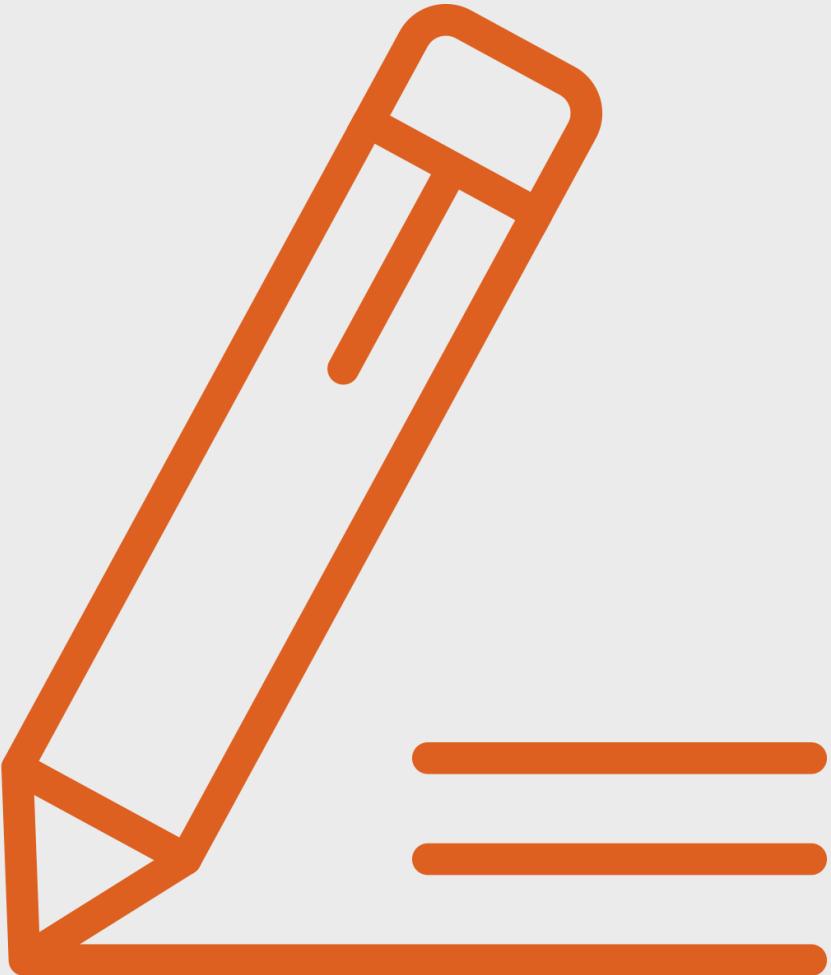


Submission to National Disability Insurance Scheme Amendment (Integrity and Safeguarding) Bill 2025

Children and Young People with Disability Australia's Submission to the Community Affairs Legislation Committee Inquiry

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**Authorised by:**

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A note on terminology:

Throughout this submission, Children and Young People with Disability Australia (CYDA) uses person-first language, e.g., person with disability. However, CYDA recognises many people with disability choose to use identity-first language, e.g., disabled person.



Content warning: reference to trauma, stress, and administrative burden to NDIS participants.

Acknowledgements:

Children and Young People with Disability Australia would like to acknowledge the Traditional Custodians of the Lands on which this report has been written, reviewed and produced, whose cultures and customs have nurtured and continue to nurture this Land since the Dreamtime. We pay our respects to their Elders past and present. This is, was, and always will be Aboriginal Land.

Introduction

Children and Young People with Disability Australia (CYDA) is the national representative organisation for children and young people with disability aged 0 to 25 years. Our vision is that children and young people with disability in Australia will fully exercise their rights, realise their aspirations, and thrive in all communities. CYDA has extensive national networks of young people with disability, families and caregivers of children with disability, and advocacy and community organisations.

CYDA welcomes the opportunity to prepare this submission to the Community Affairs Legislation Committee's inquiry to the National Disability Insurance Scheme Amendment (Integrity and Safeguarding) Bill 2025 (the Bill). We appreciate the opportunity to provide comment on this important area of work.

Key issues for young NDIS participants and their families

Despite 66 per cent of new National Disability Insurance Scheme (hereafter NDIS, or the Scheme) participants since September 2025 being children under the age of 15 ([NDIA 2025](#)), 83 per cent of children and young people with disability aged 2-17 in Australia have unmet support needs ([O'Flaherty et al. 2024](#)). Children and young people with disability are being disproportionately targeted by NDIS eligibility reassessments ([CYDA 2025](#)), and the appeals process is cumbersome and expensive ([Law Foundation 2025](#)). With the announcement of the Thriving Kids program, there is concern that it will become a mechanism to remove children aged 0 to 8 years from the NDIS without clear alternative supports ([CYDA 2025b](#)). Children and young people with disability, their parents and caregivers need assurances that there will be appropriate child-centred safeguards in place, which ensure accessibility, safety, and their rights are upheld.

Submission structure

Our submission addresses Schedule 2 of the Bill—amendments relating to the National Disability Insurance Agency (hereafter NDIA, or the Agency). We respond to the following Parts of the Bill, relevant to the needs of our community:

- 1: Withdrawing from the Scheme (related to Schedule 2, Part 1)
- 2: Electronic claims forms (related to Schedule 2, Part 2)
- 3: Plan Variation (related to Schedule 2, Part 4)
- 4: Strengthening human rights foundations (related to Statement of Compatibility with Human Rights).

In each section below, we identify key issues and offer recommended solutions.

Summary of recommendations

Section 1 makes recommendations to ensure informed withdrawal from the Scheme by providing participants with timely, direct, and accessible communication and information, as well as assurances if they wish to re-apply.

Section 2 makes recommendations to strengthen electronic claims forms processes by embedding accessibility, child-safe, and participant-centred safeguards.

Section 3 makes recommendations to further increase choice, control, and transparency for participants over their Plans.

Section 4 makes recommendations to strengthen the Bill by more clearly embedding human rights and child-safe principles within its operational provisions and decision-making processes.

Section 1: Withdrawing from the Scheme

Key issues:

Item 1

CYDA is supportive of the introduction of a “cooling off” period after participants indicate they wish to withdraw from the Scheme. However, evidence from [CYDA's NDIS Eligibility Reassessment Survey Report](#) in 2025 shows that participants require more time to make important decisions such as leaving the Scheme, as well as clearer, more accessible provision of information and supports during that time. We recommend the Agency discuss with the participant the reasons behind their request to leave the Scheme to ensure the participant is not experiencing undue influence or pressure from a third party as a driver of their decision. We also recommend the Agency be explicitly required to advise participants that it is possible to request an extension of the cooling off period (provided for in new subsection 29A(4) that details discretionary, non-reviewable extensions to the timeframe by the CEO or the participant) and to set out a clear and transparent process for requesting and receiving an extension. We also suggest that given the fluctuating nature of disability and support needs, especially in early childhood, clear mechanisms must be introduced to ensure that participants can re-enter the Scheme after they have withdrawn.

Item 2

The expansion of the manner in which a participant can request to withdraw from the Scheme through new Section 29A is welcomed. The introduction of verbal, phone, and in-person requests in addition to requests in writing promotes accessible communication. However, there is room for improvement in how these changes are communicated to participants. With several reforms occurring at once, our disability community have told us that simply providing information on

the NDIA website is not adequate, especially as this information can be outdated. There needs to be a guarantee that timely information about the approved manners for response will be communicated directly and accessibly. Furthermore, regarding new subsection 29A(2), the response and further information from the CEO in writing must also be communicated directly and accessibly, including clear information about what alternative supports may be available.

Recommended solutions:

CYDA recommends ensuring informed withdrawal from the Scheme by providing participants with timely, direct, and accessible communication and information, as well as assurances if they wish to re-apply, including:

- 1a. Providing a clear, transparent, and reviewable process for requesting and receiving an extension to the cooling off period (this is currently discretionary and non-reviewable).
- 1b. Introducing clear mechanisms for participants who have withdrawn to re-enter the Scheme if needed, including assurances that they will not be penalised in their re-application due to prior withdrawal.
- 1c. Providing direct and accessible information on manners to withdraw from the Scheme to all NDIS participants. This includes determining participant preferences for direct communication (for example, via email, letter, and phone call) in addition to making the information available on the NDIA website.
- 1d. Providing direct and accessible communication to participants of the CEO response to withdrawal, and provision of further information. This should include provision of information in Plain Language, and Easy Read if required.
- 1e. Creating a hotline for participants to access clear, up-to-date information about the consequences of withdrawal from the Scheme, and their alternative support options if they do choose to withdraw.
- 1f. Ensuring that participants who have withdrawn from the Scheme are not penalised for this decision, and are still eligible to re-enter the Scheme at a later time if needed.

These measures would support increased clarity and transparency around the withdrawal process for NDIS participants, something that is of vital importance to younger participants and their families.

Section Two: Electronic claims forms (accessibility)

Key issues:

Items 4–8 (Sections 9A, 45 and 45A)

CYDA largely supports the intent of Part 2 to modernise claiming processes, strengthen Scheme integrity, and improve administrative efficiency. However, as drafted, the amendments risk creating new access and equity barriers for children, young people, and families if accessibility, communication, and administrative burden are not sufficiently addressed.

Item 4 – Electronic forms (Section 9A)

Allowing the CEO to publish a “representation” of an approved form responds to practical challenges of making claims on digital platforms. However, representations based on screenshots or step-by-step guidance may be inaccessible to screen-reader users and others who rely on assistive technology. Without clear requirements for accessible alternatives, participants and their families may be unable to understand or complete claims independently. The absence of requirements for Easy Read or child-friendly formats is particularly concerning given the high proportion of children and young people in the NDIS and those with Intellectual Disability.

Items 5–8 – Sections 45 and 45A (claiming requirements and timeframes)

CYDA supports flexibility for participants and digital claiming for providers. However, the proposed minimum 14-day timeframe to respond to information requests may be insufficient for participants already experiencing significant administrative burden. Evidence from [CYDA's 2025 NDIS Eligibility Reassessments Survey Report](#) shows families face high stress, limited capacity, and difficulty navigating documentation requirements, particularly during periods of change.

While the amendments provide discretion to extend timeframes, decisions not to extend are not reviewable. This places a heavy reliance on administrative discretion rather than participant-centred safeguards. [CYDA's 2025 Thriving Kids Survey Report](#) also shows that families want clear, accessible, and proactive communication about changes, delivered in multiple formats, so that it is less burdensome.

Recommended solutions:

CYDA recommends strengthening electronic claims forms processes by embedding accessibility, child-safe and participant-centred safeguards, including:

- 2a. Embedding accessibility standards for any published “representation” of an electronic form, including screen-reader compatibility and equivalent accessible formats such as Easy Read, Plain Language, and child-friendly explanations.

- 2b. Ensuring clear guidance is available alongside digital forms, including non-visual alternatives to screenshots and practical support options for participants who cannot use online systems independently.
- 2c. Extending the minimum response period in subsection 45(3C) beyond 14 days where claims involve children, families, or complex documentation, and requiring the NDIA to process claims in a timely and predictable manner to avoid compounding stress and financial pressure.
- 2d. Requiring proactive, direct communication with participants and families about changes to claiming requirements, using multiple communication methods (written, digital, verbal) and accessible formats, reflecting participant preferences identified through evidence from the CYDA disability community.
- 2e. Publishing clear guidance on how discretion under subsections 45(3D) and 45(3E) will be applied, to promote transparency, consistency, and fairness in decision-making.

These measures would support integrity objectives while ensuring claiming processes remain accessible, fair, and safe for children, young people, and families.

Section Three: Plan variation

Key issues:

CYDA notes that the proposed amendment to Section 47A makes it clearer how changes made by the CEO to a participant's Plan may result in increases or decreases to their overall budget. We support the increased transparency this entails. However, if the proposed amendment is enacted under the new Bill, it must include clear and accessible pathways for participants to seek review or appeal of Plan variation decisions, particularly for children and young people with disability and their families.

Recommended solutions:

To further increase choice, control, and transparency for participants over their Plans, CYDA recommends:

- 3a. Participants must be involved and consulted in the process of determining Plan variations.
- 3b. Participants must have clear mechanisms by which to request review or appeal of any Plan variations.

These mechanisms will ensure that Plans and budgets are participant-centred and aligned with participant needs.

Section Four: Aligning human rights and child safety

Key issues:

The Explanatory Memorandum states that the Bill is compatible with human rights. CYDA supports the intent of the Bill to strengthen safeguards, deter harm, and improve integrity within the NDIS, consistent with Australia's obligations as a signatory to the United Nations [Convention on the Rights of Persons with Disabilities](#) (CRPD). However, the Bill does not clearly demonstrate how human rights—particularly safety, dignity, participation and the best interests of the child—will guide the use of new and expanded powers in practice. Measures such as banning orders, information-gathering powers, and Plan variations may significantly affect participants' autonomy and access to supports. For children and young people with disability, these risks are heightened. Despite Australia's obligations as a signatory to the [Convention on the Rights of the Child](#) (CRC), including acting in the best interests of the child, the Bill does not clearly explain how this principle will be applied in decisions affecting children.

Recommended solutions:

CYDA recommends strengthening the Bill by more clearly embedding human rights and child-safe principles within its operational provisions and decision-making processes. This could be achieved by:

- 4a. Requiring the NDIS Quality and Safeguards Commissioner and the NDIA, when exercising powers under the Bill, to act consistently with the United Nations CRPD and CRC, including treating the best interests of the child as a primary consideration in decisions affecting children and young people with disability.
- 4b. Embedding child-safe and rights-based considerations into key regulatory powers, including banning orders, anti-promotion orders and information-sharing provisions, by requiring decision-makers to assess impacts on children's safety, wellbeing, and participation.
- 4c. Strengthening participant-focused safeguards through clear, accessible communication with children, young people and families about decisions that affect them, including how safety, rights, and best interests were considered.
- 4d. Requiring the Commissioner to publish guidance and report on how children's rights and child-safe principles are applied in compliance and enforcement activities, including how risks to children and young people with disability are identified and managed.

A clearer human rights and child-safe foundation would strengthen consistency, transparency, and accountability, and build confidence that integrity reforms improve safety while upholding the rights and best interests of children and young people with disability.

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