



Australian Government

Australian Government response to the
Community Affairs Legislation Committee reports:

*National Disability Insurance Scheme Amendment (Getting
the NDIS Back on Track No. 1) Bill 2024*

APRIL 2026

Overview

The Australian Government welcomes the Community Affairs Legislation Committee (Committee) reports into the National Disability Insurance Scheme Amendment (Getting the NDIS Back on Track No.1) Bill 2024 (Bill).

The first Committee report delivered on 20 June 2024 made four recommendations and the subsequent report delivered on 9 August 2024 noted those recommendations had been addressed by Government amendments and recommended passage of the Bill.

The Australian Government is committed to working alongside the disability community to implement reforms enabled by the Bill which commenced on 3 October 2024.

Committee Recommendations (report delivered on 20 June 2024)

Recommendation 1

The committee recommends the bill include amendments so that First Ministers are also recognised as Ministers for the purposes of Category A rule-making.

Agreed.

Government amendments on sheet PA112 responded to this recommendation by amending section 9 of the *National Disability Insurance Act 2013* (NDIS Act) to expand the definition of host jurisdiction Minister to include First Ministers of states and territories and allow First Ministers (in addition to Disability Ministers) to agree to NDIS rules.

Recommendation 2

The committee recommends that a consultation statement be tabled accompanying the legislative instrument that sets out consultations undertaken.

Agreed.

Government amendments on sheet PA112 responded to this recommendation and inserted a new section 211 to the NDIS Act, to prescribe that certain information about consultation must be included in explanatory statement to legislative instruments made under the NDIS Act.

The amendment clarifies and strengthens the existing requirement on the Minister under paragraph 15J(2)(d) of the *Legislation Act 2003*, to provide information about consultation undertaken on legislative instruments made under the NDIS Act.

The amendment requires the Minister to provide explanatory statements adhering to the following requirements for all legislative instruments made under the NDIS Act moving forward:

- describe the nature of the consultation
- describe in general terms the persons, bodies or organisations who were consulted
- contain a summary of the views expressed by those persons, bodies or organisations.

Recommendation 3

The committee recommends that the Australian Government further clarify the circumstances under which the additional powers granted to the National Disability Insurance Agency Chief Executive Officer will be used.

Agreed.

Government amendments on sheet PA112 responded to this recommendation and inserted new subsections 30(6A), 30A(7A) and 36(3A) of the NDIS Act, providing guidance that the CEO must consider the reasonableness for a person not to have complied with a request for information and have regard to the following matters:

- the length of time the person has had to provide the information (for example, a delay of 6 months may be appropriate in certain circumstances whereas a delay of 12 or 18 months may not be)
- any previous failures by the participant to comply with a request for information made under this Act
- any previous failures by the other person to comply with a request for information made under this Act in relation to the participant
- the length of time since the CEO was last provided with information relevant to the decision whether or not to revoke the participant's status as a participant
- whether the failure to comply with the request was beyond the control of the participant or other person because of a delay in the provision of information to the participant or other person
- any matters prescribed by Category A NDIS rules
- any other matters the CEO considers relevant.

Recommendation 4

Subject to the above recommendations, the committee recommends that the bill be passed.

Agreed.

Committee Recommendations (report delivered on 9 August 2024)

Recommendation 1

The committee recommends that the bill be passed as soon as practicable.

Agreed.

The Bill was passed by both houses on 22 August 2024 and came into effect on 3 October 2024.

Dissenting Report - Australian Greens

Recommendation 1

Australian Greens Senators recommend that the Bill not be supported.

Noted.

Recommendation 2

Australian Greens Senators recommend that the government ensure foundational supports be comprehensively defined and implemented in states and territories

Noted.

Since the passage of the Bill in October 2024, Governments have committed to jointly contribute \$4 billion over 5 years to implement the first phase of Foundational Supports, known as 'Thriving Kids'.

The National Agreement on Foundational Supports 2026-31 commenced on 2 February 2026 and is available at [National Agreement on Foundational Supports | Federal Financial Relations](#).

Recommendation 3

Australian Greens Senators recommend that the Government deliver a formal response to the NDIS Review.

Once these actions have been undertaken, the Government can return to the question of amending the NDIS Act but with a commitment to true, authentic co-design with disabled people to achieve change that will meaningfully improve the lives of the many people who rely on the NDIS.

Noted.

In December 2023 National Cabinet acknowledged the need for reforms to secure the future of the NDIS, ensuring it can continue to provide life-changing support to future generations of Australians with a disability.

Governments noted the release of the final report of the Independent NDIS Review, co-led by Professor Bruce Bonyhady AM and Ms Lisa Paul AO PSM.

National Cabinet agreed to work together to implement legislative and other changes to the NDIS to improve the experience of participants and restore the original intent of the Scheme to support people with permanent and significant disability, within a broader ecosystem of supports.

The Australia Government remains committed to working alongside people with disability on NDIS reforms.