Australian Government
Department of Health, Disability and Ageing

Final changes to the NDIS Amendment (Securing the NDIS for Future Generations) Bill 2026

August 2026

The National Disability Insurance Scheme Amendment (Securing the NDIS for Future Generations) Bill 2026 (the Bill) will make changes to the National Disability Insurance Scheme Act 2013. These changes will protect the NDIS for people with permanent and significant disability and for future generations who will rely on it.

On 1 July 2026, the House of Representatives agreed to several amendments. A fact sheet summarising these amendments is available here: Changes to NDIS Amendment (Securing the NDIS for future generations) Bill 2026.

Following further feedback from people with disability, families, advocates and organisations, the Australian Government agreed to additional amendments in the Senate.

The amendments aim to:

- Fight fraud and strengthen the integrity of the Scheme
- Make changes clearer for participants.

This fact sheet summarises amendments to the Bill moved in the Senate on 18 August 2026.

Fraud and integrity amendments

Banning kickbacks and inducements

What the amendment changes:

- This amendment stops NDIS providers from offering or giving an inducement or kickback, where it would be likely to encourage a person to engage, maintain, or increase the use of that provider's services.
- An inducement is a reward, benefit or other offer intended to influence a person's decision or behaviour.
    - A kickback is a payment, gift or other benefit given in exchange for favourable treatment or a business referral.
- If a provider does not follow the rules, they may face a fine, imprisonment of up to 2 years, or both.
- Genuine pricing practices or providing certain merchandise, such as hats or tote bags, would be allowed.
- Providing alcohol, tobacco and associated products, cash and cash-like products and electronic devices is banned in all cases.
- This will safeguard participants from exploitative provider practices that may expose them to financial, health and safety risks.

Immunity from the production of documents

What the amendment changes:

- This amendment makes clear that NDIS providers are not immune from the production of documents.
    - NDIS providers and their employees cannot refuse to provide information to a Court, tribunal or other authority.
    - Immunity from the production of documents would only apply to officers of the NDIA and the NDIS Quality and Safeguards Commission.
    - Special cases to this immunity would apply where the disclosure is necessary for the purposes of the NDIS Act, the *Royal Commissions Act 1902*, the *National Anti-Corruption Commission Act 2022* and the *Australian Crime Commission Act 2002*.
- This means providers cannot rely on immunity provisions to refuse to disclose documents in important investigations.
- This change also allows agencies such as the Australian Criminal Intelligence Commission or National Anti-Corruption Commission to use their powers to collect information on serious and organised crime operating within the NDIS.

New fraud and integrity offences

What the amendment changes:

- This amendment adds additional integrity-related offences into the NDIS Act.
- Adding these tailored offences into the NDIS Act will send a stronger message that the Government is committed to fighting fraud and there will be consequences that match the seriousness of the wrongdoing.
- Providing false or misleading information
    - Where a person provides false or misleading information to the NDIA for the purposes of NDIS access, planning, claiming or administration they would be subject to a penalty of up to 12-months imprisonment or 120 penalty units, or both.
    - A more serious breach by a provider would be subject to a harsher penalty of up to 5 years imprisonment or 1,000 penalty units, or both.
    - Similar penalties apply for providing false or misleading information the NDIS Quality & Safeguards Commission.
- Obtaining NDIS funds by deception
    - A person who defrauds the NDIS by knowingly obtaining a payment they are not entitled to is subject to a penalty of up to 12-months imprisonment or 120 penalty units, or both. Providers are subject to penalties of up to 5 years imprisonment or 1,000 penalty units, or both if they have committed a serious breach.
    - Individuals who use deception, such as impersonation, to get a payment would face harsher penalties of up to 5 years imprisonment or 1,000 penalty units, or both. Providers who commit a serious breach involving deception or impersonation are subject to penalties of up to 10 years imprisonment or 2,000 penalty units, or both.
    - Parallel civil penalties may also apply.
    - People may also be required to repay money that is owed.
- Intentionally destroying records
    - A person who destroys records on purpose to defraud the NDIS or disrupt an audit, review, investigation or compliance activity would face a penalty of up to 2 years imprisonment or 240 penalty units, or both.
- Abuse of position as a participant's nominee
    - A nominee can face penalties if they misuse their position for personal gain or to cause harm to a participant.
    - This would attract a penalty of 120 penalty units.

Whistleblower protections

What the amendment changes:

- This amendment improves whistleblower protections to be in line with best practice and other Commonwealth whistleblower regimes, including the *Corporations Act 2001*. The amendment will:
    - protect disclosures made when seeking legal, medical, psychological, professional or workplace support.

    - reduce the burden on individuals in civil or criminal proceedings. These individuals will only need to establish a ‘reasonable possibility’ that they qualify for whistleblower protections in claims for civil or criminal liability.
    - reverse the burden of proof in proceedings for a civil penalty order where an individual has experienced unfair treatment or harm from a protected disclosure.
    - provide guidance on what behaviour constitutes ‘detriment’ (harm) to a whistleblower. This includes including losing their job, injury, changes to job duties, discrimination, harassment, psychological harm or damage to property, reputation, or financial position.
    - provide additional ways to resolve any issues for whistleblowers.
    - clarify that the NDIS whistleblowing regime doesn’t limit other state and territory whistleblowing regimes.
- Improving whistleblower protections is important to encourage individuals to report wrongdoing without fear of unfair treatment or harm.

Delegation of regulatory powers

What the amendment changes:

- This amendment allows qualified and experienced NDIS Commission employees (classified as Executive Level 2 Australian Public Servants) to perform some regulatory actions.
- The amendment would allow these employees of the NDIS Commission the power to:
    - Make, vary or revoke banning orders
    - Make, vary or revoke anti-promotion orders.
- Banning orders stop unsafe providers or workers from providing NDIS supports.
- Anti-promotion orders stop misleading, predatory, or unethical marketing.
- This will support faster decision-making to prevent poor provider behaviour and harm to participants.

Correcting unintended consequences from the Integrity and Safeguarding Act

What the amendment changes:

- This amendment corrects unintended outcomes from the National Disability Insurance Scheme Amendment (Integrity and Safeguarding) Act 2026 (Integrity and Safeguarding Act).
- This amendment replaces the criminal standard of proof (beyond reasonable doubt) with a civil standard of proof (balance of probabilities) for serious civil penalty breaches.

Technical and enabling amendments

Unscheduled reassessments

What the Bill does:

- The Bill clarifies the criteria for requesting unscheduled plan reassessments. Unscheduled plan reassessments can only be requested when:
  - there have been significant and ongoing changes to a participant's functional capacity and support needs.
  - there has been a significant and ongoing change in a participant's living, education, work or informal support arrangements.

What the amendment changes:

- If the NDIA does not decide on a reassessment within 90 days of a request, then the request is treated as refused.
  - If a request for a reassessment is refused, participants have access to review rights.
  - This means participants do not need to keep applying for a reassessment if a decision is not made after 90 days.
- A change in a participant's living, education, work or informal support arrangements does not need to be 'unanticipated' for an unscheduled reassessment to be requested.
  - This means a participant can request an unscheduled plan reassessment if they had a foreseeable change.
  - Participants only need to demonstrate the change was significant and ongoing.
  - This reflects the complex and fluctuating nature of some disabilities.

Reasonable and necessary supports (parental responsibility)

What the Bill does:

- The NDIS Act sets out what the NDIA has to consider when determining what supports are reasonable and necessary to fund for a participant.
- This includes value for money, whether a support is effective and beneficial, the role of family, carers and informal supports, and whether a support is more appropriately funded by another service system.
- The Bill clarifies that the NDIA must also consider NDIS sustainability and equity across NDIS participants, including participants with similar needs and circumstances, as core considerations in planning decision.

What the amendment changes:

- The amendment clarifies what a parent is expected to provide for a child with disability for the purposes of the NDIA considering whether a support is reasonable and necessary.
  - This includes supervision, personal care, transport, emotional support and behavioural support.
  - It does not include the additional support a child needs due to their disability compared to children of a similar age without disability.

- When making decisions on reasonable and necessary supports, the NDIA must also consider the risk of harm to informal supports, family relationships and informal networks if a support was not to be funded.

Definition of functional capacity

What the Bill does:

- From 1 January 2028 access to the NDIS will be based on a standardised assessment of an individual's functional capacity.

What the amendment changes:

- The amendment clarifies that using common forms of assistance will not impact the assessment of a person's functional capacity.
- During a functional capacity assessment:
    - People can use commonly used items they would ordinarily use to perform activities of daily living, such as glasses, walking sticks or hearing aids.
    - Children can receive age-appropriate assistance from others.

Access to other service systems (grandparenting)

What the Bill does:

- The Bill states that from 1 January 2028 a person is not eligible for the NDIS if:
    - their eligible impairment was caused by a motor vehicle accident or work-related injury; and
    - another service system provides for compensation or other benefits in relation to that impairment.

What the amendment changes:

- This amendment makes sure this access change only applies to people who apply to the NDIS from 1 January 2028.
- People who were accessing the NDIS before 1 January 2028 will continue to have their access to compensation schemes managed through existing arrangements, subject to continuing to meet all other eligibility criteria.
- This means participants currently receiving NDIS supports, including Supported Disability Accommodation, will retain access to their supports if they also have access to another service system.

Strengthening rule-making powers to clarify access

What the Bill does:

- The Bill states that from 1 January 2028 a person is not eligible for the NDIS if:

    - their eligible impairment was caused by a motor vehicle accident or work-related injury; and
    - another service system provides for compensation or other benefits in relation to that impairment.

What the amendment changes:

- A new rule-making power will clarify when another service system is taken to provide (or not provide) compensation or other benefits for the purposes of determining NDIS eligibility.
- This will help make sure people still get supports while waiting for a decision regarding compensation for a work-related injury or motor-vehicle accident.
- This rule will require agreement of all states and territories.

Funding plan management in new framework plans

What the Bill does:

- The Bill clarifies the definition and registration requirements for plan management providers, enabling the Government to commission a panel of providers to ensure participants receive high quality plan management services.
- Previous amendments clarified how conflicts of interests for plan management providers will be managed.

What the amendment changes:

- This amendment makes sure participants eligible for plan management supports can have these added to their plan, separate from the assessment of disability-related support needs.
- For participants who request and are eligible for plan management supports, they will have plan management funding included in their plans.

Accounting for compensation in new framework plans

What the Bill does:

- The Bill makes changes to support the rollout of new framework planning from 1 April 2027.

What the amendment changes:

- The NDIS Act already allows the making of NDIS rules to account for compensation when creating a budget for a new framework plan.
- This amendment allows the NDIA CEO to use their judgement to reduce funding in plans where a participant has received compensation once their budget had been developed. This would be a very narrow decision-making power and must meet requirements consistent with old framework plans.

Indexation for new framework plans

What the Bill does:

- The Bill allows the Minister for the NDIS to determine maximum prices for NDIS supports (a ‘pricing determination’).
- The NDIS Act already allows existing NDIS plans (known as ‘old framework plans’) made under the current arrangements to be adjusted through indexation.
- Indexation is a regular adjustment that increases over time to reflect rising costs and inflation.

What the amendment changes:

- The amendment allows the Minister to make an instrument to apply indexation to new framework plans at the same time as making or varying a pricing determination.
- This makes sure participants keep the purchasing power of their new framework plans when NDIS prices increase.

Debt recovery safeguards

What the Bill does:

- The Bill sets out new requirements for providers and participants will be required to retain records relating to the payment and receipt of NDIS amounts.
- Participants and plan managers will need to keep records for any NDIS support payments for 3 years.
- Providers will need to keep records relating to payment and receipt of NDIS funds for 7 years.

What the amendment changes:

- The amendment adds safeguards to how the NDIA can raise and recover debts.
- Mandatory notification of debt
    - The NDIA must notify a participant or provider that a debt exists and why.
    - The participant or provider can respond if they have been notified of a debt. Participants will have 28 days to respond and providers will have 14 days to respond.
    - The NDIA must then provide notice indicating whether or not they intend to recover the debt.
    - The NDIA will need to explain how and why they made the decision to recover the debt.
- Low value debt waiver threshold
    - The low value debt waiver threshold will increase from $200 to $500.
    - This means the NDIA can waive debts under $500 that are not cost-effective to recover.
- Retention of records
    - Participants and providers will have the opportunity to provide alternate evidence of services received if they have not kept a record in the required format.

Support determinations

What the Bill does:

- The Bill allows the Minister to reduce funding for certain types of supports in NDIS plans. This is done through an instrument called a support determination, which will be closely examined by the Parliament.
- This will be used to reset funding for community participation and capacity building supports.
- These changes will not impact budgets for:
    - critical care (e.g. support at home, such as help with eating, drinking, dressing, toileting, laundry, cleaning, nurse care, and medication)
    - home and vehicle modifications
    - personal mobility equipment and transport
    - consumable products to help with incontinence and menstruation
    - Specialist Disability Accommodation.
- Previous amendments allow the Minister to exclude funding for particular supports, including supports in employment and disability-related health supports, from a support determination.

What the amendment changes:

- The amendments clarify how support determinations work and who they apply to. This safeguards against risks to participant health and safety so high support needs participants requiring continuous 24-hour care continue to receive it.
- A new plan variation pathway will be created for high support needs participants who require continuous 24-hour care to meet their disability-related care needs.
- These participants will be able to apply for a plan variation within 90 days of a support determination applying to them (after their plan is reassessed or renewed).
- The NDIA will be able to vary the participant's plan if necessary to increase their support funding and ensure their 24-hour care is maintained.
- Amendments would also exclude certain types of supports from support determinations, including high intensity supports, complex behaviour supports, and customized and wearable technology and hearing supports.
- Participants may continue to request changes to their plan at any time, including an unscheduled reassessment where there has been a significant and ongoing change in their functional capacity or a significant and ongoing change in their circumstances.
- The NDIA will provide more information for participants with high support needs before these changes start.

Additional information from the Supplementary Explanatory Memorandum

The NDIS Amendment (Securing the NDIS for Future Generations) Bill 2026 Supplementary Explanatory Memorandum available here includes further information on treatments a person may be required to undertake before their impairment is considered permanent for the purpose of accessing the NDIS.

Defining 'all appropriate treatment'

What the Bill does:

- The Bill clarifies that access to the NDIS will only be granted when:
  - all appropriate treatment to remedy or alleviate an impairment has been undertaken
  - no other treatment is likely to materially improve the impact of the impairment
  - the impairment is likely to be lifelong.
- The House of Representatives agreed amendments on 1 July 2026 to clarify that there is no. requirement for individuals to undertake additional treatment even after they have exhausted all appropriate treatment.
- These amendments clarified that:
  - Appropriate treatment is treatment that is regularly undertaken in Australia if public funding is available for that treatment
  - Restrictive practices do not count as appropriate treatment.

What this means:

- The Bill does not force anyone to have treatment. People have the right to make their own decisions about their health care and treatment.
- 'Appropriate treatment' does not mean trying every possible treatment. It means considering treatments that are widely accepted and are likely to make a meaningful difference to a person's impairment.
- A treatment would generally only be considered appropriate if it is expected to significantly improve, reduce, or manage the impact of a person's impairment. Small or short-term improvements would not usually be enough.
- People would not be expected to have treatment that is unsuitable for them, carries significant risks, or could cause serious long-term side effects.
- A person would not be expected to undertake treatment that could alter their fertility or have other major lifelong impacts.