



Australian Government

Department of Health, Disability and Ageing

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

Overview

Introduction

This Integrity and Safeguarding Bill will make changes to the *National Disability Insurance Scheme Act 2013* (NDIS Act). It will support the NDIS Quality and Safeguards Commission (NDIS Commission) and the National Disability Insurance Agency (NDIA) to do their jobs more easily and support the safety of NDIS participants in the NDIS/Scheme.

Schedule 1 – NDIS Commission Amendments

Part 1 – New civil penalty provisions

Part 1 changes the current penalty framework in the NDIS in 4 ways:

- Higher penalties for aggravated contraventions where a NDIS provider’s breach involves a significant failure or a systemic pattern of conduct.
- For providing false or misleading information or documents.
- For failing to comply with the requirement to provide information or documents.
- For contraventions of requirements relating to the use or disclosure of protected Commission information.

Part 2 – New criminal offences and increased penalties for existing civil penalty provisions

Part 2 introduces new definitions for 5 terms: ‘serious contravention’, ‘significant failure’, ‘systemic pattern of conduct’, ‘conduct’, and ‘serious conduct’.

In addition, this part introduces criminal offences:

- for providing NDIS supports that require registration without being registered to do so
- failing to comply with a Banning Order.

And introduces increased civil penalty provisions for aggravated breaches:

- for providing false or misleading information in application to be a registered NDIS provider
- for breaches of conditions of registration
- for breaching the NDIS Code of Conduct
- for causing or threatening to cause detriment to another person
- for contravention of a compliance notice
- for failing to comply with a Banning Order.

More information on the exact changes to criminal penalties and the increased civil penalties are in the table below.

Figure 1. Changes to Penalties Table

New civil penalties added to existing criminal offences

- Section 57 – New civil penalty for failing to comply with requirement to give information
- Section 59A – New civil penalty provision for providing false or misleading information or documents for the purposes of the NDIS Act
- Section 67B – New civil penalty provision for unauthorised use or disclosure of protected Commission information
- Section 67C – New civil penalty provision for soliciting disclosure of protected Commission information
- Section 67D – New civil penalty provision for offering to supply protected Commission information

Adding higher civil penalties added to existing civil penalties for aggravated breaches

- Section 73D – higher civil penalties for providing false or misleading information in application
- Section 73 J – Higher civil penalties for breach of conditions of registration
- Section 73V – Higher civil penalties for breach of NDIS Code of Conduct
- Section 73ZC – Higher civil penalties for causing or threatening to cause detriment to another person
- Section 73ZM – Higher civil penalties for contravention of a compliance notice

Adding higher civil penalties to existing civil penalty for aggravated breaches AND new criminal offences to existing civil penalty provision

- Section 73B – Higher civil penalty and new criminal offence for aggravated breach of requirement to be registered
- Section 73ZNA – Higher civil penalties and new criminal offence for breach of a banning order

Expansion of existing criminal offence

- Section 73ZI – Failure to comply with an order in relation to the provision of information or assistance as part of an investigation

Part 3 – Regulatory powers

Part 3 makes technical changes to the Act, to reflect some of the new terms used and introduces new headings for several titles.

It also connects the new civil penalties that are contained in this Bill with the existing Regulatory Powers (under the Regulatory Powers Act) held by the NDIS Commission.

Part 4 – Anti-promotion orders

Part 4 gives the NDIS Commissioner a new power to give someone an anti-promotion order. An anti-promotion order restricts someone from engaging in promotional activity that does not align with the objects and principles of the NDIS Act.

Part 5 – Banning orders

Part 5 of the Bill sets out the additional types of people a banning order can be made against. This change allows for more types of workers and employers to be banned, including consultants and auditors. This 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.

Part 6 – Information gathering

These changes will strengthen the NDIS Commission's powers to require relevant information from NDIS providers in a shorter timeframe than the 14 days the NDIS Act currently allows, in certain circumstances. This provides the NDIS Commissioner with the ability to access necessary information quickly which will then enable the Commission to take responsive regulatory action appropriate to safeguard participants.

This change also requires registered NDIS providers to give information and documents to the NDIS Commissioner when required. Currently, registered NDIS providers already have to give information, and this change also makes it a requirement to give documents to the NDIS Commissioner when asked.

The last change in Part 6 is to allow the NDIS Commissioner to make rules in the NDIS about who can access protected NDIS Commission information.

Part 7 – Evidentiary certificates

Part 7 makes changes to allow an evidentiary certificate that is signed by the NDIS Commissioner to be used in the court system. The evidentiary certificate will be considered as *prima facie* evidence, which means that the evidence is factually correct, unless argued otherwise. This change will allow for quicker and simpler court proceedings.

Schedule 2 – NDIA Amendments

Part 1 – Withdrawing from the Scheme

Part 1 makes changes to provide more safety for NDIS participants wishing to leave the NDIS by adding a 90-day 'cooling-off period'. During this period, participants who requested to leave the NDIS can cancel their request with no consequence to them or their eligibility.

This period gives participants and the NDIA time to confirm that the decision to leave is genuine, in the participant's best interest, and will not result in harm.

Part 1 also allows the NDIA to approve other notification methods for participants requesting to leave the NDIS – for example verbally, in writing, by phone or in person. Currently, an NDIS participant who wants to leave the NDIS must request it in writing and it takes effect immediately.

Part 2 – Electronic claims forms

Part 2 allows the NDIA to only accept claims from NDIS providers in a particular format, such as electronically. This will improve how the NDIA manages the claiming process to ensure quality and compliance.

Part 3 – Plan variation

Part 3 clarifies that plan variations can include an increase or decrease of total funding amounts. This change does not change when a variation can occur rather clarifies the operation of existing plan variation arrangements. This will ensure participants can have their plan adjusted without having to undergo a support needs reassessment, when their needs have not changed.