of the Bill, which strengthen the regulatory powers of the NDIS Quality and Safeguards Commission.

These reforms have the potential to enhance participant safety, deter misconduct, and promote higher standards across the sector. AFDO considers that these proposed amendments are consistent with the recommendations of the 2023 Independent Review into the NDIS and the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. The recommendations were to tighten regulation, penalties and safeguards across the Scheme and deter poor quality and unsafe services, address abuse,

neglect and exploitation, and support the NDIS Financial Sustainability Framework by improving scheme integrity, rather than cutting supports.

2. Schedule 2 of the Bill

AFDO also broadly supports the amendments proposed in Schedule 2 of the Bill. However, we believe that some of those proposed changes will benefit from further amendment or clarification in the drafting, to ensure the amendments provide the best support of the Scheme and its financial sustainability, whilst not detracting from the rights of participants.

We set out our concerns and suggested further amendments below:

2.1. Cooling off period

Item 2 of Schedule 2 inserts a new section 29A, providing for a “cooling off” period for any request by a participant to withdraw from the Scheme. In addition, the Bill (see item 3, Schedule 2) amends paragraph 81(3)(a) of the Act so that the paragraph does not apply to a notice given under the new section 29A. The effect is that section 82 applies. A **correspondence nominee** can cancel the request to withdraw from the Scheme on behalf of the participant, including where the participant has been provided with a copy of the cooling-off notice.

This 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”.

Recommendation 1:

Remove item 3 of Schedule 2 from the Bill and ensure that only a participant or a participant’s plan nominee can withdraw a notice to withdraw from the Scheme during the cooling-off period.

2.2. New subsection 9A(2)

The proposed new subsection 9A(2) (see Item 4, Schedule 2) authorises the NDIA CEO to provide for “representations’ of approved forms to be published on the NDIA website. However, there is no requirement on the NDIA CEO to ensure that the representation is accessible, or provided in accessible formats.

Recommendation 2:

Amend item 4 of Schedule 2 of the Bill to ensure that the proposed new subsection 9A(2) requires the NDIA CEO to ensure that the representation of any approved form is accessible, or provided in accessible formats as required by the participant.

2.3. Amended sections 45 and 45A

The government asserts that the amendments to sections 45 and 45A of the Act proposed by the Bill (Item 5, Schedule 2, inserting new subsections 45(3A) –(3E) and Item 7, Schedule 2, inserting new subsection 45A(3A)) support flexibility by enabling the NDIA CEO to determine how a claim is required to be made and what kinds of claims are required to be made in that way. For example,

the amendments will enable the CEO to require NDIS providers to submit claims using the *my NDIS Provider Portal* only, while giving the CEO flexibility to enable participants to make claims in a variety of ways. (See National Disability Insurance Scheme Amendment (Integrity and Safeguarding) Bill 2025 Explanatory Memorandum, p. 39).

However, the provisions allow for such flexibility that the NDIA CEO may also require participants to submit claims only by a particular means or process, and there is no requirement on the CEO to ensure that the means of claims submission by a participant is accessible.

Recommendation 3:

Amend items 5 and 7 of Schedule 2 of the Bill to ensure that the way that the CEO enables a participant to make a claim is accessible by the participant, or provided in an accessible format as required by the participant.

2.4. Decision by CEO to extend (or not extend) time is not reviewable

The amendments proposed by the Bill (see Item 5, Schedule 2) will 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 (new subsection 45(3D)), beyond 14 days (new subsection 45(3C)), is not a reviewable decision.

Recommendation 4:

Amend item 5 of Schedule 2 of the Bill to provide that a decision by the NDIA CEO to not extend the time within which further documents or information in support of a claim must be provided (pursuant to new subsection 45(3D)), beyond 14 days is a reviewable decision.

If you have any questions or need to discuss any of our recommendations further, please contact me.

[Redacted signature block]

Matthew Hall

National Manager – Systemic Advocacy & Policy

About AFDO

Since 2023, the Australian Federation of Disability Organisations (AFDO), a Disabled Peoples Organisation (DPO), is the pre-eminent national peak in the disability sector, along with its **forty-one (41) specific-disability and cross-disability organisations**, representing people with disability with a total reach of **over 4.5 million Australians**.

AFDO continues to provide a strong, trusted, independent voice for the disability sector on national policy, inquiries, submissions, systemic advocacy and advisory on government initiatives with the Federal and State/Territory governments.

We work to develop a community where all people with disability can participate in all aspects of social, economic, political, and cultural life.

This includes genuine participation in mainstream community life, the development of respectful and valued relationships, social and economic participation, and the opportunity to contribute as valued citizens.

Our Member Organisations:

Advocacy for Inclusion Inc. – ACT	Advocacy WA
AED Legal Centre – Vic	Arts Access Victoria
AMAZE – Vic	Aspergers Victoria
Australian Multicultural Action Network	Australian Sporting Alliance for People with a Disability
Autism Aspergers Advocacy Australia	Blind Citizens Australia
Brain Injury Australia	Bus Stop Films Ltd – Aust
Cerebral Palsy Australia	Deaf Australia
Deafblind Australia	Deafness Forum Australia
Disability Advocacy & Complaints Service - SA	Disability Justice Australia
Disability Rights & Culture – Vic	Disability Voices Tasmania
Enhanced Lifestyles – SA	Families Australia
Integrated disAbility Action – NT	Leadership Plus – Vic
Lived Experience Australia	Multiple Sclerosis Australia
National Mental Health Consumer & Carer Forum	National Organisation for Fetal Alcohol Spectrum Disorder
National Union of Students - Disabilities Dept	Parkinsons Australia
People With Disabilities WA	Physical Disability Australia

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Submission – NDIS Integrity and Safeguarding Bill

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Polio Australia	Post Polio Victoria
Settlement Services International - Aust	South West Autism Network – WA
Star Victoria Inc	Tourette Syndrome Assoc. of Australia
Women With Disabilities ACT	Women with Disabilities Victoria
Youth Disability Advocacy Service - Vic	