



**Villamanta**  
DISABILITY RIGHTS LEGAL SERVICE

**Submissions to the  
Community Affairs Legislation Committee  
on the**

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

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## Executive Summary

We thank the Committee for their invitation to make a submission regarding the proposed changes in the *National Disability Insurance Scheme Amendment (Integrity and Safeguarding) Bill 2025* “**the Bill**”.

We acknowledge the efforts that have been made to strengthen the rights for participants in the NDIS Bill, but remain concerned that further amendments are essential in relation to the withdrawing from the Scheme process, and requirements for submitting payment claims. The consequences for vulnerable individuals, who may find themselves abruptly without supports can be significant. It is crucial that the Agency ensures that participants understand their rights during these processes and the Agency has discretion to waive stringent documentary requirements, when it is satisfied it is appropriate to do so in the circumstances.

We urge the Committee to consider further amendments to section 29A (Withdrawing as a participant) and section 45(3) (Electronic claims forms).

## About Villamanta Disability Rights Legal Service Inc.

Villamanta Disability Rights Legal Service Inc. (**Villamanta**) has been providing advocacy and legal services to people with disability since 1990.

We want an equal Victorian community for people with disability. We promote laws and systems that protect human rights. We work alongside people with disability to advocate on legal problems.

We want to see these outcomes.

- More people with disability, especially those with cognitive impairment, get legal advocacy.
- People with disability feel more confident to self-advocate.
- Legal services get better at being easy to use.
- Laws and systems do a better job at making the community equal for people with disability.

We are funded to provide advocacy under the National Disability Advocacy Program, NDIS Appeals, the Victorian Legal Services Board and Commissioner and the National Legal Assistance Partnership Agreement.

## WITHDRAWING AS A PARTICIPANT – S 29A

We appreciate the Bill’s acknowledgment of the need to ensure any request for withdrawal from the Scheme by a participant are genuine and do not place the participant at risk of physical, mental or financial harm. We agree extending the cooling off period to 90 days is an important change.

There could be multiple motivations for a participant to seek to withdraw from the Scheme that are entirely unrelated to their actual need for supports:

- Frustrations with the Agency’s administrative processes
- Being disheartened with inadequate plans
- Bad experiences with NDIS service providers
- Poor mental health or aggravating life stressors
- Negative media coverage against NDIS participants.

The consequences of a participant withdrawing from the Scheme, particularly in circumstances where there has not been a change in the participant’s need for NDIS supports, can be dire.

The NDIS Commission engaged the Australian Institute of Health and Welfare to conduct research into patterns of mortality in people with disability who used support services.<sup>1</sup> The report found that the median age of death for people with disability was substantially (20-36 years) lower than that of the general Australian population and the overwhelming majority of deaths within the scope of the project involved people with intellectual disability.

Notably, intellectual disability is recorded as the second highest “primary disability” group for NDIS Participants.

**Table D.9 Proportion of active participant plans by primary disability group as at 30 September 2025**

Primary disability group	NSW	VIC	QLD	WA	SA	TAS	ACT	NT	National
Autism	40%	40%	42%	42%	48%	40%	41%	28%	41%
Intellectual disability	14%	13%	11%	13%	13%	17%	11%	18%	13%
Developmental delay	9%	13%	11%	9%	7%	7%	10%	10%	10%
Psychosocial disability	9%	10%	8%	9%	6%	7%	9%	10%	9%
Hearing impairment	4%	4%	4%	4%	3%	3%	4%	4%	4%
Other neurological	4%	3%	3%	4%	3%	4%	4%	3%	3%
Global developmental delay	4%	2%	2%	2%	4%	2%	2%	4%	3%
Other physical	3%	2%	3%	3%	3%	3%	4%	3%	3%
Acquired brain injury	2%	3%	3%	3%	3%	3%	2%	5%	3%
Cerebral palsy	3%	2%	2%	3%	2%	3%	2%	3%	2%
Other	2%	1%	2%	2%	2%	2%	2%	3%	2%
Down syndrome	2%	1%	2%	2%	1%	2%	2%	2%	2%
Multiple sclerosis	1%	2%	1%	2%	2%	3%	2%	0%	2%
Visual impairment	2%	2%	1%	1%	1%	1%	2%	1%	1%
Stroke	2%	1%	1%	1%	1%	1%	1%	3%	1%
Spinal cord Injury	1%	1%	1%	1%	1%	1%	1%	1%	1%
Other sensory/speech	0%	0%	0%	0%	0%	0%	0%	0%	0%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

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<sup>1</sup> <https://www.ndiscommission.gov.au/about-us/what-we-do/inquiries-and-reviews/death-people-disability#paragraph-id-8817>

<sup>2</sup> NDIA Quarterly Report: 2025-26 Q1.

It is inherent to the dignity of risk, that an individual understands what the actual risk is. If a participant makes the informed choice to withdraw from the Scheme, that decision should be respected. However, we remain concerned that there are not sufficient safeguards to ensure that the participant understands the consequences of making a request to withdraw and their ability to change their mind during the cooling off period.

Section 29A(2) specifies that the CEO must notify the person in writing of receipt of the request for withdrawal and provide information regarding the consequences of withdrawal and their option to cancel the request. We do not consider this provision will achieve the aims of ensuring authenticity of the request and avoiding risk to the participant. Many participants do not have informal supports, if they lose access to formal supports, they may become immediately isolated and without the ability to seek help.

We believe the safeguards need to go further. Firstly, it is incumbent that the Agency enquires as to the reason that a participant is raising the prospect of a withdrawal. If the decision is motivated by a frustration with the Agency there may very well be alternatives:

1. Can the Agency implement a period of no contact with the participant?
2. Can the participant’s plan be rolled over to avoid a planning meeting?
3. Can the participant authorise a correspondence nominee to handle communications with the Agency?

If the participant elects to proceed with a withdrawal request:

1. Require the Agency to confirm that the letter is received. Many participants may not check their mail/email, what if the Agency does not have up-to-date contact details?
2. Require the Agency to confirm the participant understands the information contained in the letter. The participant may very well receive the letter but cannot understand the contents, what if they have low literacy, a visual impairment or are not an English speaker?
3. Require the Agency to inform the participant that they can contact independent disability advocacy if they wish to discuss the withdrawal.

## **REQUIREMENTS FOR SUBMITTING PAYMENT CLAIMS – S 45**

We echo concerns that have been raised by others in the disability sector, for the need to change the stringent wording of the proposed section 45(3A). The requirement that the Agency *must not* pay an amount if the participant has not complied with an information request, unfairly disadvantages participants who may lack the resources or capacity to comply with the request; or in circumstances wherein requested information does not exist or cannot be obtained, despite best efforts.

It is crucial that the legislation gives the Agency discretion to approve claims in circumstances where the information request is not complied with, but the participant is nonetheless able to satisfy the Agency that it is appropriate to pay the claim. The Bill already accepts discretionary powers for the Agency to treat documents as having been received within the required timeframe, if the CEO is satisfied it is appropriate to do so (section 45(3E)).

Without proper safeguards, participants will be put at risk. They may lose access to supports due to providers refusing to engage due to unpaid invoices creating an immediate health and safety risk, they may have debt collection activity commenced against them. The vast majority of participants are in receipt of the Disability Support Pension and do not have the luxury of privately paying rejected or pending, invoices.

Legitimate claims for supports provided should not be refused on the basis of a strict technicality - being that the exact information requested by the Agency cannot be produced. The CEO needs to have discretion to approve a claim, in circumstances where they can be otherwise satisfied it is appropriate to do so. To omit that power would be contrary to the general principles of the *NDIS Act 2013 (Cth)*. Furthermore, it is essential that decisions under subsection 45(3) are reviewable. Again, there may very well be genuine reasons that participants are not be able to provide particular pieces

of information for NDIS supports received. Participants should have the opportunity through administrative review to prove that their claims should be paid.

#### **PLAN VARIATIONS – S 47A**

We acknowledge the amendment to section 47A is not intended to make any changes to the CEO’s powers to vary participant plans.

According to the Australian National Audit Office,<sup>3</sup> the Agency’s policy requires an Executive Level review if there is a proposal to increase a participant’s plan more than 10 per cent from a Typical Support Plan (TSP). We consider it rational to expect a corresponding requirement for Executive review of plans that are proposed to be reduced below 10 per cent of the TSP.

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<sup>3</sup> [Decision-making Controls for NDIS Participant Plans | Australian National Audit Office \(ANAO\)](#).