



Submission to the Inquiry to NDIS (Integrity and Safeguarding) Bill 2025

Prepared by Every Australian Counts

February 2026

Introduction

Every Australian Counts welcomes the opportunity to comment on the NDIS (Integrity and Safeguarding) Bill 2025. We recognise the shared goal of strengthening safeguards, improving integrity, and ensuring the long-term sustainability of the NDIS. These objectives are widely supported across the disability community. However, experience shows that how *safeguards are designed and implemented matters just as much as their intent*. Poorly calibrated reforms risk creating new harms, service disruption, and loss of trust for people with disability.

Our concerns and proposals below draw on extensive engagement with people with disability, families, carers, and the broader community, and reflect the practical consequences of administrative and legislative change. We seek the support of the Committee and Parliament to ensure the Bill strengthens participant safety **without undermining individualised supports, procedural fairness, or access to trusted, chosen providers**.

Transparency and Sequencing of Reform

Across the Bill, Every Australian Counts is concerned by the absence of a publicly available implementation framework outlining how these reforms will be rolled out, sequenced, and aligned with broader reform agendas, including addressing the NDIS Review and the Disability Royal Commission. Participants and providers are already navigating significant change, often with limited notice or guidance.

Publishing a clear implementation roadmap would support transparency, informed scrutiny, and safer transition. Without this clarity, even well-intended legislative changes risk compounding confusion, administrative burden, and harm. Effective safeguarding requires not only strong powers in law, but predictable, transparent administration that enables participants and providers to understand and adapt to change.

Recommendations

Summary Recommendations (with Legislative References)

- **Ensure expanded provider regulation and enforcement powers are exercised proportionately**
(Schedule 1 – Provider Regulation and Safeguards)
Support the expansion of investigative and enforcement powers for the NDIS Quality and Safeguards Commission, provided these powers are accompanied by clear statutory guidance, transparency, and appropriate oversight. Safeguards should target poor practice without discouraging high-quality providers or reducing access to essential supports.
- **Strengthen protections around withdrawal from the NDIS**
(Schedule 2 – New section 29A)
Amend section 29A to allow the withdrawal cooling-off period to be extended to **up to six months** where disability, health, psychosocial or personal circumstances warrant additional time, to ensure decisions are voluntary, informed, and not made during periods of crisis or coercion.
- **Implement electronic claims reforms with safeguards for continuity of supports**
(Schedule 2 – Section 9A)
Require clear guidance, provider training and phased implementation for electronic claims reforms under section 9A to prevent payment delays, increased administrative burden, or unintended disruption to participant supports.
- **Limit information requests and protect timely payments**
(Schedule 2 – Section 45A)
Amend section 45A to impose clear statutory limits on the scope and timing of information requests, particularly for sensitive clinical records, and to ensure payments are not unreasonably withheld where claims are otherwise valid. Payment integrity measures must support continuity of essential supports and provider viability.
- **Embed procedural fairness for plan variations and reassessments**
(Schedule 2 – Sections 47, 47A and 48)
Enshrine explicit rights to written reasons, access to evidence relied upon, and meaningful review and appeal pathways for all plan variation and reassessment decisions that materially alter or reduce supports.
- **Legislate the purpose and minimum standards of Support Needs Assessments**
(Schedule 2 – Section 32L)
Strengthen section 32L to clearly define the purpose, scope and minimum standards of Support Needs Assessments in primary legislation, ensuring assessments identify what a person needs to live safely, independently and with dignity, rather than functioning as cost-containment tools.
- **Adopt a statutory right to replacement Support Needs Assessments**
(Schedule 2 – Section 32L)
Establish a clear legislative framework that provides:
 - A guaranteed right to **one replacement Support Needs Assessment without justification**
 - A requirement that the replacement assessment **fully replaces the original assessment**
 - Access to further replacement assessments only in defined circumstances, such as demonstrated factual error or procedural unfairness

- **Guarantee participant access to assessment reports and funding rationales**
(Schedule 2 – Section 32L)
Ensure participants have a legislated right to receive their Support Needs Assessment reports and a clear explanation of how assessment findings inform funding decisions.
- **Require timely provision of Notices of Impairments**
(Schedule 2 – Sections 32BA and 34)
Embed a statutory requirement that participants receive a Notice of Impairments prior to planning or Support Needs Assessments, to enable informed participation and the ability to identify and challenge inaccuracies.
- **Reinforce whole-of-person funding and budget transparency**
(Schedule 2 – Sections 32L, 32K, 32J and 34)
Embed clear legislative principles requiring funding decisions to reflect whole-of-person support needs, including the interaction of physical, psychosocial, environmental and social factors, and to ensure transparency, proportionality, consistency and reviewability in budget-setting.

Schedule 1 – Provider Regulation and Safeguards

Schedule 1 introduces expanded regulatory and enforcement powers for the NDIS Quality and Safeguards Commission, including stronger investigative powers, penalties, and banning orders. Every Australian Counts broadly supports reforms that improve participant safety and address misconduct, provided these powers are exercised **proportionately, transparently, and with clear guidance**. Effective safeguarding depends on targeting poor practice without discouraging high-quality providers from operating in the Scheme. Safeguards should strengthen quality and safety across the Scheme, not inadvertently narrow the provider market or disrupt access to essential supports.

Schedule 2 – Changes Affecting Participants Directly

Withdrawal from the NDIS (new section 29A)

The introduction of a cooling-off period when a participant seeks to withdraw from the NDIS is an important safeguard to ensure decisions are voluntary and informed. Every Australian Counts supports this intent. However, for people experiencing psychosocial disability, acute health issues, family violence, or unstable housing, 90 days may not be sufficient to make a safe and informed decision.

We urge Parliament to strengthen section 29A by allowing the cooling-off period to be extended to up to six months where disability, health, or personal circumstances warrant additional time. This would ensure withdrawals do not occur during periods of crisis or coercion, and that participants are supported to make decisions that do not expose them to foreseeable harm.

Electronic Claims and Administrative Integrity (section 9A)

Reforms to electronic claims processes under section 9A aim to improve integrity and efficiency. While Every Australian Counts supports modernisation, experience shows that poorly implemented systems can unintentionally disrupt supports. Clear guidance, training, and phased implementation are essential, to prevent disruption to support.

Without these safeguards, electronic claims reforms risk increasing administrative burden, delayed payments, and provider withdrawal from the Scheme — outcomes that directly undermine participant safety and continuity of care.

Claims Information Requirements and Payment Delays (section 45A)

Proposed section 45A would allow the NDIA to withhold payment unless all requested information is provided within set timeframes. 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.

Every Australian Counts calls for **clear statutory limits on information requests**, particularly for highly sensitive therapy records such as clinical file notes. Payment integrity must not come at the cost of participant wellbeing or provider viability. Section 45A should be framed to ensure that payment processes support continuity of essential supports and do not create new safeguarding risks through delayed or withheld payments.

Plan Variations, Reassessments, and Procedural Fairness (sections 47, 47A, 48)

The Bill clarifies the NDIA's ability to vary plans and funding without a full reassessment. While flexibility can be beneficial, **any decision that reduces or materially alters supports carries inherent risk**. Community experience shows that plan variations are often poorly explained, difficult to challenge, and distressing for participants.

Every Australian Counts urges Parliament to enshrine **clear review and appeal rights directly in the Act** for all plan variation and reassessment decisions. This includes a right to written reasons, access to the evidence relied upon, and meaningful consideration of participant-provided medical and allied health evidence. These protections are essential safeguards against error and are critical to maintaining trust and safety within the Scheme.

Schedule 2 – seeking additional amendments - Support Needs Assessments and Budget-Setting

Legislative Scaffolding for Support Needs Assessments (section 32L)

Support Needs Assessments represent a foundational shift in how supports and budgets are determined. Given their significance, Every Australian Counts strongly believes that the **purpose, scope, and minimum standards** of these assessments must be defined in primary legislation, not left largely to delegated legislation or internal policy.

Section 32L should clearly establish that assessments are designed to identify what a person needs to live safely, independently, and with dignity — not merely to categorise impairment or constrain costs. Strong legislative scaffolding is essential to prevent assessments from becoming blunt administrative tools that overlook complexity and context.

Replacement Assessments and Access to Reports (section 32L)

To safeguard fairness and accuracy, participants must have an **explicit right to request a replacement Support Needs Assessment** where the original assessment is inaccurate, incomplete, or inappropriate. Participants must also be guaranteed access to their assessment reports and a clear explanation of how assessment findings inform funding decisions.

Without these rights, errors can become entrenched, with serious downstream consequences for safety, independence, and wellbeing.

Notice of Impairments and Informed Participation (sections 32BA and 34)

Procedural fairness requires that participants are informed and able to engage meaningfully in decisions about their supports. The timely provision of a **Notice of Impairments** prior to planning or Support Needs Assessments is critical to this process. Without it, participants are unable to understand the basis on which decisions are being made or to challenge inaccuracies.

Embedding this requirement in the Act would strengthen transparency, improve decision quality, and reduce disputes.

Whole-of-Person Funding and Budget Transparency (sections 32L, 32K, 32J, 34)

Finally, Every Australian Counts stresses that the NDIS must continue to recognise **whole-of-person support needs**, particularly for people with complex, intersecting disabilities. Funding must reflect the interaction between physical, psychosocial, environmental, and social factors — not only discrete impairments identified at access.

Budget-setting provisions should embed clear principles of **transparency, fairness, proportionality, consistency, and fiscal integrity** in primary legislation. Participants must be able to understand how budgets are set, what evidence is considered, and how decisions can be reviewed. Individualised funding is not a cost pressure; it is a **protective mechanism** that prevents crisis, reduces reliance on emergency systems, and supports sustainable outcomes.

Conclusion

Every Australian Counts supports the objective of strengthening integrity and safeguarding within the NDIS. However, Schedule 2 of the Bill introduces reforms that directly affect participant rights, supports, and safety, particularly through the introduction of Support Needs Assessments and new budget-setting mechanisms. Without stronger legislative safeguards, these changes risk undermining procedural fairness, transparency, and trust in the Scheme.

The recommended amendments would ensure that Schedule 2 strengthens—not weakens—participant protections, embeds whole-of-person principles in law, and preserves individualised funding as a core safeguard of the NDIS. With these changes, Parliament can advance integrity and sustainability while upholding the Scheme’s foundational commitment to choice, control, and the safety of people with disability.