



6 February 2026

Secretary
Senate Community Affairs Legislation Committee
PO BOX 6021
Parliament House
Canberra ACT 2600

Disability Advocacy Network Australia submission to the inquiry into the National Disability Insurance Scheme Amendment (Integrity and Safeguarding) Bill

Dear Committee,

Thank you for the opportunity to make a submission on the *National Disability Insurance Scheme Amendment (Integrity and Safeguarding) Bill* currently before the Parliament.

Disability Advocacy Network Australia (DANA) is the peak body for disability advocacy organisations across Australia. Our member organisations do crucial work to support people with disability to navigate the NDIS and are on the front line of supporting many people through incidences of neglect, abuse, and exploitation. Through this work, advocates have direct visibility of how legislative and policy settings operate in practice and where safeguards are effective or insufficient.

This submission is provided from the perspective of advocacy practice and member experience. It focuses on a small number of provisions identified as being most significant to advocacy. It is intended to assist the Committee by highlighting how the proposed measures are likely to operate in practice, including areas where the Bill strengthens safeguarding, as well as a small number of provisions where we anticipate potential unintended consequences for people with disability.

DANA is supportive of this Bill overall and endorses the proposed measures to strengthen the powers of the NDIS Quality and Safeguard Commission (Commission), as well as the proposed introduction of a 'cooling off' period for those seeking to withdraw from the Scheme at section 29A.

In particular, this submission supports the expanded safeguarding and enforcement framework and highlights the potential utility of the new anti-promotion powers in addressing the misrepresentation of advocacy services by providers. It also identifies two areas of the Bill that would benefit from further scrutiny due to likely practical



impacts: the proposed changes to the invoicing process at section 45(3A) and the amendment to the plan variation power at section 47A(1B). These matters are addressed in turn below.



Safeguarding

DANA previously provided a submission to the initial consultation on this legislation in November 2024 with the support of Children and Young People with Disability Australia.¹ In that submission, we supported the ongoing efforts to expand the powers of the Commission. We are encouraged to see the inclusion of additional civil penalties, criminal offences and, in particular, additional monitoring and investigation powers for the Commission in the version of the Bill before the Committee after that initial consultation.

We encourage ongoing action on other elements of that consultation, which have not been included in this Bill or will primarily sit outside the direct purview of this legislation. This includes ongoing education and information to providers of their obligations under this legislation as well as continuing to develop a culture of enforcement to ensure organisational and individual providers do the right thing.

The Bill introduces anti-promotion orders, which give powers to regulate and restrict providers from promotional conduct that undermines the objects of the NDIS Act or the principles of the Scheme.

We are eager for the Committee and Commission to turn their mind to the potential utility of this provision in ensuring that NDIS providers do not hold themselves out as providing advocacy services, either on fee-for-service or unpaid or complimentary basis. DANA considers advocacy itself to be a crucial safeguarding tool, and advocacy organisations can provide valuable local intelligence about individual and systemic areas of risk relating to quality and safeguarding to government agencies including by flagging specific behaviours, practices, individuals, providers or locations that may warrant proactive investigation or monitoring.

Our member organisations are increasingly reporting the promotion of 'free advocacy services' by service providers who use this offering as pretext to establish a relationship with potential customers, and funnel people with disability into choosing their service.

We were pleased in July 2025 that such reports led to clearer recognition and direction that these practices are inconsistent with the legislative definition of independent advocacy under the NDIS Act.² As the Commission has recognised, people with disability who may need or benefit from advocacy services should be

¹ DANA Submission (2024) Consultation on NDIS Act (Bill No. 2) – Proposed legislative reforms to strengthen the regulatory powers of the NDIS Commission.

² [NDIS Service Provision vs Independent Advocacy – what's the difference? | NDIS Quality and Safeguards Commission](#)



connected with advocacy organisations who are free at the point of service and free from conflicts of interest in their delivery of advocacy supports.

While most instances have resolved when member organisations have raised specific examples with the Commission, this type of conduct continues to arise and presents an ongoing safeguarding risk.

In this context, DANA considers the new anti-promotion powers to be a practical mechanism for addressing the misrepresentation of advocacy by providers.

In particular, these powers could be used by the Commission to establish a rule (or include within a broader rule of regulated promotional conduct), relating to the promotion, advertising or marketing of disability advocacy services. This would build on the Commission's existing work clarifying the distinction between NDIS service provision and advocacy, and provide a clear regulatory backstop where providers continue to engage in misleading or exploitative conduct.

The Act already contains an established definition of independent advocacy, including requirements for independence and conflicts of interest, which provides a sound legislative foundation for this approach. DANA and its members would be willing to support the Commission with the preparation of such a rule, as a practical example of the potential benefits of this new power.

Recommendation 1: That the safeguarding provisions included in the final version of the Bill are passed, and that the Committee note the potential use of the new anti-promotion powers to address the misrepresentation of advocacy supports.



Invoicing

The Bill proposes changes that would prevent the payment of invoices where there is an outstanding request for information from the Agency, even where the Agency is otherwise satisfied that the payment can be made, as set out at section 45(3)(3A).

While there is provision at section 45(3E) for the Agency to treat the information as having been provided where there are genuine reasons for non-compliance, this decision is discretionary. It is also not a reviewable decision under sections 99 and 100 of the Act.

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.

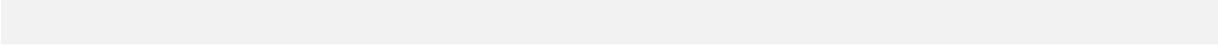
There are also limited constraints on the type of information that may be requested, which may result in situations where it is not possible, or reasonably practicable, for the requested information to be provided. We are equally concerned that decisions made under this provision would not be reviewable, given the breadth of the powers and discretion available to the decision maker.

DANA recognises that the intent of these provisions is to strengthen compliance and integrity within the Scheme, including by enabling the Agency to seek additional information where there are concerns about claims. This is an important objective where it ensures participants are not defrauded or abused by those submitting invoices against their plans.

However, as currently drafted, the provision risks operating too broadly and may result in the suspension of payments in circumstances that are unrelated to fraud or serious non-compliance, with flow-on impacts for participants' access to supports. This provision must work in practice for participants, particularly those who submit invoices themselves.

The substantial risks of this provision mean that, in our view, this particular amendment should not proceed.

Recommendation 2: That subsection 45(3)(3A) be removed from the Bill.





Plan Variation

The Bill proposes changes to the plan variation power at section 47A(1B), clarifying that a plan variation may be used to both increase and decrease funding amounts. In the explanatory memorandum for the Bill, Government states that this has been included for the avoidance of doubt about the operation of the section.

In the experience of many advocates, this power is typically used to respond to urgent or limited circumstances, such as emergencies or to give effect to other decisions made by the Agency, including the approval of a specific item of assistive technology or a minor home modification. Reductions in plan funding through the use of plan variations are uncommon.

However, the inclusion of this provision has created anxiety among participants and advocates about how the power may be used in practice in the future. The explanatory memorandum notes that a reduction via plan variation may occur when compensation funds are received by a participant, to avoid the need for a full needs assessment. This is the only example provided.

In the absence of clearer limits, there is concern that the explicit reference to funding reductions may be interpreted more broadly in practice, allowing for substantive changes to funding to occur outside the safeguards and processes of a full plan review.

In our view, it would be preferable to constrain the use of plan variations to clearly defined circumstances, such as the example set out in the explanatory memorandum, rather than providing broader authority to reduce funding where more significant changes should appropriately be considered through a full plan review process.

We would encourage the Committee to seek further information from the Agency about why this amendment is necessary and whether there are limitations in the current operation of section 47A that this change is intended to address.

Any such limits should be set out in primary legislation, rather than delegated to rules as proposed at section 47A(1B)(aa)(ii), to ensure participants have a clear and predictable understanding of the circumstances in which their plan funding may be varied between plan reviews.



Recommendation 3: That the Bill be amended to detail the specific circumstances in which a plan can have funding reduced in section 47A, and to remove the clarification at 47A(1B)(a).

Thank you again for the opportunity to provide a submission on this Bill. We are available to provide further information at a hearing for this Bill if it would assist the Committee.

Yours sincerely,

Emma Bennison
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